



**ORDINARY MEETING OF COUNCIL
TO BE HELD ON TUESDAY, 26 APRIL 2005 AT 7.00PM
LEVEL 3, COUNCIL CHAMBERS**

A G E N D A

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NOTE: For full details, see Council's website –
www.kmc.nsw.gov.au under the link to Business Papers

APOLOGIES

DECLARATION OF PECUNIARY INTEREST

CONFIRMATION OF REPORTS TO BE CONSIDERED IN CLOSED MEETING

ADDRESS THE COUNCIL

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

DOCUMENTS CIRCULATED TO COUNCILLORS

CONFIRMATION OF MINUTES

Minutes of Ordinary Meeting of Council

File: S02131

Meeting held 5 April 2005

Minutes numbered 99 to 122

MINUTES FROM THE MAYOR

PETITIONS

- PT.1 **Support UTS Kuring-Gai Being Maintained As A UTS University Campus - (Three Hundred & Twelve [312] Signatures)** **1**

File: P42604

"We, the undersigned:

1. Support UTS Kuring-gai being maintained as a UTS University Campus.
2. Do not support the sale of the Campus for residential or other development.
3. Recognise the environmental and heritage value of the UTS Kuring-gai Campus, and the value that the Campus provides for the local community."

- PT.2 **Request For A Concrete Walking Path At End Of Grosvenor Road (Junction Of Lady Game Drive) - (Seventy-Six [76] Signatures)** **2**

File: 88/05508/01

"As residents of Grosvenor Road, we enjoy walking to Lane Cove River National Park. However, there is no walking path for the last 100 metres of Grosvenor Road before the Lady Game Drive junction. Instead, it is covered with hazardous weeds, rocks and rubbish. There is a potential for serious injury for pedestrians.

We, therefore, urge the Council to carry out its duty of care for its residents that a smooth concrete pavement on the side of this road to be laid as soon as possible."

REPORTS FROM COMMITTEES

GENERAL BUSINESS

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

- GB.1 **1, 3, And 5 Lynbara Avenue And 12 Porters Lane, St Ives - Demolition Of Existing Dwellings On Site And Construction Of A Residential Flat Building With 49 Units And Associated Basement Parking** **3**

File: 1219/04

Ward: St Ives

Applicant: Mr Andrew Owens, Futurespace Pty Ltd

Owner: C A Building Pty Ltd

To determine Development Application 1219/04 which seeks consent for the demolition of existing structures on site, and construction of 49 units and associated basement carparking.

Recommendation:

Approval

GB.2 40 Clissold Road, Wahroonga - Supplementary Report 74

File: DA1669/03

To refer the application back to Council following the site meeting and seek Council's determination of the development application.

Recommendation:

Approval

GB.3 Draft Management Plan 2005 To 2009, Incorporating Budget And Fees And Charges 163

File: S03096

To place Council's 2005-2009 Draft Management Plan, incorporating the Budget, Special Rate Variation and Fees and Charges for 2005/2006 on public exhibition.

Recommendation:

That Council adopt the Draft Management Plan, incorporating the Budget, Special Rate Variation and Fees and Charges for 2005/2006 for the purpose of public exhibition.

GB.4 Memorandum For Action 180

File: S02943

To report to Council on Councillor Malicki's Notice of Motion.

Recommendation:

That the report on the Notice of Motion be received and noted.

GB.5 Investment Cash Flow & Loan Liability As At 31st March 2005 189

File: S02722

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

Recommendation:

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

GB.6 Traffic Access To Memorial Avenue, Mona Vale And Link Roads 192

File: S03730

The purpose of this report is to advise Council on the options and issues associated with access to the area bounded by Memorial Avenue, Mona Vale and Link Roads associated with the proposed future development under LEP 194.

Recommendation:

That the preferred access arrangements be further assessed following completion of the traffic study for the St Ives area and taking into consideration assessment of likely traffic generation from any development application proposals lodged with Council.

GB.7 8 West Street, Pymble - Relocation Of Council Drainage Easement And Stormwater Pipeline 201

File: DA1572/03

For Council to consider granting approval for the relocation of a Council stormwater pipeline and drainage easement to the applicant for 8 West Street, Pymble.

Recommendation:

That Council grant approval for the relocation of the stormwater pipeline and easement in 8 West Street, Pymble subject to terms and conditions of this report.

GB.8 15 Pearson Avenue, Gordon - Relocation Of Drainage Easement And Stormwater Pipeline 212

File: DA0177/03

To consider a request for the proposed relocation of a Council stormwater drainage pipeline and easement located within No 15 Pearson Avenue, Gordon.

Recommendation:

That the proposal be approved subject to the conditions under recommendations 1- 5 of this report in relation to costs, design, construction and engineering supervision.

GB.9 1580 To 1596 Pacific Highway - Connection And Discharge Of Property Stormwater To Council Drainage Pipeline Between Munderah Street And Gilda Avenue, Wahroonga 223

File: DA1081/04

To consider a request by the Applicant for 1580-1596 Pacific Highway Wahroonga to alter the terms of a Council drainage easement over five downstream properties to permit connection and discharge into a Council pipeline.

Recommendation:

That Council grants approval to alter the terms of Drainage Easement to the Applicant subject to the terms and conditions of this report.

GB.10 2005 To 2006 RTA Road Repair Program 230

File: S02388

To advise Council of the Roads and Traffic Authority's offer of funding for the 2005/2006 REPAIR Program.

Recommendation:

That Council accepts the 2005/2006 REPAIR Program grants from the Roads and Traffic Authority, funds its equal contribution of \$103,200 from the proposed 2005/2006 Road rehabilitation Program and seek a review of Ku-ring-gai's REPAIR Grant allocation.

GB.11 Policy On Drainage Works And Maintenance 235

File: S02773

To seek Council's approval to adopt the Policy and Procedures for drainage works and maintenance dated November 2004 including a five year drainage program.

Recommendation:

That Council adopt the Policy for Drainage Works and Maintenance Procedures including 2004/05-2008/09 Program.

GB.12 Open Space Strategy 247

File: S04028

To seek Council's endorsement on the Draft Open Space Strategy

Recommendation:

That the Draft Open Space Strategy be publicly exhibited and that following the public exhibition period a further report be brought back to Council addressing outcomes of consultation.

GB.13 Draft Generic Plan Of Management For Parks 252

File: S03358

To place the Draft Generic Plan of Management for Parks on exhibition in accordance with the requirements of the Local Government Act 1993.

Recommendation:

That Council exhibit the Draft Generic Plan of Management for Urban Parks and that a further report be presented to Council at the end of the period of public exhibition.

GB.14 Hassell Park Oval Clubhouse - Licence To St Ives Rugby Club 257

File: S02285

For Council to consider granting a twenty year licence to St Ives Rugby Club to use Hassell Park Oval clubhouse at St Ives.

Recommendation:

That Council approves the granting of a twenty year licence to St Ives Rugby Club to use Hassell Park Oval clubhouse at St Ives.

GB.15 Proposed 5 Year Licence To NSW School Students Model Railway Guild Inc To Use Part Of The Craft Pavilion, St Ives Showground 276

File: S04036

For Council to consider granting a five (5) year licence to the NSW School Students Model Railway Guild for use of part of the craft pavilion within St Ives Showground.

Recommendation:

That Council approve the granting of a five year licence to the NSW School Students Model Railway Guild Inc. to use part of the Craft Pavilion, St Ives Showground.

GB.16 Draft (Heritage Conservation) Local Environmental Plan No 30 - UTS Kuring-gai Campus, 100 Eton Road, Lindfield 286

File: S03820

For Council to consider Draft (Heritage Conservation) Local Environmental Plan No 30 (DHLEP30) - UTS Kuring-gai Campus following exhibition.

Recommendation:

That Council adopt Draft (Heritage Conservation) Local Environmental Plan No 30 UTS Kuring-gai Campus, Lindfield and submit the Draft Plan to the Minister with a report under

Section 69 of the Environmental Planning and Assessment Act 1979 with a request that the Plan be made.

GB.17 Water Management Policy 419

File: s02252

To report on the review of the Water Management Policy 1999.

Recommendation:

That Council rescind the Water Management Policy 1999.

GB.18 Development Control Plan No 47 - Water Management 439

File: S02252

To present amended Draft Development Control Plan (DCP) No 47 - Water Management to Council for adoption.

Recommendation:

That Council adopt amended Draft DCP47.

GB.19 2-4a Finlay Road, Turramurra - Demolition Of Existing Structures On Site And Construction Of 42 Apartments Within One Building; Associated Access, Basement Parking And Landscaping 537

File: DA1270/04

To determine Development Application No. 1270/04 which seeks consent for the demolition of existing structures on site and construction of 42 apartments within one building, associated access, basement parking and landscaping.

Recommendation:

Refusal

GB.20 1 & 1a Lamond Drive, 1444 & 1444a Pacific Highway, Turramurra - Demolition Of Existing Houses And Construction Of A Residential Flat Building Comprising 51 Units, 102 Basement Car Spaces And Associated Landscaping 615

File: DA1099/04

Ward: Comenarra

Applicant: Lexinghouse 88 Pty Ltd

Owner: MG & JC Brand, GG & SK Cassar, SY & UJ Yim, CA & SR Tatham

To determine Development Application DA 1099/04 which seeks consent for the demolition of existing dwellings on site and construction of a single residential flat building comprising 51 units, basement car parking and landscaping.

Recommendation:

Refusal

- GB.21 **26 To 30 Marian Street, Killara - Demolition Of Three (3) Residential Dwelling Houses And Construction Of A Five (5) Storey Residential Flat Building Containing Twenty-Seven (27) Units And Basement Car Parking For Sixty-One (61) Vehicles** **676**

File: DA1243/04

Ward: Roseville

Applicant: Marian Street Pty Ltd

Owner: 26 Marian Street - A & R McVicar, 28 Marian Street - S Donnellan, 30 Marian Street - S Julian

To determine DA1243/04 which seeks consent for the demolition of 3 residential dwelling houses and construction of a 5 storey residential flat building containing 27 units and basement car parking for 61 vehicles.

Recommendation:

Approval

EXTRA REPORTS CIRCULATED AT MEETING

MOTIONS OF WHICH DUE NOTICE HAS BEEN GIVEN

- NM.1 **Construction And Impact On Residents Of The Chatswood To Epping Rail Link - Mayor To Write To Premier Of NSW** **764**

File: S02026

Notice of Motion from Councillor G Innes dated 15 April 2005.

I move:

"That the Mayor, on behalf of Council, write to the Premier of NSW regarding the construction of the Chatswood to Epping rail link, and its impact on residents of Ku-ring-gai, specifically those living in Lindfield and Roseville.

The letter should:

1. Recognise the State Government's role in the expansion of existing metropolitan rail infrastructure, but express Council's concern at the inconvenience and disturbance caused to Ku-ring-gai residents during the tunnel construction. Also recognise the

efforts made by the Government and contractors to notify residents, and minimise the inconvenience caused.

2. Express Council's serious concern about the long-term impact on residents through:
 - (a) No provision of guaranteed compensation through a minimum value clause should property values not return to their former levels and above following the completion of construction. Such provision has been made for residents in other areas of Sydney when similar tunnels have been constructed.
 - (b) The decision not to line the tunnels with material which will reduce the noise and vibration made by trains when the tunnels are in use. Whilst construction noise is inconvenient, this longer-term issue will impact on the quiet enjoyment of affected residents, as well as on the resale value of their properties.
3. Seek an undertaking from the Government to reassess its decision not to line the tunnel with noise-reducing material."

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 **Funding For Bus Shelter Installations** **1**
(Section 10A(2)(d) – Commercial information of a confidential nature)

File: S03552

Report by Director Technical Services dated 7 April 2005.

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.*

PETITION

SUPPORT UTS KURING-GAI BEING MAINTAINED AS A UTS UNIVERSITY CAMPUS - (THREE HUNDRED & TWELVE [312] SIGNATURES)

"We, the undersigned:

1. Support UTS Kuring-gai being maintained as a UTS University Campus.
2. Do not support the sale of the Campus for residential or other development.
3. Recognise the environmental and heritage value of the UTS Kuring-gai Campus, and the value that the Campus provides for the local community.

RECOMMENDATION

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

PETITION

REQUEST FOR A CONCRETE WALKING PATH AT END OF GROSVENOR ROAD (JUNCTION OF LADY GAME DRIVE) - (SEVENTY- SIX [76] SIGNATURES)

"As residents of Grosvenor Road, we enjoy walking to Lane Cove River National Park. However, there is no walking path for the last 100 metres of Grosvenor Road before the Lady Game Drive junction. Instead, it is covered with hazardous weeds, rocks and rubbish. There is a potential for serious injury for pedestrians.

We, therefore, urge the Council to carry out its duty of care for its residents that a smooth concrete pavement on the side of this road to be laid as soon as possible."

RECOMMENDATION

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

Item 1

DEVELOPMENT APPLICATION

SUMMARY SHEET

REPORT TITLE:	1, 3, AND 5 LYNBARA AVENUE AND 12 PORTERS LANE, ST IVES - DEMOLITION OF EXISTING DWELLINGS ON SITE AND CONSTRUCTION OF A RESIDENTIAL FLAT BUILDING WITH 49 UNITS AND ASSOCIATED BASEMENT PARKING
WARD:	St Ives
DEVELOPMENT APPLICATION N^o:	DA1219/04
SUBJECT LAND:	1, 3, and 5 Lynbara Avenue and 12 Porters Lane, St Ives
APPLICANT:	Mr Andrew Owens, Futurespace Pty Ltd
OWNER:	C A Building Pty Ltd
DESIGNER:	Futurespace Pty Ltd
PRESENT USE:	Residential
ZONING:	Residential 2(d3)
HERITAGE:	No
PERMISSIBLE UNDER: COUNCIL'S POLICIES APPLICABLE:	Ku-ring-gai Planning Scheme Ordinance KPSO - LEP 194, DCP 31 -Access, DCP 55 -Ku-ring-gai Multi Unit Housing, DCP40 - Waste Management, DCP43 - Car Parking, DCP47 - Water Management
COMPLIANCE WITH CODES/POLICIES:	Yes
GOVERNMENT POLICIES APPLICABLE:	SEPP 55, SEPP 65
COMPLIANCE WITH GOVERNMENT POLICIES:	Yes
DATE LODGED:	17 November 2004
40 DAY PERIOD EXPIRED:	27 December 2004
PROPOSAL:	Demolition of existing dwellings on site and construction of a residential flat building with 49 units and associated basement parking
RECOMMENDATION:	Approval

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DEVELOPMENT APPLICATION N^o DA1219/04
PREMISES: 1, 3, AND 5 LYNBARA AVENUE AND 12
PORTERS LANE, ST IVES
PROPOSAL: DEMOLITION OF EXISTING DWELLINGS
ON SITE AND CONSTRUCTION OF A
RESIDENTIAL FLAT BUILDING WITH 49
UNITS AND ASSOCIATED BASEMENT
PARKING
APPLICANT: MR ANDREW OWENS, FUTURESPEACE
PTY LTD
OWNER: C A BUILDING PTY LTD
DESIGNER: FUTURESPEACE PTY LTD

PURPOSE FOR REPORT

To determine Development Application 1219/04 which seeks consent for the demolition of existing structures on site, and construction of 49 units and associated basement carparking.

EXECUTIVE SUMMARY

Issues: Street boundary setbacks (Lynbarra Avenue, Porters Lane and Stanley Streets), rear boundary setback, wall plane area, NatHERS rating.

Submissions: Sixty-seven (67) submissions received.

Pre DA Consultation: Yes

Land & Environment Court Appeal: N/A

Recommendation: Approval

HISTORY

Site history:

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

Rezoning history:

The subject four allotments were identified in Council's 2002 Preliminary Draft Local Environmental Plan for medium density development as a proposed 2(d1) zone. This would have allowed for development of two (2) storeys, plus attic, at a floor space ratio (FSR) of 0.75:1. The plan evolved and became Draft Local Environmental Plan No. 194. The Draft Plan was finalised

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during 2003 for exhibition, with the site being proposed as a 2(d1) zone but with a higher maximum FSR of 0.85:1. Council was then required to exhibit Draft LEP194 to allow all medium density sites the potential to develop to five (5) storeys.

The Draft Plan was exhibited, designating all medium density sites as 2(d1) zones. This included the subject lands. Council finally adopted LEP194 in December 2003. It resolved that the subject lands be zoned 2(d1). The applicable FSR under the plan was 0.75:1 for sites 1200-1999 m² and 0.85:1 for sites of 2000m² or more.

LEP No. 194 was gazetted by the Minister on 28 May 2004. The Minister zoned all medium density sites as 2(d3) permitting up to 5 storey in height (for sites over 2,400m² or more) and established a maximum site cover of 35% for units and a minimum of 50% of the site for deep soil landscaping. Floor space ratio controls were at the same time excluded from the Plan, but ultimately included in DCP 55.

Development application history:

DA1219/04

October 2004	Pre-development application consultation held with Council officers and applicant.
17 November 2004	Application lodged.
10 March 2005	Meeting held with applicant and their consultants and Council officers, including Council's Urban Design Consultant, Mr. Russell Olsson, to discuss the outstanding urban design issues.
17 March 2005	Amended plans lodged. Minor changes involved relating to increased articulation to the north-western façade and building colour change in response to Mr Russell Olsson's recommendations. These changes did not warrant renotification.

THE SITE AND SURROUNDING AREA

The Site

Zoning:	Residential 2(d3)
Visual Character Study Category:	1945-1968
Lot Numbers:	29, 30, 31, 32
DP Number:	29951
Total Area:	4,034.70m ²
Side of Street:	On the corner of Lynbara Avenue, between Stanley Street and Porters Lane, St Ives
Cross Fall:	towards Stanley Street
Stormwater Drainage:	To Stanley Street
Heritage Affected:	No

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Required Setback:	13-15 metres
Integrated Development:	No
Bush Fire Prone Land:	No
Endangered Species:	No
Urban Bushland:	No
Contaminated Land:	No

The site is known as 1, 3 and 5 Lynbara Avenue and 12 Porters Lane, St Ives (Lots 29, 30, 31 and 32 of DP 29951) and comprises four separate lots with three street frontages. The longest site frontage is to Lynbara Avenue (62 metres), whilst the secondary frontages are to Stanley Street (47 metres) and Porters Lane (51 metres). The subject site has a total area of 4,034.70m². The site generally forms a semi-elliptical shape due to its frontage to Porters Lane, Lynbara Avenue and Stanley Street.

The site has a number of significant trees (the majority of which will be retained -see Landscape Assessment Officer's comments). The site presently has four dwellings with outbuildings and a swimming pool. The dwellings are not heritage listed nor in a conservation area. It is proposed to demolish all the current structures and to retain all the significant trees within the proposed Stanley Street, Lynbarra Avenue and Porters Lane setbacks.

The site slopes gently towards Stanley Street, is free draining and the four titles are not affected by any easements or watercourses.

Currently, vehicular access to the individual dwellings on the site are from Lynbara Avenue, Porters Lane and Stanley Street. It is, however, proposed to reduce the number of vehicular accessways to a single access from Stanley Street to serve the proposed development (see Council's Engineering Assessment Officer's comments).

Surrounding development

Surrounding development is comprised of a mixture of land uses and dwelling types.

Directly opposite the subject site, on Stanley Street, are several medium density developments whilst on the corner of Lynbara and Stanley Street stands a recently completed development of 3 townhouses. To the north-west of the subject site, is a medium density single storey development (Eden Brae) constructed approximately eight years ago on a school site. North-west of this villa development, is the St Ives Shopping Centre. To the south of the site, are a number of detached dwellings fronting Porters Lane. There are a number of newly rezoned LEP 194 sites for residential flat buildings in the immediate vicinity along Stanley Street and Porters Lane.

THE PROPOSAL

The proposal is to demolish the existing structures and construct a residential flat building accommodating 49 units over a two level basement carpark. The proposed residential flat building will have 11 apartments on each of the ground and first three levels, reducing to five apartments on the 5th level.

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The development comprises a mix of 21 x 3 bedroom apartments, 24 x 2 bedroom apartments and 4 x 1 bedroom apartments.

The proposed building is planned as two wings connected together over basement parking. Each wing has a separate lift and entrance. Lobby areas are kept relatively simple. The footprint of the building is determined by the shape of the site, with setbacks to all sides. The proposal is split into two floor plates on different levels to respond to the natural grade. The change in level between the two parts is 1.24 metres, stepping down from Porters Lane to Stanley Street. The top floor is well set back from the building edge and is not readily seen from the surrounding streets. The roof has large overhangs, which will shade much of Level 4 and, thereby, increase the sense of setback of this top floor.

The design is contemporary, with good articulation to all facades and adequate balcony/terrace areas. The shared open space at ground level allows some pleasant and usable garden space. The 9 x 18 metres deep recess to the centre of the building will read as a landscaped courtyard or 'pocket park', containing the large Norfolk Island Pine and Liquidamber trees. It forms a break in the building line, splitting the elevation into an 18m and 24m long part where the roads change direction. It was considered by the architects that two freestanding buildings on site would result in a narrow in-between space of very poor amenity. The approach has been to mould the building around more useful outdoor space containing trees.

Facade elements, material textures and colours have been arranged to break down the bulk of the building, while still presenting the building as a unified whole.

In response to a number of minor comments from Council's Urban Design Consultant, regarding articulation to the rear façade and the colour of the building. The applicant provided amended plans creating greater articulation to the north-west facade, and amending the colour from white to a mid-range grey-green tone.

CONSULTATION - COMMUNITY

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

In response, 67 submissions were received from the following:

Name	Address
Woodhut Pty Ltd, for Eden Brae	ATN Juliet Grant, 40 Monteith St Turramurra, NSW 2074
Mr W & Mrs B Napier	2/18 Stanley Street, St Ives 2075
Mrs J Perks	22/18 Stanley Street, St Ives 2075
Mr W Simpson	Secretary, 'Eden Brae' Association, 8 Stanley Close, St Ives 2075
Ms W Morel	2/12 Stanley Street, St Ives 2075
Mr G & Mrs F Nalder	6 Stanley Close, St Ives 2075
Mr & Mrs Hudson	10 Stanley Close, St Ives 2075
Mr D Grainger	15 Porters Lane, St Ives 2075

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Mr C J Pacey	'Rosedale' 4/120-124 Rosedale Road, St Ives 2075
Mrs A Russell	16 Stanley Close, St Ives 2075
F & H Gaensler	4 Cresta Close. St Ives 2075
Mrs S West	21/18-22 Stanley Street
A & B Hurley	1/16 Stanley Street, St Ives 2075
Ms I Hall	10 Lynbara Avenue, St Ives 2075
B P & M R Hefron	18 Stanley Close, St Ives 2075
Mr P and Mrs C Steele	6/16 Stanley Street, St Ives 2075
M & J Sargent	7 Cresta Close, St Ives 2075
Mr J Hanson	18/18 Stanley Street. St Ives 2075
Mr and Mrs J d'Archy	13/18 Stanley Street St Ives 2075
Mrs J Dyke	1 Stanley Close, St Ives 2075
Mr R Turner	1/8 Shinfield Avenue, St Ives 2075
G R Davidson	11 Lynbara Avenue, St Ives 2075
S P Whisker	PO Box 639, St Ives 2075
Ms A Christie	15 Stanley Close, St Ives 2075
J B & R G Gilbert	12 Stanley Close, St Ives 2075
Ms J Kenny	7/24 Stanley Street, St Ives 2075
J M Corbett	120 Rosedale Road, St Ives 2075
Mrs M T Hinton	14 Stanley Close, St Ives 2075
Mr I Grieve	Unit 1 24 Stanley Street, St Ives 2075
Mrs. M Clark	5/12 Stanley Street, St Ives 2075
Ms Hilda Walker	13 Stanley Close, St Ives 2075
Mr R and Mrs E Davey	9 Stanley Close, St Ives 2075
Mr G and Mrs J Street	25a Stanley Street, St Ives 2075
Ms Annabell Kelleher	20 Stanley Close, St Ives 2075
Aub Eardley	9 Lynbara Avenue, St Ives 2075
Mrs D M MacQuillan	6/ 18-22 Stanley Street, St Ives 2075
Strata Owners, S/P No 67372	24 Stanley Street, St Ives 2075
J Levinson and A Gardner	8 Lynbara Avenue, St Ives 2075
Mr and Mrs H Steenbhom	3 Cresta Close, St Ives 2075
Mrs L Horsburgh	11 Porters Lane, St Ives 2075
Mr S and Mrs M Campbell	16/5 Gillott Way, St Ives 2075
Mrs J. Anne Apin	3 Porters Lane, St Ives 2075
R A & P S Johnson	24 Stanley Close, St Ives 2075
R K Heinrich	8 Stanley Close, St Ives 2075
Mr R Pratho	4 Lynbara Avenue, St Ives 2075
Mr L and Mrs S Isaacs	"Eden Brae" 19 Stanley Close, St Ives 2075
S and M Ball	15/18-22 Stanley Street, St Ives 2075
A W Karrasch	23 Barra Brui Crescent, St Ives 2075
Mr J Hardwick	5 Stanley Close, St Ives 2075
Ms J Hanson	18/18 Stanley Street, St Ives 2075
R E Brear	9/120 Rosedale Road, St Ives 2075
EH & HM Young	16/18-22 Stanley Street, St Ives 2075
S Campbell	16/5 Gillott Way, St Ives 2075
H T Jackson	25/18-22 Stanley Street, St Ives 2075

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T O D Hughes	6 Shinfield Avenue, St Ives 2075
Ms K Robbins	1/18 Stanley Street, St Ives 2075
Mr & Mrs E Turner	3/16 Stanley Street, St Ives 2075
Mr and Mrs L Clavin	14/18-22 Stanley Street, St Ives 2075
Dr S Brandl	9/18-22 Stanley Street, St Ives 2075
Mr R and Mrs P Lawson	8/18-22 Stanley Street, St Ives 2075
Mr W and Mrs M Harper	3/2 Stanley Street, St Ives 2075
Mr R Heinrich	Royce Gregory Investments 8 Stanley Close, St Ives 2075
Ms E Y Medina-Malaver	1/4 Maclaurin Parade, St Ives 2075
Mr J Livanas	50 Athena Avenue, St Ives 2075
J R O'Keefe	5/16 Stanley Street, St Ives 2075
D S Yorath	120-124 Rosedale Road, St Ives 2075

The submissions raised the following issues:

Council should have never allowed these properties to be rezoned for 5 storeys, as it is right up against a single storey villa development, and it will result in overlooking from the apartments into the villas. A two storey townhouse development would have been more in keeping with the streetscape and the general character of the area.

It was never the intention of this Council or Council officers to have a five storey apartment buildings in this area. It was acknowledged in the rezoning history, earlier in the report that Council officers considered that these four properties, being in close proximity to a number of SEPP 5 and similar town houses and villa style developments, should be rezoned for two storey townhouses. The site was, however, rezoned to be 2(d3) under LEP 194.

It is accepted that some degree of overlooking is inevitable, as this section of the proposed building faces north-west and also has the longest boundary. It is also quite possible that the applicant could have located the residential flat building only 6 metres from the villa development in terms of DCP 55. However, the building is set back between 9 and 14 metres to allow significant vegetation and trees (Turpentine) which will be able to reach a mature height of 13 m or more. Council's Urban Design Consultant stated that definitions for building footprint and building height in LEP 194 make reductions in height to 2 or 3 storey impossible. However, a better relationship between the single storey villa homes to the north and the proposed building in the central section on the building has been achieved through amendments to provide further articulation to the north-west façade which faces the villa development and also allows for additional screen landscaping to be established.

Mere compliance with the numeric standards does not ensure compliance with the performance objective. In terms of the potential impacts on the visual and acoustic amenity of the adjoining dwellings, this proposal represents an overdevelopment of the site.

The merits of the development have been considered within this report. In summary, the application is satisfactory having regard to the provisions of s79C of the Environmental Planning and Assessment Act, 1979.

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Due to a lack of public transport in St Ives, any new building in the area must have 2 car parking spaces for each unit and one visitor space provided for each unit. As residents of Stanley Street, we are aware of the difficulties of parking in the area.

LEP 194 requires one parking space for 1 and 2 bedroom units, and 2 spaces for 3 bedroom units and 1 visitor space for every 4 dwellings. Therefore, a total of 83 parking spaces are required and have been provided. 147 car spaces for this building as recommended by the objector is excessive. The RTA, who were involved in the LEP 194 process, seek a good balance between vehicles and public transport and the site is accessible to buses along Mona Vale Road.

The construction of 49 units on sites previously occupied by 4 homes at a time when there appears to be no planning to provide sufficient power or water infrastructure for the existing level of development seems irresponsible.

LEP 194 was gazetted by the Minister on 28 May 2004, after taking into account the availability of the required infrastructure. The applicant has also demonstrated that the subject site is adequately serviced by all essential services.

Anywhere between 100 and 150 people will occupy the 49 units proposed in the development, in a space where previously there were perhaps 10 or 12 people. This is a tenfold, i.e. 1000% increase in the density and number of people which by any standard is excessive and unreasonable.

LEP 194 was gazetted by the Minister on 28 May 2004.

The zone allows for a 5 storey residential flat development. Associated population densities have been considered in the zoning of the land.

Traffic flows in the streets that border the proposed building will be adversely affected by the increased number of cars. There will be significant delays and backing up at traffic lights and at the roundabout on the corner of Stanley Street and Link Road. Those of us who live on one of the three roads affected by this DA, know that Stanley Street and Porters Lane will be more favoured and used more than Lynbara Avenue. The overall result will be excessive congestion and exhaust fumes hence more noise and air pollution with a direct negative effect on the quality of life and health of those who live on Stanley Street.

Council's Development Assessment Engineer concluded that, while the development may result in the surrounding road network becoming busier in terms of increased traffic movements, the development is not expected to create any additional traffic problems in the surrounding road network.

There is a bold assumption that only 83 car spaces will be needed. However, in reality, it is likely that parking for over 83 cars will be needed especially taking into account visitors to a 49 unit block. Parking is already at a premium in Stanley Street, Porters lane is narrow and parking down Lynbarra Avenue would be outside people's quiet suburban homes which would be most unwelcome.

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Council's Development Assessment Engineer has stated that the proposal requires a minimum of 83 car spaces, which includes 12 visitor spaces. The development complies fully with those controls within LEP 194.

The proposed development has already been shown to have has an adverse effect on the value of the adjoining properties in Stanley Close. Estate agents have informed us that the same will be true for properties along Lynbara Avenue and Porters Lane. That our investments (which we may have to call on in our declining years) should suffer is causing anxiety and concern. We do not believe that this is what council or the NSW Government intend.

The effect of any proposed development on adjoining or surrounding property values is not a valid planning consideration under s79C of the Environmental Planning and Assessment Act.

This development will be 6 storeys facing Stanley Street. The underground carpark will be more than 1.2 metres above ground level at the Stanley Street façade.

As the development is built on two plates stepping down towards Stanley Street, the basement car park is not in excess of 1.2 metres along the Stanley Street façade.

The massive five storey building will create a major shadow to all the houses along this part of Porters Lane and Lynbarra Avenue.

The proposal will not result in the undue overshadowing of any of the properties along Porters Lane or Lynbarra Avenue. The applicant has submitted detailed shadow diagrams that indicate that all sites in close proximity to the subject development will receive a minimum of 3 hours of solar access between 9:00 am and 3:00pm on June 21. This is compliant with Council's controls.

The development will be a dominant structure, isolated amongst predominantly single and double storey development. There is no graduation of height, scale or bulk between the proposal and the existing surrounding built form.

When considering the context of the proposed development, it should be noted that the adjoining development in Stanley Close (known as Eden Brae) was approved following an appeal in the Land and Environment Court. Development Application 3684/93 originally sought approval for 25 dwellings on an old school site. The court approved the development for 22 dwellings only. The overall reduction in density was a reflection of the importance given by the Court to the protection of significant trees on site and the overall landscape quality and amenity.

The property is zoned 2(d3) which allows for a five storey apartment building on the site. Due to the size of subject property as well as its topography of the site, it is not possible to design a stepped building or a 'pyramid like' building and also achieve the 50% deep soil landscaping. The scale of the development is reflective of the relevant controls within LEP 194 and DCP 55.

The proposed scale of the building is excessive when viewed from the adjoining single storey dwellings in Stanley Close. Little attempt has been made to limit the mass and bulk of the

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building by providing a transition or gradual increase in scale from the adjoining single storey dwellings.

After discussion with the applicant, the plans were amended to create greater articulation along the north-west facade. The setback in accordance with DCP 55 should be at least 6 metres from the rear, the proposed building is set back between 9 and 17.5 metres from the rear boundary.

The proposed setback from Lynbarra Avenue is 12m at the western end (Unit 4), stepping to 14.5m, and 17.5m towards the centre of the site (Units 6 and 7). The building steps from 17.5m setback in the centre of the site to 9m at the corner, with one balcony being set back 7m from the boundary. The overall average of this setback is much greater than 12m, with 143 m² of building being set back greater than 12m and 48 m² of building being set back less than 12m.

Amended plans dated 17 March 2005

Due to their minor revisions and clarifications the amended plans were not notified.

CONSULTATION - WITHIN COUNCIL

Landscaping

Council's Landscape Assessment officer commented on the proposal as follows:

"The Site

*It is proposed to demolish the existing dwellings and associated structures and construct a five storey multi-unit dwelling with a two level basement car park, on the amalgamated corner site of 4,034.7sqm. The site has frontages to, Lynbara Ave, Porters Lane and Stanley St. Vehicular access is proposed via Stanley St. The site is presently four residential properties, characterised by an established landscape setting with mature trees and shrubs within formal garden beds and lawn expanses, typically urban in style. The Porters Lane frontage is dominated by two *Corymbia maculata* (Spotted Gum) located adjacent to the site frontage. The Lynbara Ave frontage is characterised by a scattered trees within open lawn expanses.*

Impacts on trees/Trees to be removed/Tree replenishment

The proposed development will result in all the existing vegetation through the core of the site being removed. Existing trees around the perimeter of the site are being retained and supplemented with additional large trees endemic to the locality. The most significant trees associated with the site are proposed to be retained. Overall, the site development has taken into consideration the location of existing significant trees which are predominantly located around the perimeter.

*Trees nominated for removal include numbers 10, 44, 45, 46, 47, 48, 50, 51, 59, 60, 61, 65. All of these nominated trees are within the proposed building or driveway footprint. Of these the most visually significant tree is #10 *Metasequoia glyptostroboides* (Dawn Redwood) approximately 15m high, located adjacent to the Lynbara Ave site frontage.*

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Arborist's Report

A detailed arborist's report by TLC Solutions (Tony Lydon) has been submitted with the application. The report recommends additional tree removal on site due to poor condition, declining health and low amenity value. These recommendations have been made in the expectation that new trees will be introduced as part of an integrated Landscape Plan for the site. Trees in this category include numbers 29, 30, 31, 39 – 43. Some of these tree species are exempt under Council's Tree Preservation Order (TPO) being numbers 29, 31, 40, 41, and 43. There is no objection raised to the removal of the nominated trees.

Landscape Plan

The submitted Landscape Concept Plan by Botanica (Narelle Sonter) has nominated additional trees adjacent to the north west (rear) site boundary for removal, including tree numbers 24, 36, 37, 38, 39, 40, 41, 42, 43 and 57. All of the trees nominated, are exempt under Council's Tree Preservation Order. Other nominated trees for removal including #'s 20 – 23 are small ornamental plantings which are not significant within the broader landscape. No objection is raised to their removal, subject to substantial tree replenishment being undertaken, particularly along the north-west site boundary.

Tree replenishment that is proposed adjacent to the north west site boundary consists primarily of Jacaranda's. Although an attractive tree species, the tree is slow growing and has a wide canopy spread rather than height. Given the importance of screening adjacent to this boundary it is required that the Jacaranda's be replaced with a native endemic tree species eg Syncarpia glomulifera (Turpentine) that will provide valuable screening to and from the upper floors, in conjunction with understorey shrub planting.

In addition it is required that the proposed planting of Prunus blireana (Double flowering plum) be substituted for another small ornamental tree species. The nominated species does not grow well in Ku ring gai due to the humidity, is short lived, and drops its leaves early in mid summer, which compromises the amenity it is supposed to provide.

*Changes to the Concept Landscape plan as mentioned are relatively minor and can be conditioned. There is no objection to the proposed design. The changes requested have been discussed and agreed to by the landscape designer (**Condition No.57**).*

Drainage Plan

*Overall, there is no objection to the proposed storm water drainage works proposed for the site. One minor adjustment is required to reduce potential tree impacts with tree numbers 13 and 16, with the relocation of a drainage line and pit so that they are located at a greater setback from the trees (**refer to Condition No.67**).*

Deep Soil Landscaping

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The deep soil calculations as shown on the Deep Soil Planting Plan submitted with the application has included the garden bed between the proposed disabled ramp and Stanley St. This garden bed is less than 2.0 metres wide and as such under the terms and definitions within LEP194 is to be excluded from the calculated deep soil landscaping area. Having said this the applicant has indicated that they have a deep soil landscaping area of 52%. If this is the case, this additional area being added to the calculations should not result in non-compliance with the required 50% deep soil landscaping requirement.

Setbacks

The proposed setback for the proposed basement car park adjacent to the Stanley St and Lynbara Ave corner is proposed to be approximately 7 – 8.0m which restricts the available deep soil landscaping within the front setback. It is preferred that the setback at this corner be maximised to ensure that large trees can be accommodated. The setback as proposed will accommodate smaller trees or medium sized trees adjacent to the site frontage. It must be noted however that the setbacks as proposed increase the rear setback for tree planting, which will help alleviate issues of screening and overlooking to the adjoining single storey villas from the proposed five storey development. As the proposed development is set behind gardens and the landscape character of the existing neighbourhood can be maintained the reduced front setback for the basement can be supported.

Substation

*Should Energy Australia require a substation to be installed for the development, it is required that the substation be located so that it does not dominate the landscape and is located outside of the canopy drip line of any tree to be retained. It is preferred that it be located within the landscape so that it can be screened from view (**Condition No.75**).*

Subject to conditions, Landscape Services can support the application.”

Engineering

Council’s Engineering Assessment Officer has commented on the proposal as follows:

“Summary

In summary the application can be supported by Development Engineers, subject to the imposition of the engineering conditions of consent.

A pre-DA meeting was held for this site in which the applicant was presented with assessment criteria related to the engineering aspects. Generally the applicant has had regard to the engineering issues raised at this pre-DA meeting, and has submitted the requested information.

Subdivision

The application form indicates that subdivision is not proposed under this DA, hence no further subdivision conditions will be applied in this referral response. So that the building is not

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constructed across lot boundaries, the applicant will be required to consolidate all the lots prior to issue of the Construction Certificate (**Condition No. 86**).

Traffic generation

The applicant has submitted a Traffic Report with the Development Application. The report is an acceptable standard on which to base an assessment of the traffic related impacts of the Development.

Based on the requirement of LEP 194, the proposal requires a minimum of 83 spaces which includes 12 visitor spaces. The proposal provides 83 spaces and complies with the LEP.

In terms of the impact of the development on the road network, this can be ascertained generally by the capacity of the affected intersections to cater for the increased traffic loading. This is best determined by modeling the affected intersections at existing and post-developed use. The Traffic Generation of this Development has been estimated using the RTA "Guide to Traffic Generating Developments" as follows:

	Pre-Developed	Post-developed
No of dwellings	4 dwelling houses	4 x 1 bedroom 24 x 2 bedroom 21 x 3 bedroom
Daily vehicle trips	36 (9 per dwelling)	217 Based (over conservatively) on medium density: 4-5 per dwelling (2 or less bedrooms) 5 to 6.5 per dwelling ((3 or more bedrooms)
Peak hour vehicle trips	3.4 (0.85 per dwelling)	24.5 (0.5 per unit average)

The Stanley St/Lynbarra Ave street intersection has been assessed with the INTANAL program by the Applicants consulting Traffic Engineer (refer section 3.3 of DA submission Traffic Report). The results show that the intersection operates currently at a 'good' level of service as defined by INTANAL.

The assignment of an additional (net) 21 vehicles peak hour trips (see table above) into this nearest intersection is not expected to lower the operating level of service below 'good' level of service. An additional 21 trips over one peak hour is an average of one vehicle movement every 3 minutes over the hour. It is noted that Mona Vale Rd is accessible via Lynbarra Ave and it is reasonable to assume that the spread of peak vehicles may be heading to Mona Vale Rd via both Lynbarra Ave and Stanley Street, or towards to the city for example via Horace Street and Yarrabung Road to the east. Traffic counts taken by the Applicants consulting engineer during am and pm peak times indicate average acceptable delays in Stanley Street for vehicles to enter from the subject site.

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Accordingly, while the development may result in the surrounding road network becoming statistically busier in terms of increased traffic movements, the development is not expected to create any additional traffic problems in the surrounding road network.

Construction Management

*A detailed construction management plan must be submitted for review by Council Engineers prior to the commencement of any works on site (**Condition No. 52**).*

Vehicle Access and Accommodation layout

Proposed vehicle access and accommodation arrangements have been assessed against the Australian Standard 2890.1 2004 – “Off street Car Parking” and Council DCP 43 – “Carparking”.

The following table summarises Development Engineers assessment of the proposed parking arrangements against the Australian Standard 2890.1 - “Off-street car parking”:

Aspect	Comment
<i>Dimensions of spaces</i>	<i>Satisfactory</i>
<i>Circulation aisle widths</i>	<i>Satisfactory for less than 30 vehicle movements per hour</i>
<i>Blind aisle space dimensions</i>	<i>Satisfactory</i>
<i>Circulation ramps</i>	<i>Single width ramps satisfactory for less than 30 vehicle movements per hour and subject to convex mirrors placed at strategic location to signal presence of vehicles. Detail to be provided on Construction Certificate plans (Condition No. 96).</i>
<i>Entrance driveway location</i>	<i>Satisfactory</i>
<i>Sight distances at driveway exit</i>	<i>Satisfactory</i>
<i>Entrance driveway widths</i>	<i>Satisfactory</i>
<i>Entrance driveway grades</i>	<i>Satisfactory</i>
<i>Height clearance in parking area</i>	<i>To be shown on Construction Certificate plans</i>

Minor amendments to the parking layout will be addressed through the imposition of suitable engineering conditions of consent. These conditions will require the necessary minor modifications to the parking layout (to be shown on the Construction Certificate plans) in order to achieve a functional design in accordance with the relevant Australian Standard 2890.1.

Garbage Collection

A waste storage and collection area is required internally under Councils DCP 40 for Waste Management. This has been provided in the basement parking area and there is adequate provision to be provided for Councils waste collection vehicle to enter the subject site, collect the garbage and then exit the site.

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Impacts on Council Infrastructure and associated works - comments

*The scale of construction work for this site is expected to damage the frontage footpath and road shoulder. Accordingly, the following infrastructure works will be required (**Condition No. 113**):*

Construction of a fully new concrete footpath over the site frontage in Ada Avenue. Maximum crossfall to be 2.5% towards the gutter.

New concrete driveway crossings from Stanley Street.

Removal of all redundant driveway laybacks and re-instatement to upright kerb and gutter.

Replacement of the verge area to turfed verge between new footpath and existing kerb alignment.

*Although not critical to the consent, it is recommended (subject to approval by the Local Traffic Committee) that a Work Zone be installed in the vicinity of the site to facilitate construction related vehicles and serve in reducing construction impacts on the local network. Accordingly, a condition will be applied that the Applicant obtain a resolution from the Traffic Committee in relation to obtaining a work zone and proceed in accordance with any recommendation from the resolution (**Condition No.110**).*

*As with all development of this scale, there is the direct risk of damage to Council infrastructure during the course of the works. A \$50,000 bond to cover restoration of such damage (or completion of incomplete works by Council) is to be applied (**Condition No.95**).*

Site drainage comments

The submitted concept stormwater services plans (refer plans C00 to C01 by MPN , dated 2/11/04), have not been designed strictly in accordance with the Council requirements contained in Water Management DCP 47. A stormwater retention requirement of 3000 litres per unit applies – and this water is to be used for toilet flushing, laundry, car washing and irrigation (as a minimum). Hence total volume of storage required will be 147 m3.

However, it is felt that the shortfall shown on the concept drainage plan submitted with the DA can be addressed via suitable conditions of consent . Accordingly, the necessary changes are to be made via condition which will require the refinement and advancement of the concept plans to a detail suitable for Construction Certificate issue.

Flooding and Overland comments

The site is located towards the top of the local catchment and as such the site will not be affected by trunk flows of sufficient volume around the site to cause concern. The driveway level at the property boundary shall be set a minimum of 150mm above the top of the frontage kerb to prevent inundation of the basement level by flows overtopping in the gutter system.

Geotechnical / Structural Comments

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In support of the application, the Applicant has submitted a "Report to Mr Cameron Nelson on Geotechnical Investigation for Proposed Residential Development at 1 to 5 Lynbara avenue and 12 Porters Lane, St Ives NSW" (project 18895VBrpt, dated 21st October 2004) prepared by Jeffery and Katauskas Consulting Engineers.

The sub-surface geotechnical investigations (4 boreholes) and subsequent report on the findings are considered appropriate for the scale of development on this site. Further, the report contains pertinent information and recommendations on appropriate excavation and construction techniques. Attention is paid to protection of the adjacent property and infrastructure both during and after construction.

*Council development assessment engineers are guided by the findings and recommendations of the expert geotechnical report submitted with the development application. Based on the above geotechnical report for this site, I am satisfied that the geotechnical aspects of this DA can be addressed through suitable conditions of consent. These conditions will require geotechnical monitoring, excavation, construction and further professional geotechnical input as specified in the submitted geotechnical report. Dilapidation reports are to be provided on adjoining buildings within the zone of influence (**Condition No.106**).*

Recommendation

Based on the formal assessment, Council's Development Engineer has determined that the proposal is satisfactory for development approval, subject to conditions."

Heritage

Council's Heritage Advisor, Mr Paul Dignam, has commented on the proposal as follows:

*The 4 allotments are not heritage listed nor in a conservation area.
It is near to a heritage item, namely 9 Porters Lane, being the former headmasters cottage.*

The heritage item at 9 Porters Lane is on a battle axe lot. The subject site is somewhat removed from the heritage item. There would be no adverse heritage impacts on 9 Porters Lane from the proposed development.

The former headmaster's cottage is on the corner of Porters Lane and Rosedale Road. The building faces Rosedale Road, having a secondary frontage to Porters Lane. The site is a reasonable distance from the subject site and do not believe there would be any adverse impacts on it from the proposed development.

*All existing buildings on the site are relatively modest brick houses dating to the early 1960's. The houses are similar to many other than being representative of that period. There is no objection from the heritage advisor for demolition, but recommend that recording be undertaken before demolition (**Condition No. 34**).*

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The subject site is a reasonable distance from the National Trust UCA No 16, which is centred around the Pymble Golf Course, Cowan Road and Pentecost Avenue. There would be no impacts on UCA 16 from this development.

The colours chosen for the body of the proposed building are fairly light, with a darker colour for the top floor. Although light coloured buildings are common in the area, they are usually restricted to one or two storeys. The majority of existing dwellings are face brick with tiled roofs. Some are painted and rendered. In my opinion a darker tone would be better for the body of the building. The pre-dominant roof form is a pitched roof, with either hips for gables or a combination of both. Flat roofs do occur on some houses in St Ives as residential development mainly occurred after World War2 when modern architecture and the 'Sydney School' was popular. A flat roof for a flat type building is considered acceptable as it tends to lower the overall height of the building.

Conclusion

*I have no objections to demolition of the existing houses, but recommend recording prior to demolition (**Condition No. 34**). There are no heritage issues associated with this site.*

The overall design of the building is satisfactory, however the light colours to the body of the building should be avoided. A darker, earthier colour with some contrasting textures should be applied. Such large light coloured buildings would not fit well in that context.

Comment

After a number of meetings with staff the applicant agreed to change the colour of the building form an off-white colour to a "crystal palace" grey-green colour, which has been accepted by Council's Urban Design Consultant. Additional landscape screening has also been proposed at the rear of the building to improve the overlooking issue. The rear setback has been further articulated to break the building and to provide for additional trees and shrubs.

Urban Design Consultant

Council's consultant Urban Design Officer, Russell Olsson, has commented on the proposal as follows:

SEPP 65 Principle 1 - Context

The context is comprised of the natural environment, in the public and private domains and the built forms.

The natural environment is characterised by the mature tree plantings in Stanley Street and Lynbarra Avenue and large trees in the courtyards of the medium density development to the north of the site. The proposed landscape has the opportunity to provide large trees, particularly to screen the proposed building from the buildings to the north.

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The existing built environment consists predominantly of 1 and 2 storey dwellings, townhouses and apartments, however this site and others in Stanley Street and Porters Lane have been rezoned to 2(D3), permitting 5 storey apartment buildings. While the existing context is low rise, the future scale of these 2(d3) sites will be substantially taller. A transition between these differing scales is possible though siting of the proposed building. The definitions for building footprint and building height in LEP 194 makes reductions in height to 2 or 3 storeys difficult. However, a better relationship between the single storey villa homes to the north of the site and the proposed building is possible in the central section of the building.

The predominant existing building materials and colours are brick and mid-range colours. These materials and the colour change to 'crystal palace' grey-green relates well to the native trees in the landscaped setting.

SEPP 65 Principle 2 - Scale

The height of the building is acceptable under LEP 194. However the scale relationship between the building and the medium density buildings to the north should be improved by increasing the setback of the northern boundary. This would reduce the effect of the change of scale between the existing buildings and the 5 story apartment building.

Comment:

A meeting was organised with the applicant and Council's Urban Design Officer to attempt moving the footprint away from the existing villa development. Due to the significant trees which would then have to be removed be relocating the building footprint, an alternative was to increase the setback in the centre of the building and thereby retaining all significant trees within the south-eastern setback. This provides greater articulation and allows taller trees to be located within the northern setback. Council's consultant Urban Design Officer stated that *"I have examined the revised plans and they are an improvement in terms of built form on the original design. The amended landscape to provide greater screening to the rear of the building, will assist in relating to its landscaped setting and in terms of SEPP 65 the DA should be approved."*

SEPP 65 Principle 3 – Built Form

DCP 55 proposes setbacks of 12m from streets, with 40% of the building length being able to be built to a 10m setback line. The proposed setback from Porters Lane averages 12m The setback from this street frontage is therefore slightly more than required under DCP 55.

The proposed setback form Lynbarra Avenue is 12m at the western end (unit4), stepping to 14.5m, 18m and 21.5, towards the centre of the site. (Units 6 and 7). The building steps from 18m setback in the centre of the site to 9m at the corner, with one balcony being set back 7m from the boundary. The overall average of this setback is much greater than 12m. with 143 m² of building being set back greater than 12m and 48 m² of building being set back less than 12m.

The setback from Stanley Street would comply in principle with the setback rule of 12m (40% 10m) in DCP 55.

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The building setback complies with the 9m minimum setback from rear boundaries in LEP 194 for transitions between zones. However it is recommended to setback from the northern boundary in the central section of the building. This increased setback will reduce the massive appearance of the building when viewed from the dwelling courtyards to the north, by stepping and articulating the façade, similar to the indented facade proposed in Lynbara Avenue, would visually relieve this long facade.

The proposed indented facade in Lynbara Avenue is not essential to the design. As noted above, the setbacks from Lynbara Avenue exceed the DCP requirements. The indented section does not relate to the street alignment and is not the entry to the building (entries are from Stanley Street and Porters Lane). There is no strong rationale for this indented section, and the facade could be reasonably modelled while reducing the setback of the central section from 18m to 13m. This would require changes to the internal planning of the central units. These changes would more closely align the building facades to the street pattern, while allowing for facade articulation, and creating greater setbacks and a less overbearing character along the northern boundary.

Comment

The above recommendations were accepted by the applicant and the plans were amended to increase the articulation to the northern façade.

Council's consultant Urban Design Officer stated that *"I have examined the revised plans and they are an improvement in terms of built form on the original design. The amended landscape to provide greater screening to the rear of the building, will assist in relating to its landscaped setting and in terms of SEPP 65 the DA should be approved."*

SEPP 65 Principle 4 - Density

The density is acceptable under LRP 194 and DCP 55.

SEPP 65 Principle 5 - Resources, Energy and Water Efficiency

The provision of sun access to living areas, cross ventilation, deep soil area and water management are acceptable. The provision of sun hoods and louvres is good.

SEPP 65 Principle 6 - Landscape

The landscape design to the street frontages is acceptable. It is recommended that the provision of screen planting along the north-western boundary is re-considered to provide taller and more dense foliage than provided by the proposed jacarandas.

Comment

Council's Landscape Assessment officer has recommended denser and taller trees along this

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northern boundary such as Turpentine trees replacing the Jacarandas, the double Flowering plums to be replaced by Pleneas, and the White Cedars to be replaced with Chinese Tallow trees (Condition No. 57).

SEPP 65 Principle 7- Amenity

The apartment layout are generally good. The relatively deep floor plans create some kitchens which do not receive good natural light.

SEPP 65 Principle 8 - Safety and Security

Safety and security issues are acceptable.

SEPP 65 Principle 9 - Social dimensions

The size and mix of apartments is acceptable.

SEPP 65 Principle 10 - Aesthetics

The façade designs are acceptable. However, the proposed light/white façade colours will be prominent within the context of the predominantly brick and mid-tonal range of existing buildings. The proposed light/white faced colours contrast with, rather than complement, the grey-green colours of the natural landscaped setting. It is recommended that the external building colours are in the mid-tonal range of colours to complement the existing natural and built context.

Comment

Council's consultant Urban Design Officer stated that *"I have examined the amendments from the white to the proposed 'crystal palace' grey-green colour will assist in relating the building to its landscaped setting and in terms of SEPP 65 this DA should be approved.*

STATUTORY PROVISIONS

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

The application includes a design verification statement by the project architect, Yammie Owusu (Senior Architect Reg No. 6558) of Futurespace Pty Ltd. Mr Y. Owusu has verified he is a qualified designer and member of the NSW Registration Board and has designed the proposal in accordance with the design quality principles set out in Part 2 of SEPP 65.

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

Context:

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The proposal responds to its context in two ways:

1. Providing a by a landscape design, which retains all significant trees and replenishes further trees, which will enhance the existing streetscape and which screens the buildings;
2. Acknowledging the site and zone opportunities in a residential building of contemporary design largely compliant with Council's controls. The site has a unique three street corner situation. The proposal seeks to make a positive contribution to the desired future character of the area.

Scale:

The proposed building is generated by the envelope controls provided in LEP 194 and then refined by the bulk and scale considerations as outlined in DCP 55. The proposal represents a significant shift of scale from the existing low-density development types. However, it is compliant with the 5 storey height control in LEP 194.

The development, with its dramatic articulation and generous setbacks, represents a considered response to the scale of neighbouring existing development. Further, the proposed buildings are of a scale (four and five storeys) identified as appropriate for the area under LEP 194.

Built form:

The design of the building elements, in particular the breaking of the building into two sections, the variety of materials to be used and the varied articulation represents high architectural quality. The facade walls are stepped in response to site cover and setback requirements but also to break down the building bulk into parts. The architectural elements are arranged into a balanced composition, providing visual interest.

The building alignments, parallel to the three roads, and the provision of visible pedestrian accesses respects and defines the road and public domain and will contribute to the character of the streetscape.

Density:

The proposed density of the development is compliant with the density control in DCP55, of 1.3:1 floor space ratio for residential flat buildings. The application provides for a floor space ratio of 1.3:1.

The proposal is consistent with the envisaged future density of the area under LEP 194 and DCP 55..

Resource, energy and water efficiency:

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The proposal achieves a 4.5 star NatHERS energy rating for 35% (or 17/49) of dwelling units, with all units achieving the minimum standard of 3.5 stars.

75.5% of all apartments have been provided with cross-ventilation. Furthermore, the recommended building depth of 10-18 metres has not been exceeded and 25% of kitchens have access to natural ventilation.

Conditions have been recommended in regard to use of energy efficient appliances, and storage of rainwater for landscape watering (*Conditions Nos 39, 98*).

Landscape:

The proposal provides for 52% of the site being a deep soil zone which is compliant with the minimum requirement of 50%. This zone is primarily provided within three street frontages and to the rear of the building. This deep soil area is primarily common land within the development and its ability to accommodate large canopy trees will not be restricted in the future. The amount of landscaping provided is consistent with the desired future character of the area, which seeks canopy trees to soften the buildings and contribute to the streetscape. The principal areas of common open space defined by the landscape concept plans are the pocket parks at:

1. The apex of the triangular part of the site at the Porters Lane boundary;
2. The courtyards space formed by the building at the Lynbarra Avenue boundary;
3. The rear of the building, with a number of turpentine trees, which also screen the villa development to the north-west of the building.

Amenity:

The development provides for one, two and three bedroom dwellings, all of which attain a rating of 3.5 natHERS stars or better. The units are all provided with good visual privacy, having good side and rear setbacks. Balconies to the units cannot be re-positioned so as to minimise overlooking to existing villa developments due to the northern aspect. However, extensive landscaping has been proposed to minimise overlooking.

A minimum floor to ceiling height of 2.7 metres has been provided, consistent with Council's requirement. Furthermore, the units are all of generous proportions, being around 60m² for the one bedroom apartments, 85-95 m² for the two bedroom apartments, and 100-120 m² for the three bedroom apartments.

The application provides large amounts of private open space to each of the units. Terraces of around 50m² are provided for the ground floor units, 10m² to 20m² are provided for the balconies in the upper levels and terraces of 25m²-65m² are provided for the penthouse units.

Acceptable levels of amenity would be afforded to the occupants of this development. There is at least 12m setback to the north-western villa development, with substantial landscaping including a number of large turpentine trees, which provides screening to the villa development.

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Safety and security:

The proposal provides for good levels of safety and security through:

- (i) maximising opportunities for surveillance of public spaces on the site;
- (ii) the provision of a number of public access ways which are clearly visible from the street;
- (iii) The provision of secure car parks which are secured from external access;
- (iv) Lift and stair access being directly from the basement car parks to apartment levels.

Social dimensions:

The application provides for one, two and three-bedroom dwellings. The apartments are all of generous sizes and would provide high quality living environments for younger residents or older residents within the local area who wish to “downsize” to an apartment or who do not wish to live in a SEPP 5 type development.

Aesthetics:

The external appearance and composition of building elements, textures, materials and colours satisfactorily reflect the use, internal design and structure of the development. The buildings also link with the neighbouring conservation area through the conservative use of natural colours. The applicant has agreed to change from an off-white colour to the ‘crystal-palace’ grey-green. It is considered that in this way the building will contribute to the desired future aesthetic character of the area.

The application has been fully assessed in terms of the Design Quality principles set out in SEPP 65 by Council’s consultant Urban Design Officer, Mr Russell Olsson. Details of this assessment can be found under Consultation – Within Council. In summary Mr Olsson states “*in terms of SEPP65, Development Application 1219/04 should be approved.*”

In addition, the applicant organised a peer review of the proposed development with architectural firm Eeles Trelease Architects

Bruce Eeles and Kathryn Trelease, directors provided a statement as follows:

*“Our practice has conducted a peer review of the design of this project.
We are satisfied that the development application design, and support the planners reports and architects statement.*

We consider the project has particular strengths in the following areas:

- *Bulk and scale related to the surrounding context*
- *Amenity of internal and external planing*
- *Massing and setbacks with regard to critical view passages*
- *Fenestration, particularly in relation to expression and proportion of solid and void*
- *Provision of ‘pocket parks’ of landscape ares on the site*

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- *Preservation of existing significant trees*

We support this scheme as submitted”

Residential Flat Design Code

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

Relating to the local context:

The site enjoys street frontages on three sides, providing multiple access points and a buffer zone to the adjoining site. It has a significant ‘corner’ site character. The trapezoidal shape of the site restricts the siting of buildings at the southern end of Porters Lane, in terms of achieving setbacks, façade alignments parallel boundaries and the like. The site falls approximately 5% from Porters Lane to Stanley Street. The new change in level across the site is 1.3 metres. The site is located near the ridgeline roughly following Mona Vale Road. The fall in the site is eastward from Porters Lane down to Stanley Street.

The proposal is split into two floor plates on different levels to respond to the natural grade. The building is designed as two wings connected together over abasement parking. Each wing has a separate lift and entrance. Lobby areas are kept relatively simple. The footprint of the building is generated by the shape of the site with setbacks to all sides.

The proposal is sited over four separate allotments and will require land amalgamation. This amalgamation will result in a site with three street frontages which is capable of accommodating the proposed density of five storeys (**Condition No. 86**).

The building envelope, in terms of building height, floor area, depth and setbacks, is satisfactory having regard to the desired future character of locality. This is discussed in more detail below.

Site analysis:

A site analysis was submitted indicating how the proposal is satisfactory in terms of building edges, landscape response, access and parking and building performance.

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

The orientation of the development ensures adequate solar access to habitable areas and private open space of the subject development and to the adjoining villa development to the north of the subject site. The proposed development provides an appropriate frontage to Lynbarra Avenue, Porters Lane and Stanley Street.

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

Item 1**Building design:**

The proposal is satisfactory in terms of internal configuration and will achieve the objectives of providing function and organised space and a high level of residential amenity. In addition, the proposal provides adequate habitable space having access to north-facing windows.

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

State Environmental Planning Policy No 55 - Remediation of Land

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

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

COMPLIANCE TABLE		
Development standard	Proposed	Complies
Site area (min): 2400m ²	4,034.70m ²	YES
Deep landscaping (min): 50%	50%	YES
Street frontage (min): 30m	56m (Lynbara Avenue) 51m (Porters Lane) 44m (Stanley Street)	YES
Number of storeys (max): 5	5 storeys	YES
Site coverage (max): 35%	34%	YES
Top floor area (max): 60% of level below	60% of level below	YES
Storeys and ceiling height (max) (not inclusive of 5th floor): 4 storeys and 13.4m	4 storeys and <13.4metres	YES
Car parking spaces (min): Requires 70 resident parking spaces, based on one space per dwelling and one additional space for dwellings of 3 bedrooms. Requires 13 visitor spaces	70 resident parking spaces provided	YES
	13 visitor parking spaces provided	YES
Manageable housing (min): 10% (5 units)	10.2% (5 units), and 71.4% (35) apartments are visitable by wheelchair	YES
Lift access: required if greater than three storeys	Two lifts on either sides of the building provided, to service all apartments	YES

Car parking (cl.25J):

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The development in its entirety is compliant with the amount of resident and visitor parking spaces required in LEP194.

Heritage /conservation areas (cl.61D – 61I):

The site is not heritage listed nor is it located within an existing or potential Urban Conservation Area. Recording of the dwellings to be demolished should be undertaken prior to demolition (*Condition No. 34*).

Residential zone objectives

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

POLICY PROVISIONS

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

COMPLIANCE TABLE		
Development control	Proposed	Complies
Part 3 Local context:		
Development adjacent to a heritage item:	Not closer than 80 metres to heritage item	YES
Part 4.1 Landscape design:		
Deep soil landscaping (min) • 150m ² per 1000m ² of site area = 605.2m ²	Over 600m ²	YES
No. of tall trees required (min): 14 trees	Minimum of 20 trees in excess of 13 metres to be planted	YES
Part 4.2 Density:		
Building footprint (max): • 35% of total site area	34%	YES
Floor space ratio (max): • 1.3:1	1.3:1 (5,235m ²)	YES
Part 4.3 Setbacks:		
Street boundary setback (min): • 13-15 metres (<40% of the zone occupied by building footprint)	Lynbara Avenue: Average Setback of 13 metres (from 9 to 20 metres) Porters Lane: Average setback of 12 metres (from 9 to 14 metres) Stanley Street: Average Setback of 10 metres (from 8 to 12 metres)	YES NO NO
Rear boundary setback (min):		

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<ul style="list-style-type: none"> 6m 	Rear setback from 9.2 to 14.2 metres	YES
Side boundary setback (min): <ul style="list-style-type: none"> 6m 	The site has 3 street frontages, therefore no side setbacks applicable.	N/A
Setback of ground floor terraces/courtyards to street boundary (min): <ul style="list-style-type: none"> 8m/11m 	Average 10 m (7m to 15 m)	NO
% of total area of front setback occupied by private courtyards (max): <ul style="list-style-type: none"> 15% 	8.5% to Lynbarra Avenue (55m ² /650m ²) 8.7% to Porters Lane (45m ² /520m ²) 9.4% to Stanley Street (30m ² /230m ²)	YES YES YES
Part 4.4 Built form and articulation:		
Façade articulation: <ul style="list-style-type: none"> Wall plane depth >600mm Wall plane area <81m² 	Wall plane depths >600mm Wall plane depths >81m ² (articulated by cantilevered louvered screens, so it does not appear as one continuous plane)	YES NO
Built form: <ul style="list-style-type: none"> Building width < 36m Balcony projection < 1.2m 	54 m to Lynbarra Avenue (55m ² /650m ²) 26 m to Porters Lane (45m ² /520m ²) 29 m to Stanley Street (30m ² /230m ²) A total of 3 balconies project more than 1.2m	NO YES YES NO
Part 4.5 Residential amenity		
Solar access: <ul style="list-style-type: none"> >70% of units receive 3+ hours direct sunlight in winter solstice >50% of the principle common open space of the development receives 3+ hours direct sunlight in the winter solstice 	75% (37 out of 49 apartments) receive 3+ hours direct sunlight in winter solstice More than 50%	YES YES

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<ul style="list-style-type: none"> No single aspect apartments shall have a southern orientation <15% of the total units are single aspect with a western orientation 	<p>8.2% of the units are single aspect southern facing. (4 of the 49 apartments</p> <p>No units are single aspect western facing</p>	<p>NO</p> <p>YES</p>
<p>Visual privacy: Separation b/w windows and balconies of a building and any neighbouring building on site or adjoining site: Storeys 1 to 4</p> <ul style="list-style-type: none"> 12m b/w habitable rooms 9m b/w habitable and non-habitable rooms 6m b/w non-habitable rooms <p>5th Storey</p> <ul style="list-style-type: none"> 18m b/w habitable rooms 13m b/w habitable and non-habitable rooms 9m b/w non-habitable rooms 	<p>Only direct relationship is to the villa development to the north-west of the subject propertyi</p> <p>Greater than 12metres</p> <p>Greater than 12 metres</p> <p>Greater than 12 metres</p> <p>Greater than 18 metres</p> <p>Greater than 18 metres</p> <p>Greater than 18 metres</p>	<p>YES</p> <p>YES</p> <p>YES</p> <p>YES</p> <p>YES</p> <p>YES</p>
<p>Internal amenity:</p> <ul style="list-style-type: none"> Habitable rooms have a minimum floor to ceiling height of 2.7m Non-habitable rooms have a minimum floor to ceiling height of 2.4m 3+ bedroom units have a minimum plan dimension of 3m in at least two bedrooms Single corridors: <ul style="list-style-type: none"> - serve a maximum of 8 units - >1.5m wide - >1.8m wide at lift lobbies 	<p>2.7m</p> <p>2.7m</p> <p>At least two bedrooms >3.0m</p> <p>Maximum 6 units</p> <p>>1.5m</p> <p>>1.8m</p>	<p>YES</p> <p>YES</p> <p>YES</p> <p>YES</p> <p>YES</p> <p>YES</p>
<p>Outdoor living:</p>		

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<ul style="list-style-type: none"> ground floor apartments have a terrace or private courtyard greater than 25m² in area Balcony sizes: <ul style="list-style-type: none"> 10m² – 1 bedroom 12m² – 2 bedroom 15m² – 3 bedroom <p>NB. At least one space >10m²</p> <ul style="list-style-type: none"> primary outdoor space has a minimum dimension of 2.4m 	<p>Three (3) ground floor terraces are under 25m²</p> <p>A number of balconies are slightly under 10m² (i.e. 1m² less)</p> <p>A number of balconies are slightly under 12m² (i.e. 1-2 m² less)</p> <p>A number of balconies are slightly under 15m² (i.e. 1-5 m² less)</p> <p>>2.4m</p>	<p>NO</p> <p>NO</p> <p>NO</p> <p>NO</p> <p>YES</p>
Part 4.7 Social dimensions:		
<p>Visitable units (min):</p> <ul style="list-style-type: none"> 70% 	71.4% (35 units)	YES
<p>Housing mix:</p> <ul style="list-style-type: none"> Mix of sizes and types 	<p>4 x 1 bedroom apartments</p> <p>24 x 2 bedroom apartments</p> <p>21 x 3 bedroom apartments</p>	YES
Part 4.8 Resource, energy and water efficiency:		
<p>Energy efficiency:</p> <ul style="list-style-type: none"> >65% of units are to have natural cross ventilation single aspect units are to have a maximum depth of 10m 25% of kitchens are to have an external wall for natural ventilation and light >90% of units are to have a 4.5 star NatHERS rating with 10% achieving a 3.5 star rating 	<p>75.5% have natural cross ventilation (37 of 49)</p> <p>Have a depth of over 10 m</p> <p>18 kitchens have an external wall (36.7%)</p> <p>4.5 plus star rating = 35%</p> <p>3.5 plus star rating = 65%</p>	<p>YES</p> <p>YES</p> <p>YES</p> <p>NO</p> <p>YES</p>
Part 5 Parking and vehicular access:		
<p>Car parking (min):</p> <ul style="list-style-type: none"> 70 resident spaces 13 visitor spaces 83 total spaces 	<p>70 spaces</p> <p>13 spaces</p> <p>83 spaces</p>	<p>YES</p> <p>YES</p> <p>YES</p>

Part 3 Local context:

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Part 3 of DCP 55 requires consideration of the existing and desired future character of the area in which the site is located, the maintenance of Ku-ring-gai's landscape and visual character and consideration of relevant conservation areas and heritage buildings.

Through the retention and replenishment of trees on site and the provision of good front and rear setbacks, it is considered that the development will maintain the existing character of this area and appropriately respond to the future medium density character of the area.

Part 4.1 Landscape design:

The application is compliant with all of the requirements of Section 4.1. In particular, the proposal provides for deep soil landscape zones around the three street frontages and at the rear of the property. The application also provides for a large amount of tree retention and tree replenishment.

The application provides for one central landscaped area to the rear as well as providing large pockets of landscaping and good sized communal areas of deep soil areas which are adequate for the amenity of residents and adequate for the retention of the treed character of the locality. For these reasons, the landscape design is satisfactory.

Part 4.3 Setbacks:

Because of the villa development to the north-set of the site, the applicant has set back the building between 9 and 16.5 metres, which is well in excess of the required 6 metres minimum setback, to address the potential for overlooking from the apartments along this facade down to the villa development. This allows a large area for deep soil landscaping to screen the adjoining villa development. Therefore, the building does not achieve the 13 to 15 metres setback to the three street frontages (Clause 4.3 C-2 of DCP 55).

The proposed setback from Lynbarra Avenue is 12m at the western end (Unit 4), stepping to 14.5m and 17.5m towards the centre of the site (units 6 and 7). The building steps from 17.5m setback in the centre of the site to 9m at the corner, with one balcony being set back 7m from the boundary. The average of this setback is much greater than 12m, with 143 m² of building being set back greater than 12m and 48 m² of building being set back less than 12m. The average setback from Porters Lane is about 10 metres and the average setback from Stanley Street is 9 metres.

The proposed building provides a variety of street and rear setbacks in order to achieve good articulation and interest to the streetscape.

Part 4.4 Built form and articulation:

The built form and articulation of the building is well conceived, with good wall plane depths, building width and limited balcony projections.

Several of the wall planes do exceed DCP55 Part 4.4 C-2, which sets a maximum wall plane area of 81m². The areas which fail to comply are to the rear (north-west) and section of the façade adjacent to the 'pocket park', however, these are either set well back from the street or at 90° orientation to

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it. These areas are sufficiently articulated by cantilevered louvered screens, such that the intent of this clause is achieved. It does not appear as one continuous flat plane.

Part 4.6 Safety and security:

The proposed development will have high levels of safety and security due to its location at a corner.

All of the apartments adjoining Lynbara Avenue, Porters Lane and Stanley Street will be provided with good opportunities for outlook to the streets, with the landscaping for the site providing open outlooks and few formal hedges to obscure views. The pedestrian pathways are clearly visible from the streets, with unimpeded sightlines, and will be provided with lighting.

Furthermore, all of the common open space areas will be overlooked by apartments, with no concealed or entrapment areas.

Part 4.7 Social dimensions:

The application provides for a housing mix, as is required by Control 5 of Part 4.7, as 1, 2 and 3 bedroom apartments have been proposed.

Part 4.8 Resource, energy and water efficiency:

DCP55 requires 90% of units to meet with the NatHERS rating of 4.5 stars and above. The application proposes 100% of units which meet with the 3.5 star NatHERS rating, but only 36% of units which comply with the NatHERS 4.5 star rating. The applicant has stated that the introduction of Basix in 2005 will look to address energy conservation as a whole and not sporadically as NatHERS does. The design for climate and energy efficiency needs to be looked at in conjunction with solar access and natural ventilation.

Given that all of the apartments are provided with at least 3 hours of sunlight and that most of the units have at least two aspects with good cross ventilation, it is thought that the NatHERS non-compliance is acceptable.

Development Control Plan 31 - Access

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

Development Control Plan 40 - Construction and Demolition Waste Management

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

Development Control Plan No 43 - Car Parking

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

Development Control Plan 47 - Water Management

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

Section 94 Plan

The development attracts a section 94 contribution of \$785,064.41 which is required to be paid by *Condition No.80*.

This figure is calculated on the following basis, utilising the Ku-ring-gai Section 94 Contributions Plan 2004-2009 Residential Development as of 30 June 2004:

▪ 17 large dwellings (110-under 150m ²) = 17 by \$23,778.57	\$404,235.69
▪ 28 medium dwellings (75-under 110m ²) = 28 by \$16,533.54	\$462,939.12
▪ 4 small dwellings (-under 750m ²) = 4 by \$11,796.40	<u>\$ 47,185.60</u>
Sub-total	\$914,360.41
▪ <u>Less</u> 4 existing dwellings = 4 by \$32,324.00	<u>\$129,296.00</u>
Total	\$785,064.41

LIKELY IMPACTS

All likely impacts of the proposal have been assessed elsewhere in this report.

SUITABILITY OF THE SITE

The site is suitable for the proposed development.

ANY SUBMISSIONS

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

PUBLIC INTEREST

The approval of the application is considered to be in the in the public interest.

ANY OTHER RELEVANT MATTERS CONSIDERATIONS NOT ALREADY ADDRESSED

There are no other relevant matters for assessment.

CONCLUSION

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

RECOMMENDATION:

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

THAT the Council, as the consent authority, grant development consent to DA 1219/04 for the demolition of existing structures on site and the construction of 21 x 3 bedroom dwellings, 24 x 2 bedroom dwellings and 4 by 1 bedroom dwellings within the building and a two level basement parking on land at 1, 3 and 5 Lynbara Avenue and 12 Porters Lane, St Ives, for a period of two (2) years from the date of the Notice of Determination, subject to the following conditions:

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

Dwg No.	Rev.	Description	Author	Dated	Lodged
A01	B	Site Analysis Plan	Futurespace	16-03-05	18-03-05
A02	B	Basement Level 1	Futurespace	16-03-05	18-03-05
A03	A	Basement Level 2	Futurespace	13-09-04	17-11-04
A04	B	Ground Floor Plan	Futurespace	16-03-05	18-03-05
A05	B	1 st and 2 nd Floors	Futurespace	16-03-05	18-03-05
A06	B	3 rd and 4 th Floors	Futurespace	16-03-05	18-03-05
A07	B	Roof Plan	Futurespace	16-03-05	18-03-05
A08	B	Elevations	Futurespace	16-03-05	18-03-05
A09	B	Sections	Futurespace	16-03-05	18-03-05
A10	A	Shadows	Futurespace	13-09-04	17-11-04
LCP.01	A-	Landscape Plan	N.S Botanica	Nov. 2004	17-11-04
CO1	-	Stormwater Plan	MPN Group	Nov 2004	17-11-04
C00	-	Engineering notes	MPN Group	Nov 2004	17-11-04

2. The approved building shall not be occupied unless the development has been completed in accordance with all conditions of consent and the approved plans and an Occupation Certificate has been issued.
3. The opening of any footway, roadway, road shoulder or any part of the road reserve shall not be carried out without a Road Opening Permit being obtained from the Council (upon payment of the required fee) beforehand.
4. A copy of all stamped approved plans, specifications and documents (including the Construction Certificate if required for the work incorporating certification of conditions of approval) shall be kept on site at all times so as to be readily available for perusal by any officer of Council or the Principal Certifying Authority. *(Reason: To ensure that the form of the development undertaken is in accordance with the determination of Council, Public Information and to ensure ongoing compliance).*

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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 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.

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13. The applicant is advised that the Construction Certificate plans and specifications must comply with the provisions of the Building Code of Australia.
14. All excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with appropriate professional standards.

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

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

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

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

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

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building, immediately notify the Workcover Authority. The Authority is the controlling body for the safe removal, handling and disposal of asbestos. The Authority supervises and monitors contractors engaged in asbestos removal.

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

22. Erosion control measures shall be provided on demolition sites to prevent the siltation of watercourses and drainage systems.
23. Dust control measures shall be taken on all demolition sites so as to avoid a nuisance to adjoining properties and harm to the environment.
 - a. A person taking down or demolishing or causing to be taken down or demolished any building or portion of any building shall:
 - i. cause the windows or other openings in the external walls to be close boarded or otherwise covered;
 - ii. cause screens of canvas, hessian, boards, mats or other suitable material to be fitted in appropriate locations;
 - iii. cause areas, components and debris to be wetted down; in such a manner as to minimise, as far as practicable, the nuisance arising from the escape of dust during such taking down or demolition.
 - b. Such person shall not chute, throw or let fall or cause to chute, throw or let fall from the floor to floor or into any basement of such building any building materials or any other matter so as to cause dust to escape from the building or cause any such material to fall or cast upon a public way to the annoyance, inconvenience, or danger of persons using such public way.
24. Soil on vacant sites is to be stabilised as soon as possible to prevent erosion and the site shall be kept clear of excess vegetation.
25. A temporary construction exit and sediment trap to reduce the transport of sediment from the site onto public roads shall be provided before demolition commences.
26. Existing stormwater lines on the site are to be blocked and made inoperable after buildings are demolished so as to prevent the conveyance of silt or sediments into the gutter or street drainage system.
27. All combustible material shall be removed from the site on a daily basis. Material shall not be burnt on the site.
28. Materials salvaged from a demolition may be stored on site provided they are non combustible, neatly and safety stockpiled and not likely to become a harbourage for vermin.
29. Trees and vegetation on a site shall not be disturbed except with the approval of the Council.

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30. Fire hoses are to be maintained on site during the course of demolition.
31. Adequate precautions shall be taken to ensure the protection of adjoining premises and persons therein from damage and injury during the process of demolition.
32. Buildings built prior to the 1970's may contain lead based paint. Lead dust is a hazardous substance. You are advised to follow the attached WorkCover guidelines to prevent personal and environmental contamination.
33. The applicant or builder/developer is responsible for the cost of making good any damage that may be caused to any Council property as a result of work associated with the demolition.
34. A photo record of the buildings to be demolished and vegetation on site is to be submitted to Council for archival purposes.
35. A sign must be erected in a prominent position on any work site on which work involved in the erection or demolition of a building is being carried out:
 - a. stating that unauthorised entry to the work site is prohibited, and
 - b. showing the name of the person in charge of the work site and a telephone number at which that person may be contacted outside working hours.

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

This clause does not apply to:

- a. building work carried out inside an existing building, or
 - b. building work carried out on premises that are to be occupied continuously (both during and outside working hours) while the work is being carried out.
36. All demolition materials of value for re-use either on-site or elsewhere, shall be separated and made available for re-cycling.
37. "Peep holes" shall be provided to the entrance doors of all units for personal security.
38. Stormwater runoff from new hard surfaces generating runoff or landscaped areas that are not at natural ground level shall be piped to the in-ground system in Ada Avenue via the approved site stormwater management system. New drainage line connections to the street system shall conform and comply with the requirements described in sections 5.3 and 5.4 of Councils Water Management Development Control Plan 47, available in hard copy at Council and on the Council website.
39. A mandatory rainwater re-use tank system of minimum volume 147m³ as required in chapter 6 of Councils Water Management Development Control Plan 47 (DCP47), must be provided for the development. The drainage plans submitted w with the DA will require amendment to

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reflect these requirements where to be advanced for Construction Certificate issue purposes. Retained water must be made available for garden irrigation, car washing, all toilet flushing and laundry use within each unit. DCP47 is available in hard copy at Council and on the Council website. A mains top-up shall be provided for periods of low rainfall, with a void space left for runoff storage purposes.

40. For stormwater control a 200mm wide grated channel/trench drain with a heavy-duty removable galvanised grate is to be provided to collect driveway runoff and must be connected to the main stormwater drainage system. The channel drain shall have an outlet of minimum diameter 150mm to prevent blockage by debris.
41. A maintenance period of six (6) months shall apply to the work in the public road reserve carried out by the applicant after works have been completed to Council's satisfaction. In that period, the applicant shall be liable for any section of the work which fails to perform in the manner outlined in Council's specifications, or as would reasonably be expected under the operating conditions.
42. Where required, the adjustment of any utility service facilities must be carried out by the applicant and in accordance with the requirements of the relevant utility authority. These works shall be at no cost to Council. It is the Applicants responsibility to ascertain impacts of the proposal upon utility services and Council accepts no responsibility for any matter arising from its approval to this application involving an influence upon utility services provided by another authority.
43. All public footways and roadways fronting and adjacent to the site are to be maintained in a safe condition at all times during the course of the development works. A safe pedestrian circulation route and a pavement/route free of trip hazards must be maintained at all times on or adjacent to the public access ways fronting the construction site. Where public infrastructure is damaged, repair works must be carried out when and as directed by Council officers. Where circulation is diverted on to the roadway, clear directional signage and protective barricades must be installed in accordance with AS1742-3 1996 "*Traffic Control Devices for Work on Roads*". **If pedestrian circulation is not satisfactorily maintained, and action is not taken promptly to rectify the defects, Council may undertake proceedings to stop work.**
44. The provision of temporary sediment and erosion control facilities and measures are to be installed, prior to the commencement of any works on the site to eliminate unnecessary erosion and loss of sediment. These facilities must be maintained in working order during construction works and up to the completion of the maintenance period. All sediment traps must be cleared on a regular basis and after each major storm, and/or as directed by the Principal Certifying Authority and Council officers.
45. Driveways and access ramps must be designed not to scrape the underside of cars. In all respects, the proposed vehicle access and accommodation arrangements must be designed and constructed to comply with Australian Standard 2890.1 – 2004 "Off-Street car parking".

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46. For the purpose of any inspections by Council engineers, the corresponding fees set out in Councils adopted Schedule of Fees and Charges are payable to Council. A re-inspection fee per visit may be charged where work is unprepared at the requested time of inspection, or where remedial work is unsatisfactory and a further inspection is required. Engineering fees must be paid in full prior to any final consent from Council.
47. The Applicant must obtain a **Section 73 Compliance Certificate** under the *Sydney Water Act 1994*. An application must be made through an authorised Water Servicing Coordinator. Please refer to “Your Business” section of Sydney Water’s web site at www.sydneywater.com.au then the “e-developer” icon or telephone 13 20 92. Following application a “Notice of Requirements” will detail water and sewer extensions to be built and charges to be paid. Please make early contact with the Coordinator, since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design.
48. During construction, stormwater runoff must be disposed in a controlled manner that is compatible with the erosion and sediment controls on the site. Immediately upon completion of any impervious areas on the site (including roofs, driveways, paving) and where the final drainage system is incomplete, the necessary temporary drainage systems shall be installed to control runoff as far as the approved point of stormwater discharge. Such measures shall be to the satisfaction of the Principal Certifying Authority (PCA).
49. Geotechnical aspects of the development works, particularly excavation and support, must be undertaken in accordance with the recommendations of the “Report to Mr. Cameron Nelson on Geotechnical Investigation for Proposed Residential Development at 1 to 5 Lynbarra avenue and 12 Porters Lane, St Ives NSW” (project 18895VBrpt, dated 21st October 2004) prepared by Jeffery and Katauskas Consulting Engineers.
50. The geotechnical implementation plan, testing and monitoring program for the construction works must be in accordance with the “Report on Geotechnical Investigation for Proposed Residential Development 12 Ada Ave, Wahroonga” (project 37312, dated August 2004) prepared by Douglas Partners. A qualified Geotechnical/hydrogeological Engineer must complete the following:
 - Further geotechnical investigations and testing recommended in the above report(s) and as determined necessary,
 - Further monitoring and inspection at the hold points recommended in the above report(s) and as determined necessary,
 - Written report(s) and certification(s) of the geotechnical inspection, testing and monitoring programs.
51. Approval is to be obtained from Ku-ring-gai Council Traffic Committee for any temporary public road closures and/or placement of cranes on public land.
52. All construction traffic control and management measures shall be implemented generally in accordance with the *Construction Traffic Management Plan* prepared by Masson Wilson Twiney, dated October 2004, submitted with the DA. The Principal Certifying Authority

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shall monitor the traffic control and management situation over the course of construction works, and shall pay particular attention to traffic control during school drop off and collection hours. Where it is found that the Traffic control and management measures may be improved, this shall be undertaken under the supervision of qualified traffic control persons and in consultation with Council.

53. In order to allow unrestricted access for Council waste collection vehicles to the basement garbage storage/collection area, no doors or gates shall be provided in the access driveways to the basement carpark which would prevent this service. Where required, any security gate or door shown on the DA plans which would prevent this service must be deleted from the plans approved with the Construction Certificate.
54. To ensure compliance with Australian Standard 2890.1 – 2004 “Off-Street car parking”, no dividing structures such as cages or partitioning walls shall be placed that divide individual car spaces. The design is approved based on an open space parking layout.
55. A Tree Preservation Order exists within the Ku-ring-gai Council area whereby the removal, lopping or destruction of any tree exceeding 5.0 metres in height or 4.0 metres in canopy spread (except where exempt as defined under Council’s Tree Preservation Order) without prior written consent of Council is prohibited.

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

56. The landscape works shall be completed prior to issue of final Certificate of Compliance and maintained in a satisfactory condition at all times.
57. Landscape works shall be carried out in accordance with Landscape Drawing No LCP.01/A Job No. 040903 prepared by Botanica and dated 26/10/2004 submitted with the Development Application, except as amended by the following:
 - The Jacaranda mimosifolia (Jacaranda) trees proposed adjacent to the north west (rear) site boundary are to be replaced with Syncarpia glomulifera (Turpentine) of the same pot size and spacing.
 - The proposed planting of Prunus blireana (Double flowering Plum) are to be replaced with another small ornamental tree species such as Malus ioensis ‘Plena’ or similar.
 - Proposed planting of Melia azederach (White Cedar) are to be replaced with Sapium sebifferum (Chinese Tallow Tree).
 - The proposed garden shed is to be located at the rear of the proposed building behind the building setbacks, so that it is not within any of the site frontages.

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

Tree/Location

#65 *Syncarpia glomulifera* (Turpentine)

Stanley St frontage within proposed driveway entry/exit

59. All disturbed areas, which are not to be built upon or otherwise developed, shall be rehabilitated to provide permanent protection from soil erosion within fourteen (14) days of final land shaping of such areas.
60. 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.
61. All excavation carried out within the specified radius of the trunk/s of the following tree/s shall be hand dug:

Tree/Location

#13 *Araucaria heterophylla* (Norfolk Is. Pine)
Adjacent to Lynbara Ave site frontage

Radius From Trunk

5.0m

#16 *Liquidambar styraciflua* (Sweet Gum)
Adjacent to Lynbara Ave site frontage

5.0m

62. Paving works within the specified radius of the trunk/s of the following tree/s shall be constructed to ensure that existing water infiltration and gaseous exchange to the tree/s root system is maintained. Details for the paving shall be submitted to the Principal Certifying Authority for approval by a suitably qualified professional prior to the commencement of paving construction:

Tree/Location

#25 *Corymbia maculata* (Spotted Gum)
Adjacent to Porters Lane site frontage

Radius From Trunk

7.0m

#26 *Corymbia maculata* (Spotted Gum)
Adjacent to Porters Lane site frontage

7.0m

#13 *Araucaria heterophylla* (Norfolk Is. Pine)
Adjacent to Lynbara Ave site frontage

5.0m

#16 *Liquidambar styraciflua* (Sweet Gum)
Adjacent to Lynbara Ave site frontage

5.0m

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#32 <i>Jacaranda mimosifolia</i> (Jacaranda) Porters Lane nature strip	4.0m
#18 <i>Liquidambar styraciflua</i> (Sweet Gum) Lynbara Ave nature strip	3.0m
#7 <i>Franklinia axillaris</i> (Gordonia) Lynbara Ave nature strip	3.0m
#8 <i>Acer palmatum</i> (Japanese Maple) Adjacent to Lynbara Ave site frontage	3.0m

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

Tree numbers refer to Arborist's Report by TLC Tree Solutions

Tree/Location	Radius from Trunk
#25 <i>Corymbia maculata</i> (Spotted Gum) Adjacent to Porters Lane site frontage	7.0m
#26 <i>Corymbia maculata</i> (Spotted Gum) Adjacent to Porters Lane site frontage	7.0m
#13 <i>Araucaria heterophylla</i> (Norfolk Is. Pine) Adjacent to Lynbara Ave site frontage	5.0m
#16 <i>Liquidambar styraciflua</i> (Sweet Gum) Adjacent to Lynbara Ave site frontage	5.0m
#63 <i>Araucaria heterophylla</i> (Norfolk Is. Pine) Adjacent to driveway/Stanley St frontage	5.0m
#62 <i>Eucalyptus piperita</i> (Sydney Peppermint) Adjacent to Stanley St frontage/Northern site corner	6.0m
#32 <i>Jacaranda mimosifolia</i> (Jacaranda) Porters Lane nature strip	4.0m
#18 <i>Liquidambar styraciflua</i> (Sweet Gum) Lynbara Ave nature strip	3.0m
#7 <i>Franklinia axillaris</i> (Gordonia)	3.0m

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Lynbara Ave nature strip

#8 *Acer palmatum* (Japanese Maple) 3.0m
Adjacent to Lynbara Ave site frontage

64. The trees to be retained shall be inspected, monitored and treated when necessary by a qualified Arborist before, during and after completion of development works to ensure their long term survival. Regular reports from the Arborist to the principal certifying authority shall be required at three monthly intervals. Documentary evidence of compliance with this condition shall be submitted to the principal certifying authority prior to the issue of the Occupation Certificate.
65. To preserve the ongoing health and vigour of existing trees to be retained, the consulting Arborist is to directly supervise all excavation beneath the canopy drip line of any tree to be retained on site or on adjoining properties.
66. No mechanical excavation of the proposed structure shall be undertaken within the specified radius of the trunk/s of the following tree/s until root pruning by hand along the perimeter line of such works is completed:

Tree/Location	Radius From Trunk
#25 <i>Corymbia maculata</i> (Spotted Gum) Adjacent to Porters Lane site frontage	9.0m

#63 <i>Araucaria heterophylla</i> (Norfolk Is. Pine) Adjacent to driveway/Stanley St frontage	5.0m
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67. Excavation for the installation of CONDUITS/SEWER/STORMWATER/GAS within the specified radius of the trunk/s of the following tree/s shall be carried out using the thrust boring method. Thrust boring shall be carried out at least 600mm beneath natural ground surface at the tree/s to minimise damage to tree/s root system. Documentary evidence of compliance with this condition shall be submitted to Council with the final Certificate of Compliance.

Tree/Location	Radius From Trunk
#25 <i>Corymbia maculata</i> (Spotted Gum) Adjacent to Porters Lane site frontage	7.0m

#26 <i>Corymbia maculata</i> (Spotted Gum) Adjacent to Porters Lane site frontage	7.0m
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#13 <i>Araucaria heterophylla</i> (Norfolk Is. Pine) Adjacent to Lynbara Ave site frontage	5.0m
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#16 <i>Liquidambar styraciflua</i> (Sweet Gum) Adjacent to Lynbara Ave site frontage	5.0m
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#63 *Araucaria heterophylla* (Norfolk Is. Pine) 5.0m
Adjacent to driveway/Stanley St frontage

68. 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.

69. The following tree species shall be planted, at no cost to Council, in the nature strip fronting the property along Lynbara Ave and Stanley St. The tree/s used shall be 25 litre container size specimen/s:

Tree Species

Syncarpia glomulifera (Turpentine) x 3 (2 in Stanley St and 1 in Lynbara Ave)

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

71. 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.

72. The colour, texture and substance of all external materials shall be generally as detailed in the application. The colour of the building be changed from white to glass palace grey-green.

73. Eighty-six (83) car parking spaces shall be provided and maintained at all times on the subject site. The spaces shall be allocated in the following proportions:

- 73 - Residential
- 10 - Visitors/Service Vehicles

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

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

75. Should Energy Australia, or any other energy provider, require a substation to be installed for the development, it should be located well outside the canopy drip line of ANY tree to be retained. It should be located within the landscape so that it can be screened from view.

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

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

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

77. It is a condition of consent that the applicant, builder or developer or person who does the work on this residential building project arrange the Builders Indemnity Insurance and submit the Certificate of Insurance in accordance with the requirements of Part 6 of the *Home Building Act 1989* to the Council or other Principal Certifying Authority for endorsement of the plans accompanying the Construction Certificate. It is the responsibility of the applicant, builder or developer to arrange the Builder's Indemnity Insurance for residential building work over the value of \$12,000 and to satisfy the Council or other Principal Certifying Authority by the presentation of the necessary Certificate of Insurance so as to comply with the applicable requirements of Part 6 of the *Home Building Act 1989*. The requirements for the Builder's Indemnity Insurance does not apply to commercial or industrial building work or for residential work less than \$12,000, nor to work undertaken by persons holding an Owner/Builder's Permit issued by the Department of Fair Trading (unless the owner/builder's property is sold within 7 years of the commencement of the work).
78. The Infrastructure Restorations Fee calculated in accordance with the Council's adopted schedule of Fees and Charges is to be paid to the Council prior to any earthworks or construction commencing. The applicant or builder/developer will be held responsible for and liable for the cost any damage caused to any Council property or for the removal of any waste bin, building materials, sediment, silt, or any other article as a consequence of doing or not doing anything to which this consent relates. "Council Property" includes footway, footpath paving, kerbing, guttering, crossings, street furniture, seats, litter bins, trees, shrubs, lawns mounds, bushland, and similar structures or features on road reserves or any adjacent public place. Council will undertake minor restoration work as a consequence of the work at this site in consideration of the "Infrastructure Restorations Fee" lodged with the Council prior to the release of the Construction Certificate. This undertaking by the Council does not absolve the applicant or Builder/developer of responsibility for ensuring that work or activity at this site does not jeopardise the safety or public using adjacent public areas or of making good or maintaining "Council property" (as defined) during the course of this project.
79. Prior to commencing any construction or subdivision work, the following provisions of the Environmental Planning & Assessment Act, 1979 (the 'Act') are to be complied with:
- a. A Construction Certificate is to be obtained in accordance with Section 81A(2)(a) of the Act.
 - b. A Principal Certifying Authority is to be appointed and Council is to be notified of the appointment in accordance with Section 81A(2)(b) of the Act.

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

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

TOTAL CONTRIBUTION FOR THIS DEVELOPMENT OF FORTY FIVE (45) ADDITIONAL DWELLINGS IS CURRENTLY \$785,064.41. This is based on 49 dwellings less the existing 4 dwellings. The amount of the payment shall be in accordance with the Section 94 charges as at the date of payment. The charges may vary at the time of payment in accordance with Council's Section 94 Contributions Plan to reflect changes in land values, construction costs and the consumer price index.

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

1. Community Facilities	\$1 117.76
2. Park Acquisition and Embellishment Works	\$6 574.28
3. Sportsgrounds Works	\$1 318.32
4. Aquatic / Leisure Centres	\$27.82
5. Traffic and Transport	\$150.28
6. Section 94 Plan Administration	\$100.04

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

OCCUPANCY RATES FOR DIFFERENT DWELLING SIZES

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

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

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

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82. To preserve the ongoing health and vigour of tree #'s 13 and 16, the proposed drainage lines and pits as detailed on the Stormwater Plan dated 02/11/2004 are to be relocated so that they are no closer than 3.0m from the base of the respective tree trunks. Documentary evidence of compliance with this condition is to be submitted to the principal certifying authority for approval prior to the issue of the construction certificate.
- 83 To minimise potential landscape impacts, if an electrical substation is required by the energy authority, it is not to be located beneath the canopy drip line of ANY tree to be retained. It is preferred that the substation, if required, be located adjacent to a side site boundary so that it is not dominant within the landscape setting. Documentary evidence of compliance with this condition, showing the location of the proposed substation on a site plan is to be submitted to the principal certifying authority for approval prior to the issue of the construction certificate.
84. A CASH BOND/BANK GUARANTEE of \$10 000.00 shall be lodged with Council as a Landscape Establishment Bond prior to the release of the Construction Certificate to ensure that the landscape works are installed and maintained in accordance with the approved landscape plan or other landscape conditions.

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

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

85. A CASH BOND/BANK GUARANTEE of \$6 000.00 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

#25 *Corymbia maculata* (Spotted Gum) \$2 000.00
Adjacent to Porters Lane site frontage

#26 *Corymbia maculata* (Spotted Gum) \$2 000.00

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Adjacent to Porters Lane site frontage

#13 *Araucaria heterophylla* (Norfolk Is. Pine) \$1 000.00
Adjacent to Lynbara Ave site frontage

#63 *Araucaria heterophylla* (Norfolk Is. Pine) \$1 000.00
Adjacent to driveway/Stanley St frontage

- 86 Prior to issue of the Construction Certificate, the Applicant must consolidate the existing four Torrens lots. Evidence of lot consolidation, in the form of a plan registered with Land and Property Information, must be submitted for approval of the Principal Certifying Authority prior to issue of the Construction Certificate. The condition is imposed to ensure a continuous structure will not be placed across separate titles.
- 87 Prior to issue of the Construction Certificate the applicant shall submit, for approval by the Principal Certifying Authority (PCA), details of the proposed Vibration Monitoring Program as specified in section 4.2 of the "Report to Mr Cameron Nelson on Geotechnical Investigation for Proposed Residential Development at 1 to 5 Lynbarra avenue and 12 Porters Lane, St Ives NSW" (project 18895VBrpt, dated 21st October 2004) prepared by Jeffery and Katauskas Consulting Engineers. This is to ensure that vibration created by the method of construction does not adversely impact surrounding property and infrastructure. A qualified and practising geotechnical engineer must prepare the Vibration Monitoring Program and undertake all associated investigations. Details to be included in Vibration Monitoring Program to include:
- a. pre-set acceptable limits for the variation of:
 - i. settlement
 - ii. deflection or movement of retaining mechanisms such as shoring and bracing and
 - iii. vibration in accordance with AS 2187.2 1993 Appendix J, including acceptable velocity of vibration.
 - b. the location and type of monitoring systems to be used
 - c. Recommended hold points to allow for inspection and certification by a geotechnical engineer and
 - d. A contingency plan should the pre-set acceptable limits be exceeded.
- 88 Prior to issue of the Construction Certificate the applicant shall submit, for approval by the Principal Certifying Authority (PCA) (with a copy forwarded to Council) a full dilapidation report on the visible and structural condition all buildings within the 'zone of influence' defined as the horizontal distance from the edge of the excavation to twice the excavation depth. This requirement for a dilapidation report is specified in section 4.2 of the DA submission "Report to Mr Cameron Nelson on Geotechnical Investigation for Proposed Residential Development at 1 to 5 Lynbarra avenue and 12 Porters Lane, St Ives NSW" (project 18895VBrpt, dated 21st October 2004) prepared by Jeffery and Katauskas Consulting Engineers. The report must be completed by a consulting structural/geotechnical engineer as determined necessary by that professional. A second dilapidation report, recording structural conditions of all structures originally assessed prior to issue of the Construction Certificate, must be carried out at the completion of the works and be submitted to Council.

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89. Prior to issue of the Construction Certificate, the Applicant must submit engineering plans for the following works in the Road Reserve.
Construction of a fully new concrete footpath, 1.2 metres wide, over the full site frontage in Porters Lane and Lynbara Ave.

Development Consent under the EP&A Act does NOT give approval to these works on Council property. **THE APPLICANT MUST OBTAIN A SEPARATE APPROVAL UNDER SECTION 138 AND 139 OF THE ROADS ACT 1993** for the works in the Public Road, required by this condition. The Construction Certificate must not be issued, and these works must not proceed, until Council has issued a formal written consent under the *Roads Act 1993*.

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

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

A minimum of three (3) weeks will be required for assessment of Roads Act submissions. Early submission is highly recommended to avoid delays in obtaining a Construction Certificate. An engineering assessment fee (set out in Council's adopted fees and charges) is payable and Council will withhold any consent and approved plans until full payment of the correct fees. Plans and specifications must be marked to the attention of Council's 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.

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

The grading of such footpaths or driveways outside the property shall comply with Council's standard requirements. The suitability of the grade of such paths or driveways inside the property is the sole responsibility of the applicant and the alignment levels fixed by Council

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

91. Prior to issue of the Construction Certificate the applicant shall submit, for approval by the Principal Certifying Authority (PCA), a Soil and Erosion Control Plan prepared in accordance with the LANDCOM document "Soils and Construction" (2004). A suitably qualified and experienced civil/environmental engineer or surveyor shall prepare this plan in accordance with the above guidelines and section 8.2.1 of Councils Water Management DCP 47 (available on the Council website).
92. Prior to issue of the Construction Certificate the applicant shall submit, for approval by the Principal Certifying Authority (PCA), full construction drawings for the proposed method of achieving Council storage volume requirements for an on-site stormwater detention/retention system. The storage volumes and design shall comply with Councils Water Management DCP 47 (available on the Council website and at Council customer services), the manufacturers' specifications and the relevant plumbing codes. In this respect, the submitted DA concept stormwater services plans (refer plans C00 to C01 by MPN , dated 2/11/04) must be revised as follows:
 - The minimum rainwater tank(s) volume provided on site shall be increased to 147m³ (not 83.6 m³) as specified in section 6.4 of Water Management DCP 47 and the plans are to be advanced as necessary for construction issue purposes.Rainwater tank(s) shall be designed to capture and retain runoff from the entire roof area as a minimum. Overflow shall revert to the main drainage system. The design and construction plans, with all supporting documentation, are to be prepared by a qualified and experienced civil/hydraulic engineer.
93. Prior to issue of the Construction Certificate the applicant shall submit, for approval by the Principal Certifying Authority (PCA), construction details for the proposed method of achieving Council requirements for the mandatory re-use of water on the property including general garden irrigation, carwashing, laundry and toilet flushing within each unit. The necessary plumbing components for re-use shall be shown on this design to a detail suitable for installation by the plumbing contractor. The plans, with all supporting documentation, are to be prepared by a qualified and experienced civil/hydraulic engineer.
94. Prior to issue of the Construction Certificate the applicant shall submit, for approval by the Principal Certifying Authority (PCA), construction design drawings and calculations for the property drainage system components. The property drainage system (including but not limited to gutters, downpipes, pits, joints, flushing facilities and all ancillary plumbing) shall

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be designed for a 235mm/hour rainfall intensity for a duration of five (5) minutes (1:50 year storm recurrence) and shall be compatible with the necessary retention and/or detention devices. Plans and calculations are to be prepared by a suitably qualified and experienced civil/hydraulic engineer in accordance with Councils Water Management Development Control Plan 47. New connection points to the public drainage system must be shown accurately on the plan and shall be made in accordance with the *General Specification for the Construction of Road and Drainage Works in Ku-ring-gai Council*, dated November 2004.

95. **Prior** to the issue of a Construction Certificate the applicant shall lodge a \$50,000 (fifty thousand dollars) public infrastructure damage bond with Council. This bond is to cover the restoration by Council of any damage to public infrastructure, caused as a result of construction works, in close proximity to the subject development. The bond will also cover the finishing of any incomplete works required in the road reserve under this consent and/or as part of the approved development. The bond shall be refundable following completion of **all** works relating to the proposed development and at the end of any maintenance period stipulated by consent conditions upon approval by Council's Engineers. Further, Council shall have full authority to make use of the bond for such restoration works as deemed necessary by Council in the following circumstances:
 - Where the damage constitutes a hazard in which case Council may make use of the bond immediately, and
 - The applicant has not repaired nor commenced repairing the damage within 48 hours of the issue by Council in writing of instructions to undertake such repairs or works.
 - Works in the public road associated with the development are to an unacceptable quality.
96. Prior to issue of the Construction Certificate the applicant shall submit, for approval by the Principal Certifying Authority (PCA), advanced plans for the basement and external vehicle access and accommodation arrangements. These plans shall incorporate the following details:
 - Installation of convex mirrors or traffic signals on single width circulation ramps to ensure ingress and egress drivers are aware of each other.
97. Service ducts shall be provided within the building to keep external walls free of plumbing or any other utility installations. Such service ducts are to be concealed from view from the street. Details demonstrating compliance are to be provided in the Construction Certificate. (*Reason: To ensure quality built form of the development*).
98. The following energy efficiency devices are to be installed within the development:
 - a. Gas boosted solar, heat pump or electricity boosted solar, instantaneous gas or high efficiency centralised gas hot water heating system.
 - b. Dual flush toilets.
 - c. Low flow taps and showerheads.Details are to be submitted for approval with the Construction Certificate. (*Reason: To promote the use of energy efficient appliances*)
99. All overhead electricity and other lines (existing and proposed) shall be undergrounded from the proposed building on the site to the appropriate power pole(s) or other connection point, in accordance with the requirements of Energy Australia. Details to be shown on plans

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submitted with the Construction Certificate. (Reason: To provide infrastructure that facilitates the future improvement of the streetscape by relocation of overhead lines below ground).

100. Any exhaust ventilation from the car park is to be ventilated away from the property boundaries of the adjoining dwellings, and in accordance with the provisions of AS1668.1. Details demonstrating compliance are to be provided with the Construction Certificate (*Reason: To preserve community health and ensure compliance with acceptable standards*).
101. Two (2) of the proposed apartments are to be designed with accessible features for disabled persons, and to incorporate level entries and wider doorways and corridors, slip resistant surfaces, reachable power points, disabled toilet, and lever door handles and taps; such features to be designed generally in accordance with Australian Standards 1428.1 and 4299. Details demonstrating compliance are to be submitted with the Construction Certificate. (*Reason: To ensure equity of access and availability of accommodation in the future for an ageing population*).
102. All plant and equipment (including but not limited to air conditioning equipment) is to be located within the basement or other areas of the building and is not to be located on the roof. Details demonstrating compliance are to be submitted with the Construction Certificate application. (*Reason: Minimise impact on surrounding properties, improved visual appearance and amenity for locality*).

CONDITIONS TO BE COMPLIED WITH PRIOR TO WORK COMMENCING

103. 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.
104. To preserve the following tree/s, no work shall commence until the area beneath the canopy of the following tree/s is fenced off at the specified radius from the trunk to prevent any activities, storage or the disposal of materials within the fenced area. The fence/s shall be maintained intact until the completion of all demolition/building work on site.

Tree/Location	Radius in Metres
#25 <i>Corymbia maculata</i> (Spotted Gum) Adjacent to Porters Lane site frontage	6.0m
#26 <i>Corymbia maculata</i> (Spotted Gum) 7.0m Adjacent to Porters Lane site frontage	
#13 <i>Araucaria heterophylla</i> (Norfolk Is. Pine) Adjacent to Lynbara Ave site frontage	5.0m
#16 <i>Liquidambar styraciflua</i> (Sweet Gum) Adjacent to Lynbara Ave site frontage	3.0m

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#63 <i>Araucaria heterophylla</i> (Norfolk Is. Pine) Adjacent to driveway/Stanley St frontage	3.0m
#62 <i>Eucalyptus piperita</i> (Sydney Peppermint) Adjacent to Stanley St frontage/Northern site corner	3.0m
#32 <i>Jacaranda mimosifolia</i> (Jacaranda) Porters Lane nature strip (pedestrian access to be maintained at all times)	4.0m
#18 <i>Liquidambar styraciflua</i> (Sweet Gum) Lynbara Ave nature strip (pedestrian access to be maintained at all times)	3.0m
#7 <i>Franklinia axillaris</i> (Gordonia) Lynbara Ave nature strip (pedestrian access to be maintained at all times)	3.0m
#8 <i>Acer palmatum</i> (Japanese Maple) Adjacent to Lynbara Ave site frontage	3.0m

105. 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.
106. Upon completion of the installation of the required tree protection measures you are required to contact the principal certifying authority to arrange an inspection of the site, in this regard a minimum of 24 hours notice is required. Following the carrying out of a satisfactory inspection and subject to the payment of all relevant monies and compliance with any other conditions of approval, work may commence.
107. Prior to the commencement of any works on site the applicant shall submit **to Council** a full dilapidation report on the visible (**including photos**) and structural condition of the following public infrastructure:
 - a. Full road pavement width, including kerb and gutter, of Lynbara Ave between Porters Lane and Stanley Street, including the intersections
 - b. Full road pavement width, including kerb and gutter, of Stanley Street over the full site frontage.
 - c. Full road pavement width, including kerb and gutter, of Porters Lane over the full site frontage.
 - d. All driveway crossings and laybacks opposite the subject site.

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

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

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

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

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

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

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

2. Traffic Control Plan(s) for the site

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

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

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

In addition, the plan must address:

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

- Minimising construction related traffic movements during school peak periods. For those construction personnel that drive to the site, the Applicant shall attempt to provide on-site parking so that their personnel's vehicles do not impact on the current parking demand in the area.

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

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

- Dedicated construction site entrances and exits, controlled by a certified traffic controller, to safely manage pedestrians and vehicles in the frontage roadway,
- Turning areas within the site for construction vehicles, allowing a forward egress for all construction vehicles on the site,
- The locations of proposed Work Zones in the frontage roadways,
- A dedicated unloading and loading point within the site for all construction vehicles, plant and deliveries
- Material, plant and spoil bin storage areas within the site, where all materials are to be dropped off and collected.
- The provision of an on-site parking for employees, tradesperson and construction vehicles
- The plan shall be prepared in conjunction with the Construction Traffic Management Plan prepared by Masson Wilson Twiney, dated October 2004, submitted with the Development Application.
- The construction site layout plan shall be submitted to and reviewed by Council, attention Development Engineer. A written acknowledgment from Council shall be obtained and submitted to the Principal Certifying Authority prior to the issue of the Construction Certificate. The traffic management measures contained in the approved plan shall be implemented in accordance with the above plans prior to the commencement of any works on-site including excavation.

110. Prior to the commencement of any works on site, the Applicant must make a written application to the Ku-ring-gai Local Traffic Committee to install a 'Work Zone' as close as possible to the site. Further, the Applicant must obtain a written copy of the related resolution from the Ku-ring-gai Local Traffic Committee and submit a copy of this to the Principal

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Certifying Authority for approval prior to commencement of any works on the site. Where approval of the 'Work Zone' is resolved by the Committee, the necessary 'Work Zone' signage shall be installed and the adopted fee paid prior to commencement of any works on the site. Where such a 'Work Zone' is not considered to be feasible by Council Traffic Engineers, the zone will not be required. This condition is to facilitate a dedicated on-street parking area for construction related vehicles during work hours. A need for a 'Work Zone' arises given the scale of the works, existing on-street parking restrictions around the site and the existing high demand for on-street parking in this location.

CONDITIONS TO BE COMPLIED WITH PRIOR TO OCCUPATION

111. Prior to the release of any occupation certificate, a compliance certificate must be obtained from an accredited certifier, certifying that the building works for the building to be occupied comply with the plans and specifications approved by this development consent; and any construction certificate associated with this consent for the buildings to be occupied. If the PCA is not the Council, then this compliance certificate must be submitted to the Council at the same time as the occupation certificate is submitted to the Council in accordance with Clause 151(2) of the E P & A Act regulations.
112. Prior to issue of the Occupation Certificate, a complete record of geotechnical inspections, testing and monitoring with certifications as specified in the "Report to Mr Cameron Nelson on Geotechnical Investigation for Proposed Residential Development at 1 to 5 Lynbarra avenue and 12 Porters Lane, St Ives NSW" (project 18895VBrpt, dated 21st October 2004) prepared by Jeffery and Katauskas Consulting Engineers, must be supplied to the Principal Certifying Authority for approval.
113. Prior to issue of an Occupation Certificate the following works must be completed to the satisfaction of Council Engineers:
 - Completion of the new driveway crossings in accordance with levels and specifications issued by Council.
 - Full reconstruction of the concrete footpath over the entire site frontage of Ada Avenue.
 - Removal of **all** redundant driveway crossings and kerb laybacks (or sections thereof). Full reinstatement of these areas to footway, turfed verge and upright kerb and gutter to the satisfaction of Council. Reinstatement works shall match surrounding adjacent infrastructure with respect to integration of levels and materials.
 - Full repair and resealing of any road surface damaged during construction.
 - Full replacement of damaged sections of grass verge with a non-friable turf of native variety to match existing.

All works must be completed in accordance with the *General Specification for the Construction of Road and Drainage Works in Ku-ring-gai Council*, dated November 2004. Any damaged public infrastructure caused as a result of construction works on the subject site (including damage caused by, but not limited to, delivery vehicles, waste collection, contractors, sub contractors, concrete vehicles, crane use) must be fully repaired to the satisfaction of Council Engineers. This shall be at no cost to Council.

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114. Prior to issue of an Occupation Certificate the applicant shall create a Positive Covenant and Restriction on the Use of Land under Section 88B of the Conveyancing Act 1919, burdening the property with the requirement to maintain the on-site stormwater detention and retention facilities (including all ancillary reticulation plumbing) on the property. The terms of the instruments are to be generally in accordance with the Council's draft terms of Section 88B instruments for protection of on-site detention and retention facilities (DCP47 appendix 14) and to the satisfaction of Council. Registered title documents showing the covenants and restrictions must be submitted and approved by the Principal Certifying Authority (PCA) prior to issue of an Occupation Certificate.
115. Prior to issue of an Occupation Certificate the following must be provided to Council (attention Development Engineer):
- A copy of the approved Construction Certificate stormwater detention/retention design for the site, and
 - A copy of the works-as-executed drawing of the as-built on-site detention/retention system, and
 - The Engineer's certification of the as-built system.
- This condition is required so Council may maintain its database of as-constructed on-site stormwater detention/retention systems, and also applies if the Principal Certifying Authority (PCA) is not the Council.
116. Prior to issue of an Occupation Certificate the Section 73 Sydney Water compliance certificate must be obtained and submitted to the Principal Certifying Authority (PCA).
117. Prior to issue of an Occupation Certificate a certification and a works-as-executed (WAE) plan, in relation to the installed rainwater retention/detention devices, are to be submitted to the Principal Certifying Authority (PCA). Certification is to be provided by a suitably qualified consulting civil/hydraulic engineer and the WAE plan is to be prepared by a registered surveyor. The Certificate is to specifically state compliance with each of the relevant controls set out in appendix 6.2 of Council Water Management Development Control Plan 47. The Works-as-Executed drawing(s) is to be marked up in red on the approved Construction Certificate design, and shall include:
- As constructed levels in comparison to design levels
 - As built location of all tanks/retention devices on the property and distances to adjacent boundaries, buildings and easements
 - Dimensions of all retention tanks/devices
 - Top water levels of storage areas and RL's at overflow point(s).
 - Storage volume(s) provided and supporting calculations/documentation.
 - For the on-site detention control installed, a separate certificate is to specifically acknowledge compliance of the on-site detention system with the approved Construction Certificate plans and also compliance with the design requirements of appendix 5 in Councils Water Management DCP 47 - "Design of on-site detention systems". The Works-as-Executed details shall be marked in red on the approved Construction Certificate design for the on-site detention system, and shall specifically include:
 - As constructed levels in comparison to design levels

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- As built location of all detention devices on the property (plan view) and distances to nearest adjacent boundaries, buildings and easements
- As built locations of all pits and grates in the detention system, including dimensions.
- The size of the orifice or pipe control fitted.
- Dimensions of the discharge control pit and access grates
- The achieved capacity of the detention storage and derivative calculation.
- The maximum depth of storage over the outlet control.
- Top water levels of storage areas and RL's at overflow point(s)

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

- Construction of the stormwater drainage system (including but not limited to gutters, downpipes, pits, joints, flushing facilities and all ancillary plumbing) has been carried out by a licensed plumbing contractor, and
- The works have been completed in accordance with the approved Construction Certificate drainage plans and the Plumbing and Drainage Code AS3500.3.2, and
- All enclosed floor areas, including habitable and garage floor levels, are safeguarded from outside stormwater runoff ingress by suitable differences in finished levels, gradings and provision of stormwater collection devices.
- A Works-as-Executed (WAE) drawing of the property stormwater drainage system is to be prepared by a registered surveyor and submitted to the Principal Certifying Authority (PCA) prior to issue of an Occupation Certificate. The WAE plan shall show the following as built details, marked in red on the approved construction certificate stormwater drawings:
 - a. As built reduced surface and invert levels for all drainage pits and connection points.
 - b. As built reduced level(s) at the approved point of discharge to the public drainage system.
 - c. Gradients of drainage lines, materials and dimensions.

119. Prior to issue of the Occupation Certificate, a qualified civil/traffic engineer must undertake a site inspection of the completed basement vehicle access and accommodation areas which shall include dimension measurements as necessary. At the completion of this site inspection, this engineer shall provide certification to the Principal Certifying Authority that vehicle access and accommodation arrangements (including but not limited to space dimensions, aisle, ramp and driveway widths and grades, height clearances and the like) comply with Australian Standard 2890.1 – 2004 "Off-Street car parking" and the parking layout plans approved for the Construction Certificate.

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

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drawings. Any conditions attached to the approved drawings for these works must be met in full.

BUILDING CONDITIONS

121. The following are required details and must be submitted to the Principal Certifying Authority *prior to issue of the Construction Certificate*. Any matter listed below must have a Certificate attached from a suitably qualified person to the effect that the design or matter complies with the relevant design Standard or Code which the Certificate must identify.
- a. Details prepared by a practicing structural engineer for all or any reinforced concrete, structural steel or timber framing.
 - b. Wind bracing details complying with AS 1684-1992 National Timber Framing Code, AS 1170.2-1989 Wind Load Code or AS 4055-1992 Wind Loads for Housing Code.
 - c. Retaining walls and associated drainage.
 - d. Wet area waterproofing details complying with the Building Code of Australia.
 - e. Mechanical ventilation details complying with Australian Standard 1668-1993 Mechanical Ventilation & Airconditioning.
 - f. Glazing details complying with AS 1288-1989 Glass in Buildings and Installation Code.
 - g. Stormwater disposal details complying with Council's Stormwater Management Manual and/or other conditions of this consent.
122. To ensure compliance with this determination the building shall be set out by a Registered Surveyor and the Survey Report shall be lodged with the Principal Certifying Authority prior to the external wall construction proceeding above floor level.
123. For the purpose of safety and convenience a balustrade of 1.0 metre minimum height shall be provided to any landing, verandah, balcony or stairway of a height exceeding 1.0 metre above finished ground level. The design may consist of vertical or horizontal bars but shall not have any opening exceeding 125mm. For floors more than 4.0 metres above the ground, any horizontal elements within the balustrade or other barrier between 150mm and 760mm above the floor must not facilitate climbing.
124. For the purpose of safe ingress and egress the stairs are to be constructed within the following dimensions:
- | | | |
|-----------------|---------------|---------------|
| Risers: | Maximum 190mm | Minimum 115mm |
| Going (Treads): | Maximum 355mm | Minimum 240mm |
- Note: Dimensions must also comply with limitations of two (2) Risers and one (1) going equalling a maximum 700mm or minimum 550mm. The Risers and Goings shall be uniform throughout the length of the stairway.
125. Termite protection which will provide whole of building protection in accordance with Australian Standard 3660 - *"Protection of Buildings from Subterranean Termites"* is to be provided.

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

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

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

S Segall
Executive Assessment Officer

S Cox
Team Leader
Development Assessment - Central

M Prendergast
Manager
Development Assessment Services

M Miocic
Director
Development & Regulation

Attachments:

- 1. Locality Plan**
- 2. Rezoning Extract**
- 3. Architectural Plans**
- 4. Landscape Plan**
- 5. Shadow Diagrams**

40 CLISSOLD ROAD, WAHROONGA - SUPPLEMENTARY REPORT

EXECUTIVE SUMMARY

PURPOSE OF REPORT:

To refer the application back to Council following the site meeting and seek Council's determination of the development application.

BACKGROUND:

- Application lodged 19 December 2003
- Council considered a report at its meeting on 22 March 2005
- Consideration pending site inspection which took place on 2 April 2005
- Minutes of the Inspection Committee presented for confirmation on 5 April 2005.

COMMENTS:

No issues were raised following the site inspection.

RECOMMENDATION:

Approval

PURPOSE OF REPORT

To refer the application back to Council following the site meeting and seek Council's determination of the development application.

BACKGROUND

- Application lodged 19 December 2003
- Council considered a report at its meeting on 22 March 2005
- Consideration pending site inspection which took place on 2 April 2005

COMMENTS

Councillor Hall introduced the Council representatives present, the plans were displayed and the proposal was outlined by R.Kinninmont (Council Officer).

The issues outlined within the Officer's report were discussed. Drainage matters were discussed and no further objection was raised in this respect. The Council officer detailed the manner in which privacy and amenity impacts were addressed in relation to the adjoining properties.

The objector presented their concerns in relation to the proposed development and traffic related issues. It was noted that Condition 87 of the recommendation required a construction management plan and also prevented heavy vehicles from using Bunyana Avenue. This was considered to adequately address the issues raised by the objector.

The inspection party then observed the rear of the site and the impact upon adjoining properties. General discussion followed in relation to the landscaping proposal for the development.

No further objections were raised to the proposal and the meeting was concluded at 9.45am.

RECOMMENDATION

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

THAT Council, as the consent authority, grant development consent to Development Application No. 1669/03 for the proposed demolition of the existing dwelling and associated structures and the construction of a SEPP 5 development of six (6) units with basement carparking for fourteen (14) vehicles under the provisions of SEPP 5 on land at 40 Clissold Road, Wahroonga, for a period of two (2) years from the date of the Notice of Determination, subject to the following conditions:

GENERAL

1. The development to be in accordance with Development Application No 1669/03 and Development Application plans prepared by Building Design & Technology & Michael Siu,

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Landscape Architects Pty Ltd, reference numbers A1.02, A1.03, A1.04, A1.05 & A1.07 (Rev B) and L01/1-R8311, dated 2 December 2004 and 6 December 2004.

2. All building works shall comply with the Building Code of Australia.
3. The submission of the approved plans to Sydney Water, before any work is commenced to ensure that the proposed structure meets that Authority's By-Laws. Failure to submit these plans before commencing work will render the owner liable to a penalty and may result in the demolition of work.
4. The approved building shall not be occupied unless the development has been completed in accordance with all conditions of consent and the approved plans and a Occupation Certificate has been issued.
5. The opening of any footway, roadway, road shoulder or any part of the road reserve shall not be carried out without a Road Opening Permit being obtained from the Council (upon payment of the required fee) beforehand.
6. For the purpose of ensuring the compliance with the terms of the approval, an approved copy of the plan and this Consent and Construction Certificate shall be kept on site at all times.
7. For the purpose of safety and amenity of the area, no building materials, plant or the like are to be stored on the road or footpath without the written approval being obtained from the Council beforehand. The pathway shall be kept in a clean, tidy and safe condition during building operations. Council reserves the right, without notice, to rectify any such breach and to charge the cost against the applicant/owner/builder, as the case may be.
8. **HOURS OF WORK:** For the purpose of residential amenity, noise generating work carried out in connection with building and construction operation, including deliveries of building materials and equipment, is restricted to the following hours: Mondays to Fridays inclusive: 7.00am to 5.30pm. Saturdays: 8.00am to 12.00 noon. Sundays and Public Holidays: Not Permitted. The use of the following items of plant on the site is also restricted to the abovementioned hours: compressors, bulldozers, power operated woodworking machines, excavators and loaders, jackhammers, Ramset guns, concrete mixers and concrete delivery wagons, hoists, winches, welding and riveting plant.

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

9. For the purpose of public safety, a sign shall be erected on the site prior to any work commencing which is clearly visible from a public place stating that unauthorised entry to the site is not permitted and showing the name of the builder or another person responsible for the site and a telephone number for contact outside working hours. The sign may only be removed on satisfactory completion of the works.
10. A sign shall be erected in a prominent position on the site which states the name and contact details of the Principal Certifying Authority.

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11. All excavations shall be properly guarded and protected with hoardings or fencing to prevent them from being dangerous to life and property.
12. To maintain existing ground levels all excavated material shall be removed from the site.
13. The applicant is advised that the Construction Certificate plans and specifications must comply with the provisions of the Building Code of Australia.
14. All excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with appropriate professional standards.

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

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

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

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

16. Toilet facilities are to be provided, within the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.
17. The fence and footings shall be constructed entirely within the boundaries of the property.
18. The demolition is to be carried out in accordance with the guidelines contained in Australian Standard 2601-1991: The Demolition of Structures.
19. Access to demolition sites shall be protected as directed by the Principal Certifying Authority by the use of suitable fences or hoardings.
20. Where a new development is not commencing immediately following demolition, the demolition shall be limited to the extent of the footprint of the building/s on the site and no excavation shall be carried out.

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21. Demolition work, including removal of material or debris from the site, on any building in a residential area shall only be carried out during the following hours: Mondays to Fridays inclusive: 7.00am to 5.30pm. Saturdays: 8.00am to 12.00 noon. Sundays and Public Holidays: Not Permitted.
22. A person taking down or demolishing or causing to be taken down or demolished any building or part thereof shall, upon identifying or suspecting that asbestos is present in the building, immediately notify the Workcover Authority. The Authority is the controlling body for the safe removal, handling and disposal of asbestos. The Authority supervises and monitors contractors engaged in asbestos removal.

The requirements and standards imposed by the Authority, its consultants or contractors shall be complied with.
23. Erosion control measures shall be provided on demolition sites to prevent the siltation of watercourses and drainage systems.
24. Dust control measures shall be taken on all demolition sites so as to avoid a nuisance to adjoining properties and harm to the environment.
 - a. A person taking down or demolishing or causing to be taken down or demolished any building or portion of any building shall:
 - i. cause the windows or other openings in the external walls to be close boarded or otherwise covered;
 - ii. cause screens of canvas, hessian, boards, mats or other suitable material to be fitted in appropriate locations;
 - iii. cause areas, components and debris to be wetted down; in such a manner as to minimise, as far as practicable, the nuisance arising from the escape of dust during such taking down or demolition.
 - b. Such person shall not chute, throw or let fall or cause to chute, throw or let fall from the floor to floor or into any basement of such building any building materials or any other matter so as to cause dust to escape from the building or cause any such material to fall or cast upon a public way to the annoyance, inconvenience, or danger of persons using such public way.
25. Soil on vacant sites is to be stabilised as soon as possible to prevent erosion and the site shall be kept clear of excess vegetation.
26. A temporary construction exit and sediment trap to reduce the transport of sediment from the site onto public roads shall be provided before demolition commences.
27. The creation of a Restriction as to use of land under Section 88E of the Conveyancing Act 1919, restricting the occupation of the premises to:

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- a. People 55 or over or people who have a disability;
 - b. People who live with people 55 or over or people who have a disability;
 - c. Staff employed to assist in the administration of and provision of services to housing provided in this development.
28. The development is to remain as Housing for Aged or Disabled Persons within the meaning of State Environmental Planning Policy No 5 at all times.
 29. All advertising, signage, marketing or promotion of the sale of the dwellings in this development shall make clear reference to the fact that this is a SEPP5 development and that at least one occupier shall be aged 55 years or over or have a disability:
 30. The burning of undergrowth, foliage, building refuse and like matter on the site is prohibited.
 31. To preserve and enhance the natural environment, all soil erosion and sediment control structures shall be inspected following each storm event and any necessary maintenance work shall be undertaken to ensure their continued proper operation. Sediment shall be removed from the soil erosion and sediment control structures when no more than forty percent (40%) capacity has been reached. These structures shall continue in proper operation until all development activities have been completed and the site fully stabilised.
 32. Sites shall not be re-shaped, re-contoured, excavated nor the levels on any part of the site altered without the Consent of the Council being obtained beforehand.
 33. To preserve and enhance the natural environment, sediment removed from erosion and sediment control structures shall be disposed of to an approved sediment dump.
 34. For the protection of the health and safety of occupants, workers and the environment, any person renovating or demolishing any building built before the 1970's should be aware that surfaces may be coated with lead-based paint. Lead dust is a hazardous substance. Persons are required to follow the attached recommended guidelines to prevent personal and environmental contamination.
 35. For the purpose of health and amenity, effective measures are to be taken at all times to prevent any nuisance being caused by noise, vibrations smells, fumes, dust, smoke, waste water products and the like.
 36. To prevent pollution, all vehicles making a delivery to or from the site are to be covered to prevent loose materials, dust etc falling from the vehicles.
 37. To prevent pollution, any areas cleared of vegetation where there is a flowpath greater than 12.0 metres in length shall have a properly constructed silt fence erected to intercept runoff.
 38. The applicant's attention is directed to any obligations or responsibilities under the Dividing Fences Act in respect of adjoining property owner/s which may arise from this application and it is advised that enquiries in this regard may be made at the nearest Local Court.

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

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

40. Landscape works shall be carried out in accordance with Landscape Drawing No L01/1-R8311 prepared by Michael Siu Landscape Architects Pty Ltd and dated 12 Dec. 2003 (Rev. 6.12.04) submitted with the Development Application, except as amended by the following:
- 44 *Pittosporum revolutum* (Yellow Pittosporum) shall replace 45 *Viburnum tinus* (Viburnum) as screen planting adjacent to the southern side boundary to ensure the site supports 50% locally occurring native plant content.
41. The landscape works shall be completed prior to issue of final Certificate of Compliance and maintained in a satisfactory condition at all times.
42. The screen planting shall be completed prior to the issue of the final Certificate of Compliance and be maintained in a satisfactory condition at all times.
43. Tree planting to satisfy tree retention/replenishment requirements shall be completed prior to the issue of the final Certificate of Compliance
44. Any imported fill material shall be restricted to material from the local soil landscape on which the site is located or be derived from sandstone geology sites.
45. Excavation for the installation of CONDUITS/SEWER/STORMWATER/GAS within the specified radius of the trunk/s of the following tree/s shall be carried out using the thrust boring method. Thrust boring shall be carried out at least 600mm beneath natural ground surface at the tree/s to minimise damage to tree/s root system. Documentary evidence of compliance with this condition shall be submitted to Council with the final Certificate of Compliance.

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

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forward of the subject site.

46. The applicant shall ensure that at all times during the construction period no activities, storage or disposal of materials shall take place beneath the canopy of any tree protected under Council's Tree Preservation Order.
47. On completion of the LANDSCAPE WORKS including TREE and SCREEN PLANTING, a Landscape Architect or qualified Landscape Designer shall submit a report certifying correct installation, faithful to the landscape plan to the Principal Certifying Authority with a copy to Council, prior to issue of final Certificate of Compliance.
48. The following noxious and/or undesirable plant species shall be removed from the property prior to completion of the proposed building works. Documentary evidence of compliance with this condition shall be submitted to the Principal Certifying Authority prior to the release of the final Compliance Certificate:

Plant Species

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

49. All builders' refuse, spoil and/or material unsuitable for use in landscape areas shall be removed from the site on completion of the building works.
50. A contractor with specialist excavation experience must undertake the excavations for the development and a suitably qualified and consulting geotechnical engineer must supervise the excavation procedure.
51. For stormwater control a 200mm wide grated channel/trench drain with a heavy-duty removable galvanised grate is to be provided at the base of the ramped driveway and be connected to the main stormwater drainage system. The channel drain shall have outlet of minimum diameter 150mm to prevent blockage by debris.

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52. For stormwater control all paved areas are to be drained to the main drainage system. This may require the installation of suitable cut-off structures, inlets and/or barriers that direct runoff to the formal drainage system.
53. Stormwater runoff from new hard surfaces generating runoff or landscaped areas that are not at natural ground level shall be piped to the street drainage system. New drainage line connections to the street system shall conform and comply with the requirements described in sections 5.3 and 5.4 of Councils Water Management Development Control Plan 47, available in hard copy at Council and on the Council website.
54. For stormwater control, an On-site Stormwater Detention System is to be provided in accordance with Council's Stormwater Management Manual. An overflow is to be incorporated that will direct any excess flow to the downstream drainage system and subsoil drainage is to be provided from the underside of the sediment control sump to the outlet line or other approved location. The system is to be cleaned regularly and maintained to the satisfaction of Council.

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

55. The provision of temporary sediment and erosion control facilities and measures are to be installed, prior to the commencement of any works on the site to eliminate unnecessary erosion and loss of sediment. These facilities must be maintained in working order during construction works and up to the completion of the maintenance period. All sediment traps must be cleared on a regular basis and after each major storm, and/or as directed by the Principal Certifying Authority and Council officers.
56. Where required, the adjustment of any utility service facilities must be carried out by the applicant and in accordance with the requirements of the relevant utility authority. These works shall be at no cost to Council. It is the Applicants responsibility to ascertain impacts of the proposal upon utility services and Council accepts no responsibility for any matter arising from its approval to this application involving an influence upon utility services provided by another authority.
57. All public footways and roadways fronting and adjacent to the site are to be maintained in a safe condition at all times during the course of the development works. A safe pedestrian circulation route and a pavement/route free of trip hazards must be maintained at all times on or adjacent to the public access ways fronting the construction site. Where public infrastructure is damaged, repair works must be carried out when and as directed by Council officers. Where circulation is diverted on to the roadway, clear directional signage and protective barricades must be installed in accordance with AS1742-3 1996 "*Traffic Control*

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

58. Suitable oil separator units shall be provided in the drainage systems of basement carparking areas. These shall be designed to remove oils and sediment from any water runoff from these areas prior to discharge to the main stormwater system.
59. To prevent surface stormwater from entering the building, the finished habitable ground floor level(s) of the building shall be a minimum of 150mm above adjacent finished ground level(s). The entire outside perimeter of the building must have overland flow escape routes which will protect all finished floor levels from flooding during times of complete subsurface drainage blockage.
60. Driveways and vehicular access ramps must be designed not to scrape the underside of cars. In all respects, the proposed vehicle access and accommodation arrangements must be designed and constructed to comply with Australian Standard AS 2890.1 – "Off-Street car parking" and the provisions of State Environment Planning Policy for 'Seniors Living'. The driveway and circulation aisles must accommodate two-way traffic.
61. A maintenance period of six (6) months shall apply to the work in the public road reserve carried out by the applicant after works have been completed to Council's satisfaction. In that period, the applicant shall be liable for any section of the work which fails to perform in the manner outlined in Council's specifications, or as would reasonably be expected under the operating conditions.
62. For the purpose of any inspections by Council engineers, the corresponding fees set out in Council's adopted Schedule of Fees and Charges are payable to Council. A re-inspection fee per visit may be charged where work is unprepared at the requested time of inspection, or where remedial work is unsatisfactory and a further inspection is required. Engineering fees must be paid in full prior to any final consent from Council.
63. The Applicant must obtain a **Section 73 Compliance Certificate** under the *Sydney Water Act 1994*. An application must be made through an authorised Water Servicing Coordinator. Please refer to "Your Business" section of Sydney Water's web site at www.sydneywater.com.au then the "e-developer" icon or telephone 13 20 92. Following application a "Notice of Requirements" will detail water and sewer extensions to be built and charges to be paid. Please make early contact with the Coordinator, since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design.
64. During construction, stormwater runoff must be disposed in a controlled manner that is compatible with the erosion and sediment controls on the site. Immediately upon completion of any impervious areas on the site (including roofs, driveways, paving) and where the final drainage system is incomplete, the necessary temporary drainage systems shall be installed to control runoff as far as the approved point of stormwater discharge. Such measures shall be to the satisfaction of the Principal Certifying Authority (PCA).

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65. For the purpose of maintaining visual amenity, no permanent electricity supply poles are to be erected forward of the building setback without the prior Consent of Council. It is the onus of the applicant to consult with the authorized statutory electricity provider prior to construction commencing to ensure that direct connection to the building is possible. Details of any proposed permanent pole must be submitted to and approved by Council prior to installation.
66. To maintain residential amenity, all electrical services to the site are to be provided underground and must not disturb the root system of any trees. Please contact the energy supply authority's local customer service office to obtain documentary evidence that the authority has been consulted and that their requirements have been met. This information is to be submitted to Council prior to the release of the occupation Certificate.
67. The developer shall submit to Council a letter from the energy supply authority and either Telstra or Optus, confirming that satisfactory arrangements have been made for the provision of underground telephone and power services, prior to the release of the Subdivision Certificate or Occupation. Application may be made to Energy Australia Phone No. 13 1525 and either Optus, Network Operations, Facsimile No 9837 9060, Phone No 9837 9010, or Telstra Phone No 12 455.
68. The relocation or adjustment of any utility service facilities are to be carried out by the Applicant in accordance with the requirements of the utility authority at no cost to Council.

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

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

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

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

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71. The Infrastructure Restorations Fee calculated in accordance with the Council's adopted schedule of Fees and Charges is to be paid to the Council prior to any earthworks or construction commencing. The applicant or builder/developer will be held responsible for and liable for the cost any damage caused to any Council property or for the removal of any waste bin, building materials, sediment, silt, or any other article as a consequence of doing or not doing anything to which this consent relates. "Council Property" includes footway, footpath paving, kerbing, guttering, crossings, street furniture, seats, litter bins, trees, shrubs, lawns mounds, bushland, and similar structures or features on road reserves or any adjacent public place. Council will undertake minor restoration work as a consequence of the work at this site in consideration of the "Infrastructure Restorations Fee" lodged with the Council prior to the release of the Construction Certificate. This undertaking by the Council does not absolve the applicant or Builder/developer of responsibility for ensuring that work or activity at this site does not jeopardise the safety or public using adjacent public areas or of making good or maintaining "Council property" (as defined) during the course of this project.
72. Prior to commencing any construction or subdivision work, the following provisions of the Environmental Planning & Assessment Act, 1979 (the 'Act') are to be complied with:
- A Construction Certificate is to be obtained in accordance with Section 81A(2)(a) of the Act.
 - A Principal Certifying Authority is to be appointed and Council is to be notified of the appointment in accordance with Section 81A(2)(b) of the Act.
 - Council is to be notified in writing, at least two (2) days prior to the intention of commencing buildings works, in accordance with Section 81A(2)(c) of the Act.
 - Should the development be certified by a Principal Certifying Authority other than Council, a fee for each Part 4A Certificate is to be paid to Council on lodgement of those Certificates with Council.
73. To ensure structural stability, engineer's details (in duplicate) of retaining walls, prepared by a qualified practising structural engineer, shall be submitted to the Principal Certifying Authority for consideration prior to the issue of the Construction Certificate.
74. The Construction Certificate shall not be released until a Site Management Plan is submitted to the Principal Certifying Authority and approved by a suitably qualified professional.
- The plan shall indicate the planned phases of the construction work, erosion and drainage management, tree protection measures, areas nominated for storing materials, site access and where vehicle parking is proposed, during construction.
75. To preserve the following tree/s, footings of the proposed SOUTHERN SIDE BOUNDARY RETAINING WALL shall be isolated pier or pier and beam construction within the specified radius of the trunk/s. The piers shall be located such that no roots of a diameter greater than 50mm shall be severed or injured in the process of any site works during the construction period. The beam shall be located on or above existing soil levels.

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

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

76. Prior to issue of the Construction Certificate, the Applicant must submit and have approved by Council design documentation and specifications for the following infrastructure works in the Road Reserve, which must be completed prior to occupation:
77. Full footpath construction and associated infrastructure works which comply with the accessibility requirements of the State Environment Planning Policy for Seniors Living. The footpath and associated works shall conform with design guidelines (grades, widths) on quality of the footpath route and proximity to services/transport set out in the State Environment Planning Policy. The necessary adjustments to intervening driveway crossings must be made to facilitate the footpath construction.

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

The works must be designed in accordance with Council's "Specification for Road and Drainage Works". **The exact locations of all existing services, driveway crossings, street trees and signs in relation to the footpath route must be shown on the plans submitted.** In addition, **the drawings are to detail erosion control requirements and traffic management requirements during the course of works.** Traffic management is to be certified on the drawings as being in accordance with the documents SAA HB81.1 – 1996 – Field Guide for Traffic Control at Works on Roads – Part 1 and RTA Traffic Control at Work Sites (1998).

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

- a) To ensure that the required infrastructure works on Council property, approved under the *Roads Act 1993*, are carried out to Council's requirements, **the developer must**

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

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

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

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

79. Prior to the issue of the Construction Certificate the Applicant shall submit, for approval by the Principal Certifying Authority, a revised plan for the basement parking area and vehicular access driveway. The plan shall incorporate the following revisions to the plan basement plan A1.02 (B) by Building Design and Technology, dated 2.12.2004:
- a) An increase in the width of non-complying vehicle spaces so that all parking spaces (notably spaces 2, 4, 6) have a minimum width of 3.2 metres and length of 6 metres, in accordance with the requirements of the State Environment Planning Policy for 'Seniors Living'.
 - b) Ramped access driveway shall be widened to have a minimum clear width of 6 metres so that ingressing and egressing vehicles may pass on the driveway. This is because sight distance from one end of the driveway to the other is limited.

A qualified civil/traffic engineer shall certify on the revised plan that the parking provisions provided in common areas and within private parking areas comply with the State

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Environmental Planning Policy for Senior Living (particularly relating to height clearances and space dimensions) and the Australian Standard 2890.1 – 2004 “Off-street car parking”.

80. Prior to the issue of the Construction Certificate, longitudinal driveway sections are to be prepared by a qualified civil/traffic engineer and be submitted to and approved by the Principal Certifying Authority (PCA). These profiles are to be at 1:100 scale along both edges of the proposed driveway, starting from the centreline of the frontage street carriageway to the proposed basement parking slab. The driveway profiles must demonstrate the following:
 - a) That vehicular access can be obtained using grades of 25% (1 in 4) maximum and
 - b) That all changes in grade (transitions) comply with Australian Standard 2890.1 – “Off-street car parking” (refer clause 2.5.3) to prevent the scraping of the underside of vehicles.

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

81. Prior to issue of the Construction Certificate the applicant shall submit, for approval by the Principal Certifying Authority (PCA), a Soil and Erosion Control Plan prepared in accordance with the NSW Department of Housing document “Managing Urban Stormwater – Soils and Construction” (1998). A suitably qualified and experienced civil/environmental engineer or surveyor shall prepare this plan in accordance with the above guidelines and section 8.2.1 of Councils Water Management DCP 47 (available on the Council website).
82. Prior to issue of the Construction Certificate the Applicant shall submit, for approval by the Principal Certifying Authority (PCA), construction details and specifications for provision of a 5,000 to 10,000 litre rainwater tank(s) within the subject property, to be used for garden irrigation purposes. The tank(s) shall designed to capture and retain runoff from a minimum 100m² roof area for each 5000 litres of rainwater storage, after which runoff reverts to the main drainage system. A design shall be prepared by a suitably qualified and experienced civil/hydraulic engineer in accordance with Councils Water Management Development Control Plan 47 (appendix 6), available in hard copy at Council and on the Council website.

NOTE 1: Maximum capacity of an individual rainwater tank to be 10,000 litres.

NOTE 2: If abutting a wall of the dwelling, rainwater tanks must be below the eaves line.

NOTE 3: Rainwater tanks must not be located on the front façade of a dwelling.

NOTE 4: If rainwater tanks are to be attached to a structure then a structural engineer is to certify the adequacy of the design of the structure to carry the tank.

NOTE 5: Maximum height of a rainwater tank is 1.8 metres above natural ground level where installed along the side boundary setback of a dwelling.

NOTE 6: Rainwater tanks to be commercially manufactured tanks designed for the use of water supply and to be installed in accordance with manufacturer’s specifications. A first flush system shall be provided.

NOTE 7: Rainwater tanks to be located above an available landscaped area so that the tank may be readily used for watering purposes.

NOTE 8: Rainwater tanks to be fitted with a standard garden tap or similar which is to be clearly marked as not to be used for drinking purposes.

NOTE 9: Rainwater tanks to be fitted with measures to prevent mosquito breeding.

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83. Prior to issue of the Construction Certificate the applicant shall submit, for approval by the Principal Certifying Authority (PCA), full construction drawings for the proposed method of achieving Council storage requirements for the on-site stormwater detention system. The design shall be generally based on the concept plans by United Consulting Engineers, drawings 03MB1252/D01 and D02, revisions B dated December 2004, and shall be an advancement of these plans suitable for construction issue purposes. The storage volume shall comply with Council Stormwater Management and on-site detention design shall comply with Councils Water Management DCP 47, appendix 5 (available on the Council website and at Council customer services). The design and construction plans, with all supporting documentation, are to be prepared by a qualified and experienced civil/hydraulic engineer and may be incorporated on the overall site drainage plan. The standard Council On-site Stormwater Detention Calculation Sheet is to be completed and included on design drawings.
84. Prior to issue of the Construction Certificate the applicant shall submit, for approval by the Principal Certifying Authority (PCA), construction design drawings and calculations for the property drainage system components. The property drainage system (including but not limited to gutters, downpipes, pits, joints, flushing facilities and all ancillary plumbing) shall be designed for a 235mm/hour rainfall intensity for a duration of five (5) minutes (1:50 year storm recurrence) and shall be compatible with the necessary retention and/or detention devices. Plans and calculations are to be prepared by a suitably qualified and experienced civil/hydraulic engineer in accordance with Councils Water Management Development Control Plan 47 available on the Council website and at Council, and AS 3500.2 - Plumbing and Drainage Code.
85. Prior to issue of the Construction Certificate the applicant shall submit, for approval by the Principal Certifying Authority (PCA), construction plans and calculations for provision of a basement stormwater pump-out system for the driveway ramp runoff. The system shall comprise of both duty and back-up pumps, shall be designed for the 100 year runoff and have an emergency alarm system. The system is to include a holding well which has a storage capacity equivalent to the runoff volume from a 2 hour 100 year ARI storm event so that the basement is safeguarded from flooding during power failure for such a storm over such a period. Plans and details, including but not limited to, holding well volume calculations, inflow and outflow calculations, pump specification and duty curves are to be prepared by a qualified civil/hydraulic engineer.
86. To enable compliance with the requirements of Clause 25(e) of SEPP 5 the main entrance to each unit shall be provided with a glazed panel 200mm in width for either the entire height of the door or alternatively from a height of 1.0metre from the finished floor level to at least 1.8 metres above the finished floor level. Additionally each main entrance shall be provided with an eye 'peep hole' to enable residents to view persons at the front door without the need to open the front door. Details of such shall be provided in the Construction Certificate Plans.
87. A construction traffic management plan be prepared and submitted to and approved by the Council which includes:
 - a. No heavy construction vehicles to use Bunyana Avenue;
 - b. Traffic controls in and out of the site during construction; and
 - c. Any necessary traffic controls for using Clissold Avenue.

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88. Prior to the issue of the Construction Certificate, the Applicant must submit to Council, design documentation and specifications for the following infrastructure works in the Road Reserve which, if approved, must be completed prior to occupation:
- a. Footpath and associated infrastructure works which comply with SEPP 5 requirements to enable pedestrian and disabled access to the existing bus stop between 42 and 44 Clissold Road, Wahroonga. Works to conform with guidelines on quality of the footpath route and proximity to services.

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

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

TOTAL CONTRIBUTION FOR THIS DEVELOPMENT OF FIVE ADDITIONAL DWELLINGS IS CURRENTLY \$55,788.30. The amount of the payment shall be in accordance with the Section 94 charges as at the date of payment. The charges may vary at the time of payment in accordance with Council's Section 94 Contributions Plan to reflect changes in land values, construction costs and the consumer price index.

This contribution shall be paid to Council prior to the release of the Construction Certificate and the amount payable shall be in accordance with the Council's adopted Section 94 Contributions Plan for Residential Development, effective from 20 December 2000, calculated for additional person as follows:

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

To obtain the total contribution figure the occupancy rate for all SEPP 5 developments is 1.3 persons

CONDITIONS TO BE COMPLIED WITH PRIOR TO WORK COMMENCING

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90. Prior to the commencement of any work, the Principal Certifying Authority shall be notified in writing of the name and contractor licence number of the owner/builder who intends to carry out the approved works.
91. External finishes and colours are to be sympathetic to the surrounding environment. Samples of materials and finishes are to be submitted to and approved by Council prior to the commencement of work.
92. The following are required details and must be submitted to the Principal Certifying Authority *prior to the works relating to the detail being carried out*. Any matter listed below must have a Certificate attached from a suitably qualified person to the effect that the design or matter complies with the relevant design Standard or Code which the Certificate must identify.
 - a. A Registered Surveyor's set out report.
93. Five units are to be designed to meet the requirements of Clause 13A(2)(a) of State Environmental Planning Policy No 5 for disabled occupation to the satisfaction of Council. Full details are to be submitted to and approved by the Principal Certifying Authority prior to work commencing.
94. To enable the "ageing in place" philosophy to be achieved in Ku-ring-gai:
 - a. Prior to the commencement of construction, documentary evidence is to be provided to Council's satisfaction, of an agreement with suitably qualified service provider/s for the provision of the following services if and when required by any of the residents of the development:
 - Personal care, including bathing and dressing;
 - Housekeeping, including cleaning and laundry;
 - Home delivered meals; and
 - 24 hour a day monitored emergency call system.
 - b. The documentary evidence is to include the following details:
 - Proposed cost to residents of each of the services listed in (a) above; and
 - Proposed means of altering the cost to residents of these services. This may include: linking costs to the Consumer Price Index or a proportion of the Aged Pension; or be selecting a new service provider.
 - c. Promotional material shall include details of the services available to residents of the development and their cost.
 - d. A comprehensive residents' manual is to be provided to all residents which includes information of relevance to them, such as doctors, churches and other community services and facilities.

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

Tree/Location

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

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

Tree/Location

Radius in Metres

Eucalyptus scoparia (Willow Gum)
Abutting the rear boundary of No 4
Bunyana Avenue, Wahroonga.

8m

Araucaria columnaris (Cook Island Pine)
Adjacent to the site's central rear boundary.

5m

Jacaranda mimosifolia (Jacaranda)
Adjacent to the site's central front boundary.

3m

97. To preserve the following tree/s, no work shall commence until the area beneath the canopy of the following tree/s excluding that area of the proposed SOUTHERN BOUNDARY RETAINING WALL shall be fenced off for the specified radius from the trunk to prevent any activities, storage or the disposal of materials within the fenced area. The fence/s shall be maintained intact until the completion of all demolition/building work on site:

Tree/Location

Radius From Trunk

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

5m

98. The tree protection fence shall be constructed of galvanised pipe at 2.4 metre spacings and connected by securely attached chain mesh fencing to a minimum height of 1.8 metres prior to work commencing.
99. Upon completion of the installation of the required tree protection measures you are required to contact Council on telephone 9424 0888 or facsimile 9418 1117 to arrange an inspection of the site, in this regard a minimum of 24 hours notice is required. Following the carrying out

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of a satisfactory inspection and subject to the payment of all relevant monies and compliance with any other conditions of approval, work may commence.

CONDITIONS TO BE COMPLIED WITH PRIOR TO THE ISSUE OF THE FINAL COMPLIANCE CERTIFICATE

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

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

104. To ensure compliance with SEPP 5, clause 13A (10) the living room must have a circulation space of at least 2250mm in diameter as set out in clause 4.7 of AS4299 and a telephone adjacent to a general power point. Additionally the living and dining room must have a potential illumination of at least 300 lux.
- 105 To ensure compliance with the requirements of Clause 13A(11) of SEPP 5 the kitchen shall meet the following requirements:
 - a. a width of at least 2.7 metres and a clear space between benches of at least 1 450 millimetres, and
 - b. a width at door approaches of at least 1 200 millimetres, and
 - c. benches that include at least one work surface:
 - i. that is at least 800 millimetres in length, and
 - ii. the height of which can be adjusted from 750 millimetres to 850 millimetres, and
 - d. a tap set:
 - i. that is located within 300 millimetres of the front of the sink, and
 - ii. that is a capstan tap set or that comprises lever handles or a lever mixer, and

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- e. a thermostatic mixing valve for the hot water outlet, and
- f. cook tops:
 - i. with either front or side controls, and
 - ii. with controls that have raised cross bars for ease of grip, and
 - iii. that include an isolating switch, and
- g. a worksurface adjacent to the cook top and at the same height and that is at least 800 millimetres in length, and
- h. an oven that is located adjacent to a worksurface the height of which can be adjusted, and
- i. "D" pull cupboard handles that are located towards the top of below-bench cupboards and towards the bottom of overhead cupboards, and
- j. general power outlets: at least one of which is a double general power outlet within 300 millimetres of the front of a work surface, and one of which is provided for a refrigerator in such a position as to be easily accessible after the refrigerator is installed.

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

106. To ensure compliance with Clause 13A(12) of SEPP 5 the main bedroom shall be provided with 2 double general power outlets on the wall where the head of the bed is likely to be; at least one general power outlet on the wall opposite the wall where the head of the bed is likely to be; a telephone outlet next to the bed on the side closest to the door and a general power outlet beside the telephone outlet and a potential illumination level of at least 300 lux. The bedroom must have an area sufficient to accommodate a wardrobe and a queen-size bed with a clear area at least 1200mm wide at the foot of the bed. Documentary evidence shall be submitted prior to the release of an Occupation Certificate
107. To ensure compliance with the requirements of Clause 13A (13) the bathrooms must comply with the following:
- a. an area that complies with AS 1428, and
 - b. a slip-resistant floor surface, and
 - c. a shower:
 - i. the recess of which is at least 1 160 millimetres × 1 100 millimetres, or that complies with AS 1428, or that complies with clause 4.4.4 and Figures 4.6 and 4.7 of AS 4299, and
 - ii. the recess of which does not have a hob, and
 - iii. that is waterproofed in accordance with AS 3740, and
 - iv. the floor of which falls to a floor waste, and
 - v. that can accommodate a grab rail that complies with Figure 4.6 of AS 4299 and AS 1428, and
 - vi. that has a tap set that is a capstan tap set or that comprises lever handles and that has a single outlet, and
 - vii. that has the tap set positioned so as to be easily reached from the entry to the shower, and
 - viii. that can accommodate an adjustable, detachable hand-held shower rose mounted on a slider grab rail or a fixed hook, and
 - ix. that can accommodate a folding seat that complies with Figure 4.6 of AS 4299, and
 - d. thermostatic mixing valves for all hot water outlets, and
 - e. a washbasin with clearances that comply with Figure 4.4 of AS 4299, and

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- f. a wall cabinet that is sufficiently illuminated to be able to read the labels of items stored in it, and
 - g. a mirror, and
 - h. a double general power outlet beside the mirror.
108. To ensure compliance with Clause 13A (16) the laundry within each dwelling shall have a thermostatic mixing valve for all hot water outlets and a slip-resistant floor surface. There must also be a clear space in front of appliances of at least 1300 mm.
109. To ensure compliance with Clause 13A (17) a self-contained dwelling must be provided with a lined cupboard that is:
- a) able to be operated with one hand, and
 - b) located between 900mm and 1100mm above floor level.
110. To ensure compliance with Clause 13A(18) door handles for opening doors must be able to be operated with one hand and located between 900mm and 1100mm above floor level.
111. To ensure compliance with Clause 13A (19) and (2) all balconies and external paved areas must have slip resistant surfaces and switches must be located between 900mm and 1100mm above floor level. General purpose outlets must be located at least 600mm above floor level.
112. To ensure accessibility to from the living/dining rooms to the private open space the variation between the FFL of the rooms and the courtyard will be provided with a small threshold ramp in accordance with AS1428.1.
113. To ensure compliance with Clause 13A (20) switches must be located between 900mm and 1100mm above floor level. General purpose outlets must be located at least 600mm above floor level.
114. To ensure compliance with Clause 13A(2)(d), 10% of the dwellings within the proposed development shall be capable of being modified so that they have wheelchair access by a continuous path of travel (within the meaning of AS1428) to all essential areas and facilities inside the dwelling. Documentary evidence shall be submitted prior to the release of an Occupation Certificate indicating compliance with this condition prior to the release of an Occupation Certificate.
115. 1.8m lapped and capped timber courtyard fences are to be provided as required in Development Control Code 1/2003 - Housing for Older People or People with a disability.
116. To ensure further compliance with Development Control Code 1/2003 – Housing for Older People or People with a disability, the applicant must provide lockable letterboxes adjacent to the main pedestrian entry.
117. Certification prepared by a Registered Surveyor confirming the development consists of a maximum of floor space ratio of 0.5:1 in accordance with the definition with State Environmental Planning Policy No 5 shall be submitted to the Principal Certifying Authority prior to the release of any Occupation Certificate.

CONDITIONS TO BE COMPLIED WITH PRIOR TO OCCUPATION

118. Prior to the release of any occupation certificate, a compliance certificate must be obtained from an accredited certifier, certifying that the building works for the building to be occupied comply with the plans and specifications approved by this development consent; and any construction certificate associated with this consent for the buildings to be occupied. If the PCA is not the Council, then this compliance certificate must be submitted to the Council at the same time as the occupation certificate is submitted to the Council in accordance with Clause 151(2) of the E P & A Act regulations.
119. Prior to issue of an Occupation Certificate the following works must be completed:
- a) Construction of the new driveway crossing and layback in accordance with the levels and specifications issued by Council,
 - b) Construction of accessible footpath between the site and nearby bus stop/shops in accordance with the *Roads Act* approved drawings,
 - c) Removal of all redundant driveway crossings or kerb laybacks or sections thereof. Full reinstatement of these areas to footway, and/or turfed verge and/or kerb and gutter to the satisfaction of Council. Reinstatement works shall match surrounding adjacent infrastructure with respect to integration of levels and materials.
 - d) Any sections of damaged grass verge are to be fully replaced with a non-friable turf of native variety to match existing.
- Any damaged public infrastructure caused as a result of construction works on the subject site (including damage caused by, but not limited to, delivery vehicles, waste collection, contractors, sub contractors, concrete vehicles) must be fully repaired to the satisfaction of Council Engineers. This shall be at no cost to Council.
120. Prior to issue of an Occupation Certificate the applicant shall create a Positive Covenant and Restriction on the Use of Land under Section 88B of the Conveyancing Act 1919, burdening the property with the requirement to maintain the on-site stormwater detention facilities on the property. The terms of the instruments are to be generally in accordance with the Council's "draft terms of Section 88B instrument for protection of on-site detention facilities" (available from Council on request) and to the satisfaction of Council. Registered title documents showing the covenants and restrictions must be submitted and approved by the Principal Certifying Authority (PCA) prior to occupation, issue of an Occupation Certificate or issue of the Final Compliance Certificate.
- For existing Titles, the Positive Covenant and the Restriction on the use of Land is to be created through an application to the Land Titles Office in the form of a request using forms 13PC and 13RPA. The relative location of the On-Site Detention facility, in relation to the building footprint, must be shown on a scale sketch, attached as an annexure to the request forms.
121. Prior to issue of an Occupation Certificate the following must be provided to Council (attention Development Engineer):
- a) A copy of the approved Construction Certificate stormwater detention/retention design for the site, and

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b) A copy of the works-as-executed drawing of the as-built on-site detention/retention system, and

c) The Engineer's certification of the as-built system.

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

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

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

124. Prior to issue of an Occupation Certificate (and at the completion of works), the applicant shall submit to the Principal Certifying Authority (PCA) written certification from a suitably qualified and experienced traffic/civil engineer, that:

a) The dimensions of each as-constructed private carparking space meets the dimension requirements of the Seniors Living SEPP (as last amended), and

b) The as-constructed carpark complies with the approved Construction Certificate plans, and

c) The vehicular headroom requirements of:

- the Seniors Living SEPP (as last amended) for accessible parking spaces, and
- Australian Standard 2890.1 - "Off-street car parking", and
- 2.44m height clearance for waste collection trucks (DCP 40) are met from the public street into and within the applicable areas of the basement carpark, and

d) The gradients of the constructed access driveway from the public street to the basement carpark are in accordance with AS2890.1 and will not result in the scraping of the underside of cars.

e) No doors or gates have been provided in the access driveways to the basement carpark, which would prevent unrestricted access for internal garbage collection from the basement garbage storage area.

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

125. Prior to issue of an Occupation Certificate, Certification and a Works-as-Executed (WAE) plan, in relation to the as-built on-site detention are to be submitted to the Principal Certifying Authority (PCA) for approval. Certification is to be provided by a suitably qualified consulting civil/hydraulic engineer and the WAE plan is to be prepared by a registered surveyor. The certificate is to specifically acknowledge compliance of the on-site detention system with the approved Construction Certificate plans and also compliance with the design

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requirements of appendix 5 in Councils Water Management DCP 47 - "Design of on-site detention systems". The Works-as-Executed details shall be marked in red on the approved Construction Certificate design for the on-site detention system, and shall specifically include:

- As constructed levels in comparison to design levels
- As built location of all detention devices on the property (plan view) and distances to nearest adjacent boundaries, buildings and easements
- As built locations of all pits and grates in the detention system, including dimensions.
- The size of the orifice or pipe control fitted.
- Dimensions of the discharge control pit and access grates
- The achieved capacity of the detention storage and derivative calculation.
- The maximum depth of storage over the outlet control.
- Top water levels of storage areas and RL's at overflow point(s)

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

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

Certificate drainage plans and the Plumbing and Drainage Code AS3500.3.2, and

- c) All enclosed floor areas, including habitable and garage floor levels, are safeguarded from outside stormwater runoff ingress by suitable differences in finished levels, gradings and provision of stormwater collection devices.

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

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

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

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

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128. Prior to issue of an Occupation Certificate a maintenance regime shall be prepared for the basement stormwater pump-out system and submitted to Principal Certifying Authority. The regime shall specify that the system is to be regularly inspected and checked by qualified practitioners.
129. Prior to issue of an Occupation Certificate a suitably qualified and consulting geotechnical engineer is to provide certification to the Principal Certifying Authority (PCA) that excavation and construction of the basement level, including temporary and permanent shoring and retention measures, have been carried out :
 - a) According the relevant Australian Standards and guidelines and
 - b) According to any approved Geotechnical report undertaken for the development and
 - c) In a manner that ensures that the structural amenity of adjoining structures and property is fully maintained.
130. Prior to the issue of the Occupation Certificate construction of the footpath from the front pedestrian entrance of the site to the bus stop between 42 and 44 Clissold Road is to be completed in accordance with the plans approved by Council. The works are to be supervised by the Applicant's designing engineer or surveyor who is to provide certification upon completion that the works were constructed in accordance with the approved drawings.

BUILDING CONDITIONS

131. The following are required details and must be submitted to the Principal Certifying Authority *prior to issue of the Construction Certificate*. Any matter listed below must have a Certificate attached from a suitably qualified person to the effect that the design or matter complies with the relevant design Standard or Code which the Certificate must identify.
 - a. Details prepared by a practicing structural engineer for all or any reinforced concrete, structural steel or timber framing.
 - b. Wind bracing details complying with AS 1684-1992 National Timber Framing Code, AS 1170.2-1989 Wind Load Code or AS 4055-1992 Wind Loads for Housing Code.
 - c. Upper floor joist details, engineered or complying with AS 1684-1992 National Timber Framing Code.
 - d. Retaining walls and associated drainage.
 - e. Wet area waterproofing details complying with the Building Code of Australia.
 - f. Mechanical ventilation details complying with Australian Standard 1668-1993 Mechanical Ventilation & Airconditioning.
 - g. Glazing details complying with AS 1288-1989 Glass in Buildings and Installation Code.
 - h. Stormwater disposal details complying with Council's Stormwater Management Manual and/or other conditions of this consent.
132. Any mechanical ventilation installed in a dwelling shall comply with the requirements of Part 3.8.5.0 of the Building Code of Australia Housing Provisions. Documentary evidence of compliance is to be obtained from a suitably qualified person and submitted to the Principal Certifying Authority prior to the issue of an Occupation Certificate.

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Catherine Otto
Executive Planner

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Manager
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Michael Miocic
Director
Development & Regulation

Attachments: Copy of initial report to Ordinary Meeting of Council held 22 March 2005

DRAFT MANAGEMENT PLAN 2005 TO 2009, INCORPORATING BUDGET AND FEES AND CHARGES

EXECUTIVE SUMMARY

PURPOSE OF REPORT:	To place Council's 2005-2009 Draft Management Plan, incorporating the Budget, Special Rate Variation and Fees and Charges for 2005/2006 on public exhibition.
BACKGROUND:	<p>Section 402 of the Local Government Act (1993) requires Council's to produce an Annual Management Plan which identifies its principal activities and objectives for the next four years.</p> <p>Section 405 of the Local Government Act (1993) requires the Draft Management Plan to be placed on public exhibition for a period of twenty eight days which allows for community feedback.</p>
COMMENTS:	Council has identified seven principal activities and a number of objectives have been formulated for each principal activity. Linked to these objectives are a number of outcomes and performance indicators that clearly identify how objectives will be achieved and how performance in achieving these objectives will be measured over the term of the plan.
RECOMMENDATION:	That Council adopt the Draft Management Plan, incorporating the Budget, Special Rate Variation and Fees and Charges for 2005/2006 for the purpose of public exhibition.

PURPOSE OF REPORT

To place Council's 2005-2009 Draft Management Plan, incorporating the Budget, Special Rate Variation and Fees and Charges for 2005/2006 on public exhibition.

BACKGROUND

- Section 402 of the Local Government Act (1993) (LGA) requires Councils to produce an annual Management Plan which outlines its principal activities for a period of four years.
- Sections 403 and 404 of the LGA set out the statutory contents of a Council's Management Plan.
- Section 405 of the LGA requires the Draft Management Plan to be placed on public exhibition for a period of twenty eight days, that suitable public notice be given and that submissions on the Management Plan are welcomed from the community.
- Section 406 of the LGA stipulates that a Council's Management Plan must be adopted prior to the end of each financial year.

On 14 December 2004 Council resolved:

- "A. That Council support the development of a draft application for variation to rates commencing 2005/06 for the purpose of funding a range of environmental initiatives*
- B. That the submission be incorporated within the development of the draft Management Plan and budget for 2005/06*
- C. That as part of the submission community consultation be undertaken to determine support and direction of the program*
- D. That a further report be presented back to Council for its consideration on the details, support, direction and community consultative mechanisms of the program in February 2006."*

The application to prepare a special rate variation as supported by Council in December is subject to the approval of the Minister pursuant to section 508(2) of the LGA. To assist councils in the preparation of their submission for a rate variation, the Department of Local Government has set guidelines as to the requirements (refer to Department of Local Government Circular Number 05/06 dated 04/03/05). Three key aspects of the guidelines relevant to this report state:

The Council must include within its draft management plan a statement of its intention to apply for a special variation and reasons for the increase.

Public notification of the draft management plan inviting submissions (section 405) must also include a clear indication of the council's intention to seek a special variation and the level of the variation sought as a percentage increase of general income.

Council must provide two scenarios of the proposed rates and charges for the 2005/06 rating year in their Statement of Revenue policy. The first should be the rating structure that would be adopted if the special variation is approved, and the second should demonstrate what the rating structure will be if the application is not approved.

COMMENTS

In the development of the draft Management Plan, seven principal activities have been identified:

- Civic Leadership
- Integrated Planning
- Community Development
- Natural Environment
- Built Environment
- Financial Sustainability
- Council's Corporate Services

Within each of these activities the long, medium and short term goals have been set as well as the identification of issues that have the potential to affect reaching these goals. Linked to the goals are a number of statements that determine what will be done in the year ahead and a list of key performance indicators. Action against these indicators is reported to Council on a quarterly basis as one of the performance management tools to assess the delivery of services to our ratepayers.

Council is required to resolve to place the Draft Management Plan and the Schedule of Fees and Charges on public exhibition for a period of twenty eight days and adopt the Plan prior to 30 June 2005. The setting of fees and charges is consistent with Council's pricing policy that reflects the provision of goods and services across five areas: community service obligations, natural monopoly, statutory fees, regulatory fees, and entrepreneurial activities.

Included within the draft plan is the provision for a special rate variation to fund a range of environmental improvements. Appendix C provides a copy of the application form to be considered by the Department of Local Government pursuant to section 508(2) of the LGA. The additional rate has been calculated at five (5) per cent over and above the rate peg. As with the Infrastructure Levy, this is subject to annual rate pegging increases and is anticipated to increase from \$1.76 million in 2005/06 to \$2.16 million by 2011/12. Community response to the proposed levy is discussed in Consultation below.

CONSULTATION

The Draft Management Plan will be placed on public exhibition for twenty eight days to allow for community feedback.

Preliminary consultation on the 2005/09 Management Plan has been occurring throughout the year via a number of Council's advisory committees and local interest groups. These discussions have helped refine the overall direction and identify tasks and key performance indicators for the coming year.

The proposal to introduce a special rate variation for environmental improvements requires that community consultation be undertaken in conjunction with the public exhibition of the Draft Management Plan. As part of a broader strategy to ascertain residents' views and support for the proposal, a range of consultative techniques and public notification has already taken place. The response to a mail survey to 3000 households on the environment levy across all suburbs has generated 930 responses with 57% in support. This is consistent with the results from a survey posted on the internet and collated from responses from late February to end of March. Appendix C contains a report on the consultation and results as at 30 March 2005.

FINANCIAL CONSIDERATIONS

Proposed Operating Budget

The operating budget for 2005/2006 has been developed within the framework established by the 10 Year Financial Model, adopted by Council on 14 December 2004. This framework includes:

- An estimated employee award increase of 3.5%
- Net debt repayment of \$138,500
- New borrowings capped at \$1,400,000
- Rate peg increase of 3.5%
- \$1,130,000 allocated to Council's depreciation reserves
- Interest earned on depreciation and property reserves restricted to those reserves (\$669,500)
- 0.5% of general rate revenue maintained in the contingency reserve (\$183,000)
- Capital works program totaling \$9,762,300
- \$4,328,000 allocated to road projects
- Reductions in debt servicing costs allocated to projects of direct community benefit (\$2,176,600)
- Land and Environment Court legal costs budgeted at \$1,700,000
- Fees and Charges increased by 3% where appropriate

Council's proposed headline surplus for 2005/2006 is \$31,483,100. This represents an increase of \$20,753,800 compared to the budget adopted in the Management Plan for 2004/2005. This variation

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is mainly due to the sale the Carlotta depot site and an increase of \$2.7 million in Section 94 revenue compared to the 2004/2005 budget.

Should the Minister for Local Government approve the special rate variation to fund supplementary environmental programs, the expected yield generated from a five per cent increase, less pensioner rebates is shown as follows:

Year	\$000's
2005/2006	\$1,760
2006/2007	\$1,822
2007/2008	\$1,885
2008/2009	\$1,951
2009/2010	\$2,020
2010/2011	\$2,090
2011/2012	\$2,163

The funding statement below has been prepared without the inclusion of the special rate variation. If included, the "cash in" would increase to \$93,893,500. Projects will also increase by \$1,760,000 to \$11,522,300. As projects associated with the Environmental Levy applications are "over and above" current program works, the result of Council's application for the levy will have no impact on the balanced bottom line as reported in the model.

Funding Statement	Management Plan 2004/2005	Revised Budget 2004/2005	Draft Budget 2005/2006
Total cash in	\$69,290,900	\$69,805,900	\$92,133,500
Total cash out	\$58,561,600	\$58,428,900	\$60,650,400
Headline Surplus	\$10,729,300	\$11,377,000	\$31,483,100
<i>Less:</i>			
Funds to Restricted Assets	\$5,545,800	\$5,730,800	\$25,787,300
Funds to Depreciation Reserves	\$1,100,000	\$1,100,000	\$1,130,000
Operating Net Surplus	\$4,083,500	\$4,546,200	\$4,565,800
Capital Projects	\$8,874,500	\$13,187,000	\$9,762,300
<i>Funded By:</i>			
Operating Net Surplus	\$4,083,500	\$4,546,200	\$4,565,800
Surplus Carried Forward	\$0	\$423,400	\$0
Section 94	\$27,600	\$200,800	\$30,000
Other Restricted Assets	\$4,763,400	\$8,016,600	\$5,166,500
Net Surplus	\$0	\$0	\$0

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Council's proposed total revenue for 2005/2006 is \$92,133,500. This represents an increase of \$22,842,600 or 32.9 % when compared to the Management Plan for 2004/2005. Should the special rate variation be approved this would increase by \$1,760,000 to \$93,893,500.

A summary of the major revenue categories is shown below:

FUNDING STATEMENT					
Cash In	Management Plan 2004/2005 \$	Revised Budget 2004/2005 \$	Draft Budget 2005/2006 \$	Change From Management Plan 2004/2005 \$	Percentage Change
Rates	35,330,000	35,354,300	36,554,000	1,224,000	3.5%
Infrastructure Levy	1,704,700	1,704,700	1,767,000	62,300	3.7%
Annual Charges	8,659,100	8,659,100	9,501,200	842,100	9.7%
User Fees & Charges	14,130,500	14,437,400	15,139,600	1,009,100	7.1%
Interest Income	895,000	925,000	1,005,000	110,000	12.3%
Recurrent Grants	4,556,600	4,570,200	4,501,700	(54,900)	(1.2)%
Section 94 & CTW	2,000,000	2,000,000	4,700,000	2,700,000	135.0%
Capital Grants	415,000	555,200	565,000	150,000	36.1%
New Loans	1,600,000	1,600,000	1,400,000	(200,000)	(12.5)%
Asset Sales	0	0	17,000,000	17,000,000	N/A
Total Cash In	69,290,900	69,805,900	92,133,500	22,842,600	32.9%

Rates

In accordance with Section 506 of the Local Government Act, on the 22/3/05 the Minister for Local Government announced a 3.5% annual rate peg increase for 2005/06. Council's draft budget has been developed on an estimate of 3.5% and accordingly the rate pegging announcement does not necessitate any changes to the draft budget.

Infrastructure Levy

Council's Infrastructure Levy is also subject to annual rate peg increases. Therefore a 3.5% increase has been applied to the Infrastructure Levy.

Annual Charges - Domestic Waste

Revenue from Domestic Waste annual charges has increased by \$842,100 or 9.7%.

The standard garbage charge has increased from \$230 in 2004/2005 to \$250 for 2005/2006. This is due to an increase in costs (brought about by a change in service levels) in relation to Council's new ten year contract with Collex Waste Management. The increased costs of the service will be phased

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into the Domestic Waste annual charge over a three year period. Council will subsidise the cost of the new service to ratepayers over this period by drawing on funds previously collected and held in the Domestic Waste Reserve.

The Domestic Waste Reserve currently has a balance of \$2.7 million. In 2005/2006 Council will utilise \$946,800 from this reserve to fund the Domestic Waste Service.

The table below provides a comparison of charges between the 2004/2005 and 2005/2006 financial years:

WASTE MANAGEMENT CHARGES	2005/2006	2004/2005
Residential with Green Waste	\$250	\$230
Vacant Land	\$100	\$80
Residential no Green Waste	\$190	\$170
Additional Green Waste	\$80	\$80
Flats, Home Units	\$230	\$210
2 nd Waste Service	\$350	\$330

Special rate variation – Environment levy

Council's decision to support an application for a special rate variation is to enable the implementation of a range of environmental programs. These have been identified in the 2004/08 Management Plan and are consistent with a number of key regional strategies including the Catchment Prints for Sydney Harbour and the Lower Hawkesbury/Nepean, the Hornsby Ku-ring-gai District Fire Management Plan and the Metropolitan Water Plan.

Council is seeking a 5% special rate increase for a period of seven years, commencing 1 July 2005. This 5% increase would be subject to annual rate peg increases, which have been estimated at 3.5% in Council's 10 Year Financial Model.

Based on a 5% increase, approximately \$1,760,000 (\$1,887,310 less pensioner rebates of \$127,310) would be generated in 2005/2006 with subsequent increases as projected in Council's 10 year financial model. This figure is based on 36,292 rate assessments less 3,290 pensioner rebates. This additional income represents 1.9 per cent of the expected revenue for Council in the 2005/06 budget and all funds generated would be restricted for the purpose of activities outlined in the application to the Department of Local Government.

A copy of the application is bound separately as **Appendix C**.

User Charges and Fees

Council's User Charges and Fees have increased by \$1,009,100 or 7.1% in 2005/2006. Many of Council's fees are unable to be altered as they are statutory fees set by legislation. In addition, if a proposed increase in fees would diminish the competitive advantage that Council has in the marketplace, the fee has not been increased in 2005/2006.

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The largest increases for 2005/2006 are in the areas of rental income and road and footpath restoration income. Decreases have occurred in golf course income, development assessment and the building permit area as a result of increased competition from the private sector.

Interest Income

Interest income has increased by \$110,000 or 12.3%. This is as a result of the strong performance of Council's investments. The actual increase in the amount of funds on investment has seen earnings steadily increase over the previous three years.

Council's interest earned on investments (excluding interest charged on overdue rates) has increased from \$825,000 in 2004/2005 to \$935,000 in 2005/2006.

The continued allocation of interest earned on Council's depreciation and property reserves will result in an estimated \$669,500 restricted to those reserves during 2005/2006.

Recurrent Grants

Recurrent grant income has decreased by \$54,900 or (1.2%). This amount is broken down as follows:

- \$11,400 ↑ Financial Assistance
- \$1,000 ↑ Pensioner Rebates
- \$67,300 ↓ Specific Purpose Grants.

Each year the Grants Commission advise Council of the increase in the Financial Assistance Grant. At the time of writing this report the actual increase for 2005/2006 has not yet been advised and an estimated increase of 3% has been included in the draft budget.

Specific purpose grants include Community Services grants, the RTA road safety grant, RTA block grant, street light subsidy, 3 x 3 program and bus route subsidy. The majority of specific purpose grants increase annually by CPI. However the major decrease of \$54,900 relates to the Child Care Benefit grant.

Section 94 Contributions

The 2005/2006 budget includes an estimate of \$4.7 million for Section 94 revenue.

It should be noted that Section 94 revenue has no effect on Council's Net Surplus / (Deficit) as this revenue is externally restricted and automatically transferred to Section 94 reserves for future works.

Capital Grants

The Australian Government announced in January last year that it will extend the Roads to Recovery Program for an additional four years, until 30 June 2009. All councils will be eligible for additional spending from the program. Nationally the funding will be distributed at a rate of \$300 million a year, however the exact amounts to be paid to each Council will not be announced until the federal budget is announced in May 2005. Council has estimated an amount of \$315,000 in the

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2005/2006 draft budget for this grant. Budget adjustments for any variation to this amount will be reported back to Council with the final adoption of the budget in June 2005.

In recent years Council has received an annual allocation of \$250,000 under the Road to Repair Program. Council has recently been notified that this amount is proposed to be reduced to a \$103,000 for 2005/06. This would leave a shortfall of \$147,000 in the Road Rehabilitation program.(refer to separate report on tonight's agenda).

At this point in time it is recommended that the budgeted amount of \$250,000 be retained in the Draft Budget and that Council staff liaise with the RTA to have this amount reinstated. Should negotiations be unsuccessful a further report will be submitted to Council, identifying funding to ensure that Road Rehabilitation program is maintained at \$4,328,600.

New Loans

Revenue from new borrowings has been reduced by \$200,000 or 12.5%. New borrowings for 2005/2006 have been capped at \$1,400,000 and will be used to fund the road rehabilitation program.

Based on this reduced level of borrowings and principal debt repayments of \$1,538,462, Council will repay 'net debt' of \$138,462 in 2005/2006. This is in line with Council's debt reduction strategy that was adopted as part of the 10 Year Financial Model on 14 December 2004.

EXPENDITURE

Council's proposed operating expenditure for 2005/2006 is \$60,650,400. This represents an increase of \$2,088,800 or 3.6% when compared to the Management Plan for 2004/2005.

A summary of the major expenditure categories is shown in the following table:

FUNDING STATEMENT					
Cash Out	Management Plan 2004/2005 \$	Revised Budget 2004/2005 \$	Draft Budget 2005/2006 \$	Change From Management Plan 2004/2005 \$	Percentage Change %
Employee Costs	26,681,600	26,997,300	27,993,200	1,311,600	4.9
Operating Expenses	9,694,500	9,897,300	9,962,900	268,400	2.8
Materials and Contracts	15,757,700	15,150,500	16,475,700	718,000	4.6
Statutory Levies	2,144,500	2,188,800	2,236,000	91,500	4.3
Pensioner Rebate	800,000	800,000	1,098,400	298,400	37.3
Capital Acquisitions	636,400	548,100	647,700	11,300	1.8
Interest Expense	693,700	693,700	698,000	4,300	0.6
Principal Repayments	2,153,200	2,153,200	1,538,500	(614,700)	(28.5)
Total Cash Out	58,561,600	58,428,900	60,650,400	2,088,800	3.6

Employee costs have increased by \$1,311,600 or 4.9%. The major variations in this category relate to:

- Employee Award increase of 3.5% ↑ \$781,000
- Workers Compensation Premium ↑ \$475,000
- Overtime ↑ \$109,000

Subsequently, the enterprise agreement has not proceeded, and accordingly, overtime costs associated with operating libraries on weekends have been reinstated into the draft budget for 2005/2006.

Operating expenses have increased by \$268,400 or 2.8%. The major variations within operating expenses are as follows:

- Legal Fees ↑ \$197,000
- Insurances ↑ \$64,000
- Merchant Bank Fees ↓ \$126,000
- Corporate Events ↓ \$16,000
- Electricity Charges ↑ \$38,000
- Street Lighting Charges ↑ \$35,000
- Rental Rebates ↑ \$226,000
- Child Care Benefit fees ↓ \$100,000

Materials and contractors costs have increased by \$718,000 or 4.6%. The major variations within materials and contracts are as follows:

- | | | | |
|---|--|---|-------------|
| • | Contractors (\$1 million Domestic Waste) | ↑ | \$1,257,000 |
| • | Waste Disposal Costs | ↑ | \$102,000 |
| • | Materials | ↓ | \$189,000 |
| • | Computer Costs (Information Technology) | ↓ | \$154,000 |
| • | Fees & Sundry Expenses | ↓ | \$337,000 |
| • | External Plant Hire | ↓ | \$58,000 |
| • | Office Supplies | ↑ | \$92,000 |

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21 March 2005***Statutory Levies***

Statutory levies include the NSW Board of Fire Commissioners Levy and the Department of Urban Affairs and Planning, Environmental Planning Levy. It is anticipated that the NSW Board of Fire Commissioners Levy will increase again in 2005/2006. Official notification of the increase has not been received at this time.

Expenditure associated with this levy has increased by \$358,500 between 2000/2001 and 2004/2005, as illustrated below:

NSW Board of Fire Commissioners Levy

2000/2001	\$1,528,300
2001/2002	\$1,586,600
2002/2003	\$1,772,000
2003/2004	\$1,788,800
2004/2005	\$1,886,800
2005/2006	\$1,934,000 (estimate)

Note: An estimated increase of 2.5% has been included in the draft budget for 2005/2006.

Pensioner Rebate Expense

The budget in this category of expenditure reflects the actual cost to Council based on 2004/2005 pensioner claims. It should be noted that previously only the statutory pensioner rebate was reported against this resource. The voluntary rebate relating to the infrastructure levy (\$130,000) was netted off. The draft budget for 2005/2006 has been adjusted to show both statutory and voluntary pensioner rebates.

Capital Acquisitions

Capital acquisitions include library book purchases, computer equipment purchases and other minor office equipment purchases. Expenditure in this category has increased by \$11,300 or 1.8% when compared to the 2004/2005 Management Plan.

Loan Expenses

Interest expense has increased by \$4,300 or 0.6% and principal repayments have decreased by \$614,700 or 28.5%. This is in line with Council's debt reduction strategy adopted by Council as part of the 10 Year Financial Model.

Net debt repayment in 2005/2006 will be \$138,462. This compares to \$553,200 in the current financial year and \$743,100 in 2003/2004, as illustrated below:

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NET DEBT REPAYMENT			
	2003/2004	2004/2005	2005/2006
New Loans	\$1,800,000	\$1,600,000	\$1,400,000
Principal Repayments	\$2,543,100	\$2,153,200	\$1,538,462
Net Debt Repayments	\$743,100	\$553,200	\$138,462

Depreciation

Depreciation is a non-cash expense and as such, is excluded from the operating cash budget of Council. However it is included in the total operating budget of Council. The total depreciation budget for 2005/2006 is \$7,213,500.

The following table lists the depreciation budgets for 2004/2005 compared to the Draft Budget for 2005/2006:

DEPRECIATION			
Asset Type	2004/2005	2005/2006	Variation
	\$	\$	\$
Buildings and Installations	1,504,700	1,550,800	46,100
Drainage Assets	463,200	843,100	379,900
Furniture and Fittings	88,600	27,500	-61,100
Land Improvements	0	67,600	67,600
Library Books	366,300	236,900	-129,400
Office Equipment	105,300	78,100	-27,200
Plant and Equipment	1,134,900	1,213,100	78,200
Roads and Bridges	2,905,600	2,979,800	74,200
Other Assets	234,300	0	-234,300
Other Structures	89,700	216,600	126,900
TOTAL	6,892,600	7,213,500	320,900

Funds Transferred to Reserves

One of the long-term financial planning principles adopted by Council in the 10 Year Financial Model is to establish and build up sufficient reserves that will contribute to the future refurbishment and replacement of Council's assets. This is to be addressed by annually transferring 15% of Council's gross depreciation liability to depreciation reserves in addition to any windfall gains identified at quarterly budget reviews.

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The proposed budget for 2005/2006 includes \$26,917,300 transferred to restricted reserves as listed below:

• Depreciation Reserves	\$1,130,000
• Reductions in Borrowings/Works of Direct Community Benefit	\$2,176,600
• Section 94	\$4,700,000
• Infrastructure Restoration Fee	\$385,000
• Golf Course Improvement Levy	\$250,000
• Plant Replacement Reserve	\$300,000
• Property Reserve	\$16,620,000
• Building Reserve	\$636,200
• Interest on Reserves	\$669,500
• Election Reserve	\$50,000
TOTAL	\$26,917,300

The funds transferred to depreciation reserves will be allocated as follows:

• Buildings Reserve	\$160,000
• Drainage Reserve	\$200,000
• Footpath Reserve	\$200,000
• Sportsfield Reserve (<i>to fund public amenity upgrades</i>)	\$205,000
• New Facilities Reserve	\$205,000
• Roads Reserve	\$160,000
TOTAL	\$1,130,000

It is proposed that a “New Facilities” reserve be established to make allowance for the construction/redevelopment of community facilities across the council area.

It is suggested that the use of the New Facilities reserve be defined as follows:

“To fund investment in property assets including replacement/structural alterations to existing buildings or the construction of new buildings. Additionally, to purchase associated land or land deemed to be environmentally sensitive.”

If Council adopts the establishment of the above reserve, it is suggested that funds currently held in the Buildings, Property & Road Rehabilitation reserves are consolidated into the New Facilities reserve.

As with all Council reserves, authority to draw upon funds held in the New Facilities reserve will require the formal resolution of Council.

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21 March 2005*Proposed Capital Works and Projects for 2005/2006*

Council's proposed budget for 2005/2006 includes projects of \$9,762,300.

This expenditure is both of a capital (\$8,080,300) and operational (\$1,682,000) nature and is broken down by asset type as follows:

PROJECTS SUMMARY BY ASSET TYPE 2005/2006			
Description	Capital \$	Operational \$	Total \$
Roads	4,328,600	-	4,328,600
Plant Replacement	950,000	-	950,000
Drainage Works	304,400	-	304,400
Footpaths	563,200	-	563,200
Traffic Facilities	147,100	-	147,100
Parks	200,000	-	200,000
Playgrounds	150,000	-	150,000
Tennis Courts	62,000	-	62,000
Sportsfields **	675,000	-	675,000
Swimming Pool	350,000	-	350,000
Golf Course Improvement Works	250,000	-	250,000
Depot Relocation	-	713,000	713,000
Tree Planting Works	-	120,000	120,000
Planning Projects	-	599,000	599,000
Catchment Analysis & Management	-	250,000	250,000
IT Corporate System Replacement	100,000	-	100,000
GRAND TOTAL	\$8,080,300	\$1,682,000	\$9,762,300

** Sportsfields program totalling \$675,000 is comprised of \$320,000 (original allocation adopted by 10 Year Model), \$205,000 allocated to amenity upgrades and \$150,000 for restoration of Queen Elizabeth reserve.

An additional \$50,000 has been allocated to the swimming pool. Corresponding reductions to fund Queen Elizabeth reserve and the pool have been sourced from the tennis court program.

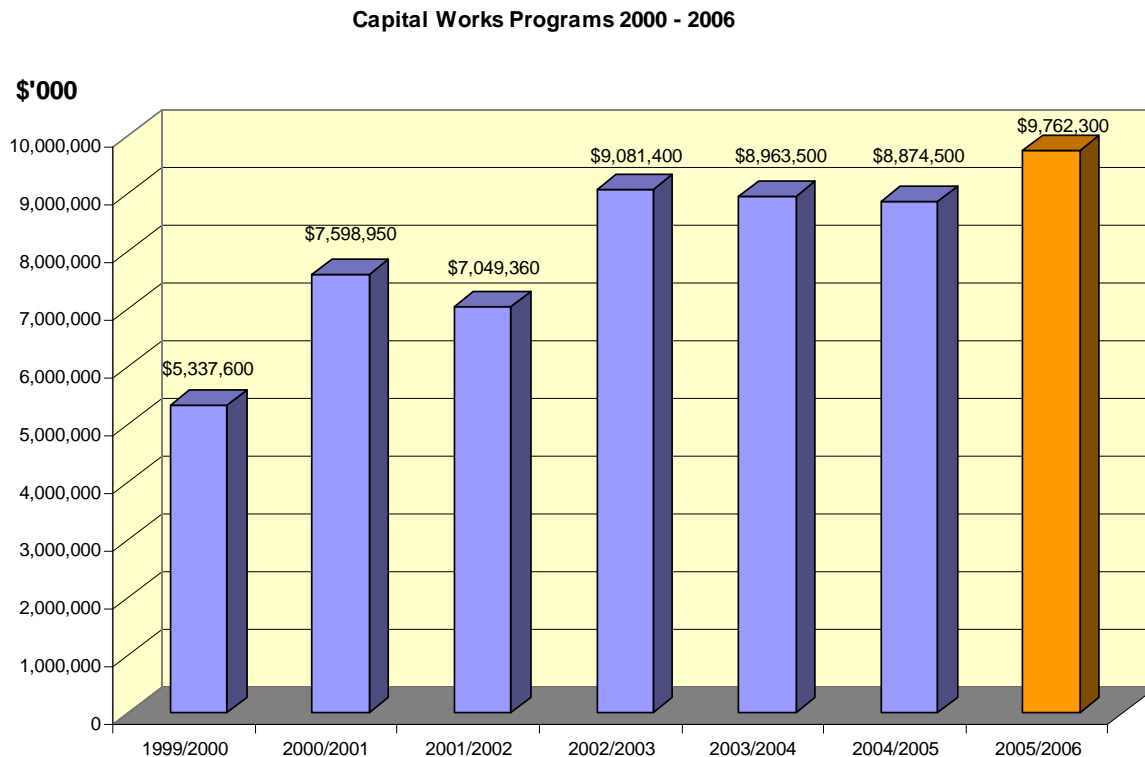
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The above program is funded as follows:

PROPOSED FUNDING SUMMARY 2005/2006	
Funded by	\$
Operating Surplus	1,810,600
Loans	1,400,000
Infrastructure Levy	1,767,000
Reductions in Borrowings/Direct Community Benefit	2,176,600
Grants	565,000
Infrastructure Restoration Reserve	385,000
Plant Replacement Reserve	300,000
Drainage Reserve	190,100
Property Reserve	713,000
Golf Course Levy	250,000
Sportsfield Reserve	205,000
TOTAL	\$9,762,300

The following graph shows annual amounts allocated to projects in Council's Management Plans from 1999/2000 to 2005/2006.



Key elements of the Draft Capital Works / Projects Budget for 2005/2006 include:

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- Council's has committed \$4,328,000 to capital road projects. This represents a CPI increase of 2.5%.
- \$2,176,600 has been committed to works of Direct Community Benefit. This amount is funded from the reduction in debt servicing costs in 2005/2006 when compared to the base year, 2001/2002. Programs to be undertaken include: footpath works, traffic facilities, swimming pool, tennis court, sportsfield, and playground refurbishment, park development, and tree planting.
- \$713,000 will be utilised from Council's property reserve to fund works associated with the depot relocation project.
- The proposed new loan amount of \$1,400,000 in 2005/2006 has been allocated to part fund the road program.

Fees and Charges Document 2005/2006

Council's Fees and Charges have been increased where appropriate. Fees that have not been subject to an annual increase include Statutory and Regulatory Fees, Section 94 Contributions and those where it was not commercially viable to do so.

Attached as **Appendix B** is a copy of Council's Draft Fees and Charges for 2005/2006.

CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

The development of the Management Plan, Budget and Schedule of Fees and Charges has been undertaken in full consultation with all departments across Council.

SUMMARY

MANAGEMENT PLAN

- Council's Draft Management Plan has been developed in accordance with Sections 402, 403 and 404 of the Local Government Act (1993).
- Council's seven principal activities are:
 - Civic Leadership
 - Integrated Planning
 - Community Development
 - Natural Environment
 - Built Environment
 - Financial Sustainability
 - Council's Corporate Services

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- Each principal activity has a number of objectives which are linked to outcomes and performance indicators that clearly identify how objectives will be achieved and how performance in achieving these objectives will be measured over the term of the Plan.
- Quarterly reviews measuring the extent to which performance targets have been met, will be reported to Council within two months after the end of each quarter.

BUDGET

- Council's Draft Budget for 2005/2006 has been developed using the framework of the 10 Year Financial Model, adopted by Council on 14 December 2004.

Should the special rate variation be approved to fund the environment programs as identified, income will be increased by \$1,760,000 for 2005/06, representing a 5% increase in rates.

- The draft budget does not rely on funding from asset sales. Proceeds from asset sales will be restricted as required.

RECOMMENDATION

- A. That Council adopt the Management Plan 2005-2009, incorporating the Budget, Special Rate Variation and Fees and Charges for 2005/2006 for the purpose of public exhibition.
- B. That the Management Plan, Budget and Fees and Charges be placed on public exhibition for 28 days commencing Friday, 29 April 2005.
- C. That an advertisement be placed in the 'North Shore Times' advising public exhibition details.
- D. That following public exhibition, a further report be submitted to Council for adoption of the 2005-2009 Management Plan, Budget and Fees and Charges.

Michael Lopez
Management Accountant

John McKee
Director Finance and Business

Brian Bell
General Manager

Attachments: **Appendix A. Draft Management Plan 2005-2009 (bound separately)**
 Appendix B. Draft Fees & Charges 2005/06 (bound separately)
 Appendix C. Draft submission to the Department of Local Government
 seeking a special variation to general income 2005-06 (bound separately)

Ku-ring-gai Council

**Draft
Management Plan
2005-2009**

April 2005

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INTRODUCTION

What is a Management Plan?

The Management Plan is a statutory requirement under Section 402 of the Local Government Act.

The Plan clearly identifies Council's principal activities, and defines Council's strategic direction. In other words it identifies what Ku-ring-gai Council will do over the next four years. It also contains a detailed budget for the first year and an assessment of the longer term financial position of Council.

Council has identified the following principal activities:

- Civic Leadership
- Integrated Planning
- Community Development
- Natural Environment
- Built Environment
- Financial Sustainability
- Council's Corporate Services

There is a statutory requirement that the Management Plan and Budget be publicly exhibited for a minimum period of 28 days prior to it being adopted by Council.

How will performance be measured?

A report will be forwarded to Council within two months after the end of each quarter in accordance with Council's statutory obligations. The report will outline the extent to which performance targets have been met and provide comments as to the current status of all strategies outlined in the plan.

From a budgetary perspective, Council will formally review a revised estimate of income and expenditure on a quarterly basis. The report will track actual expenditure against budgets and explain the reasons for any significant variations. In addition the report will also track expenditure on capital works and projects undertaken by Council.

PUBLIC CONSULTATION PROCESS

Management Plan

In accordance with the requirements of the Local Government Act, the Draft Management plan is scheduled to be publicly exhibited from 1 May to 30 May 2005.

Following exhibition the plan will be referral to Council on 14 June for formal adoption. The Plan, plus details of Fees and Charges are available at:

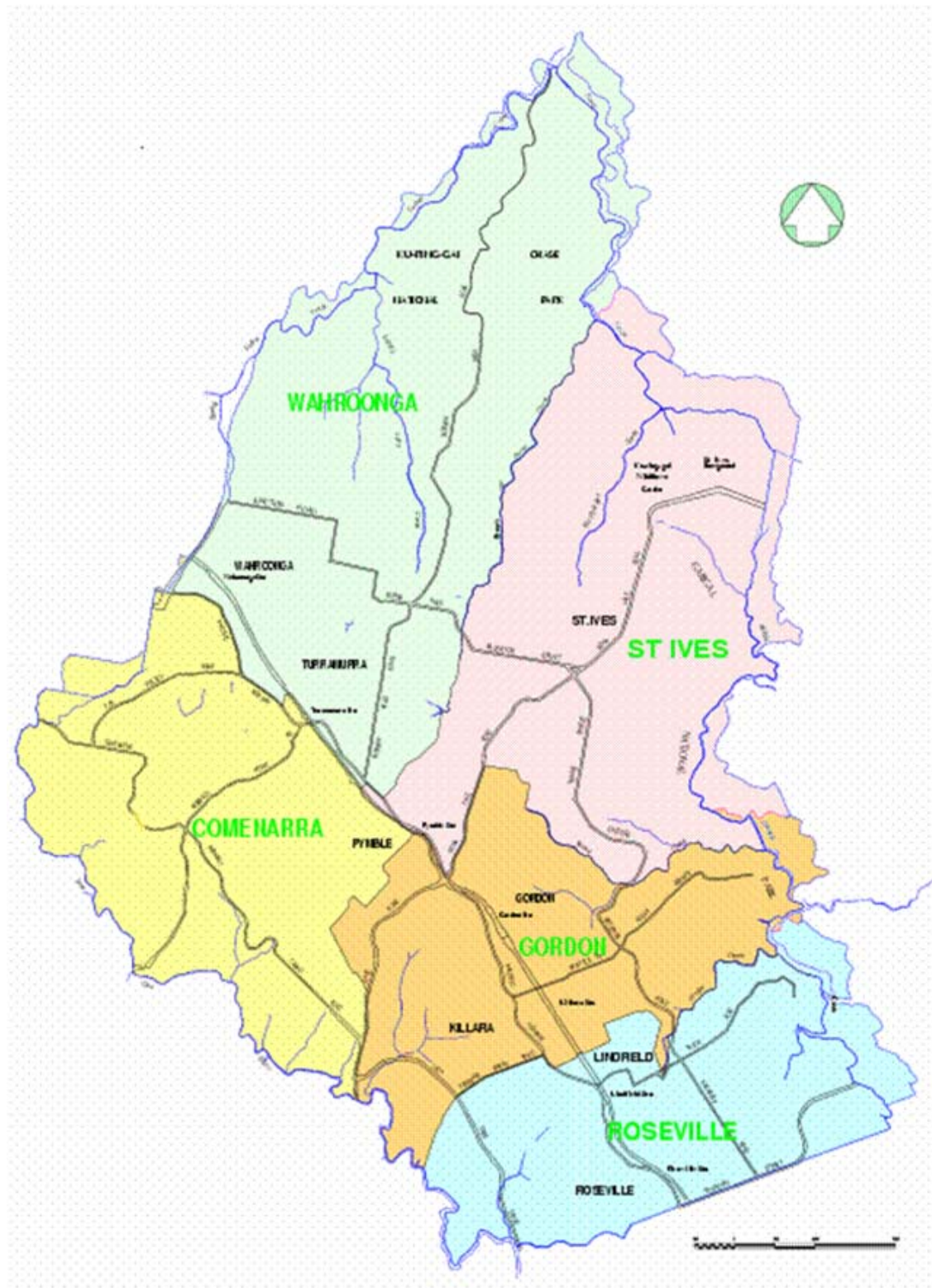
- Council Chambers
- Council's website (www.kmc.nsw.gov.au)
- Ku-ring-gai Library
- Lindfield Library
- Turramurra Library
- St Ives Library

A PROFILE OF KU-RING-GAI

- Ku-ring-gai covers an area of 84 square kilometres with five wards and nine suburbs.
- The area features dramatic contrasts in topography and a diversity of plant communities and wildlife habitats. Significant portions of the urban bushland have been identified as having high conservation status.
- Ku-ring-gai is located approximately 16 kilometres from Sydney and is on average 152 metres above sea level.
- The Pacific Highway forms the central spine of the area running along a north-west/south-east ridge. Other ridges run off this central spine.
- The Ku-ring-gai area drains to Middle Harbour in the east, to the Lane Cove River in the west and to Spring Gully Creek and Cowan Creek in the north.
- Ku-ring-gai has 1,100 ha bushland, 75 km fire trails, 177 ha parkland, 17 ha gardens, and 650 km roads.
- Ku-ring-gai's land use is dominated by housing and open space. Of the residential area, 95% is occupied by low-density housing, much of which is bordered by national parks. Business and other usage account for only 5% of total land use.
- The estimated resident population in June 2004 was 108,830. Between 1999 and 2004 there was an average annual growth rate of 0.5%.
- Across Ku-ring-gai, 64% of the population is Australian born, with 36% born overseas. The overseas-born proportion was less than Sydney's rate (39%). Overall, the Australian-born population ranges from 74% of Warrawee and 70% of West Pymble, to 46% of East Killara and 56% of St Ives. The most common foreign birthplaces in Ku-ring-gai are United Kingdom (6.7% of the population), South Africa (3.7%), Hong Kong (2.7%), New Zealand (2.2%) and China (1.5%).
- Council maintains a variety of community facilities, including:

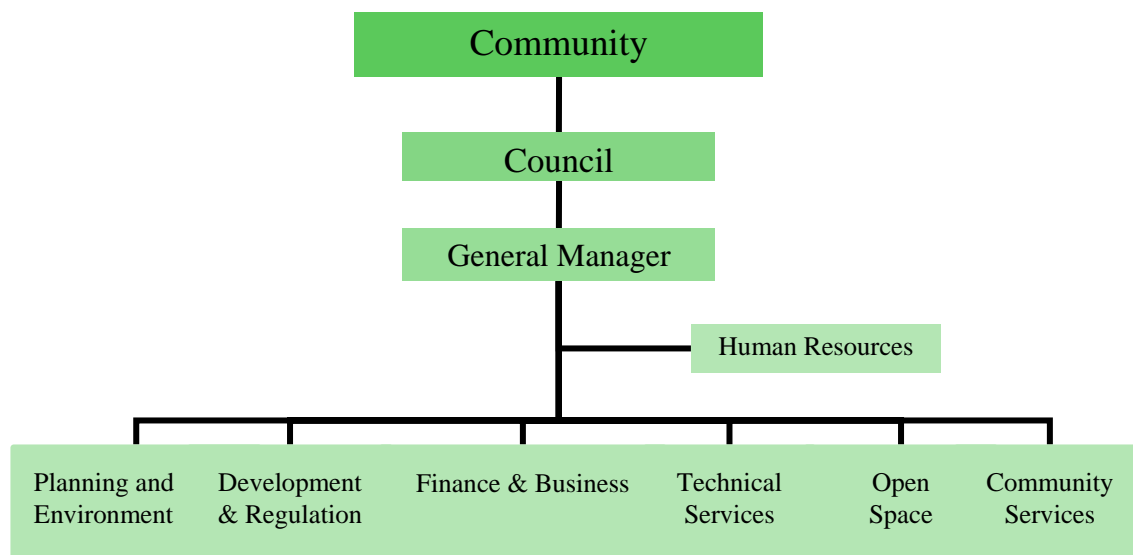
1	Art centre	45	Netball courts
4	Libraries	71	All weather tennis courts
3	Senior's facilities	2	Public golf courses
2	Youth centres	52	Playing fields
6	Community halls	96	Playgrounds
18	Children's Services buildings	374	Parks and reserves
1	Meals on Wheels kitchen	1	Showground
12	Community multi-use buildings	1	Skateboard facility
1	Community bus	1	Pool complex

Ward map of Ku-ring-gai



OUR ORGANISATION

Council's structure has been designed to meet Council's and the communities strategic objectives for the provision of services and facilities, now and into the future.



Senior Management Team

Brian Bell
General Manager

Michael Miocic
Director Development & Regulation

Janice Bevan
Director Community Services

Leta Webb
Director Planning & Environment

Steven Head
Director Open Space

Greg Piconi
Director Technical Services

John McKee
Director Finance & Business

Council's Contact Details

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COUNCILLORS

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Gordon Ward



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St Ives Ward



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HOW COUNCIL WORKS

Ku-Ring-Gai Council is divided into five wards: Comenarra, Gordon, Roseville, St Ives and Wahroonga, each of which is represented by two Councillors.

Local Council elections are held at four-year intervals, and are open to all residents and ratepayers within the Council area. Each year the Councillors elect a Mayor (also a Councillor) by way of a democratic vote, to represent and head the Council. The next Council elections will be held in September 2008.

It is the role of a Councillor to represent the interests of residents and ratepayers and to provide leadership and guidance within the community. They are also required to attend Council meetings and other official functions. Councillors are not paid a salary, however they receive an allowance for attending meetings, as well as limited reimbursement for out of pocket expenses.

The Mayor has the additional responsibilities over and above other Councillors of chairing meetings and carrying out the civic and ceremonial responsibilities of the Council. In addition to the Councillors allowance, the Mayor also receives a mayoral allowance.

Councillor and Mayoral allowances are set by the Local Government Remuneration Tribunal.

Council meetings are held on Tuesday evenings in Council Chambers, 818 Pacific Highway Gordon, commencing at 7pm and in accordance with the following schedule:

2nd Tuesday:	Ordinary Meeting of Council
4th Tuesday:	Ordinary Meeting of Council

Details of meeting dates and times are published in Council's Corporate Advertisement in the North Shore Times. Copies of meeting agendas and Business Papers are available on Council's website, at Council Chambers and from each of Council's Libraries, on the Friday prior to the meeting.

Members of the public are given the opportunity to address the Council on any matter of a general nature or interest to Council and the community as well as any item on the Business Paper, with the exception of Petitions, Business Without Notice and Questions Without Notice.

The power of Councils and Councillors are derived from, and determined by the Local Government Act 1993 and other Acts enacted by the Parliament of NSW.

COUNCIL'S PRINCIPAL ACTIVITIES

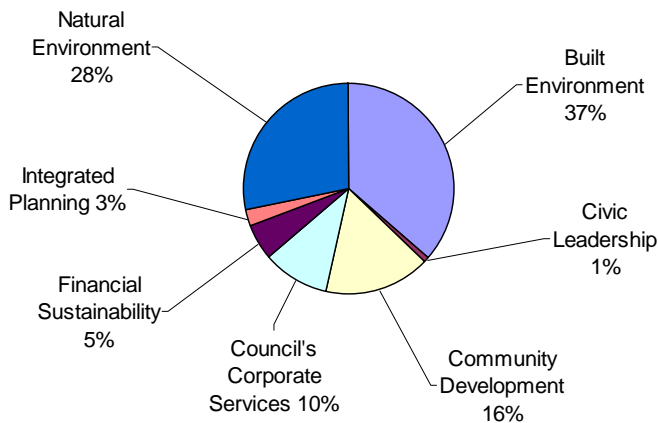
Council has identified the following Principal Activities:

- Civic Leadership
- Integrated Planning
- Community Development
- Natural Environment
- Built Environment
- Financial Sustainability
- Council's Corporate Services

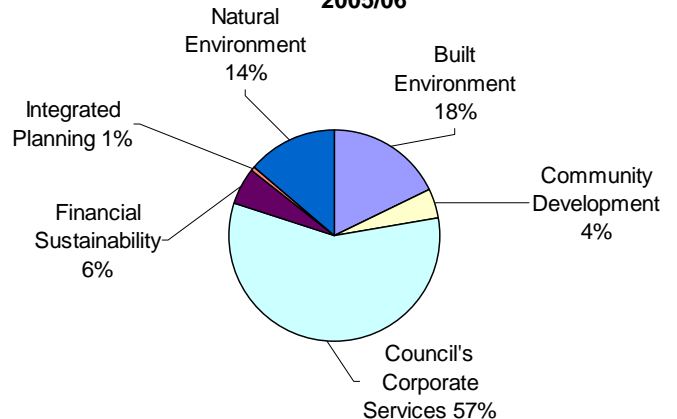
Each Principal Activity of Council has a collection of objectives, actions and key performance indicators that outline performance targets and the proposed method of achieving and measuring these targets.

Expenditure Budget 2005/2006	\$65,677,700
Revenue Budget 2005/2006	\$73,168,500
General (Net) Funding	<hr/> (\$7,490,800)

**Expenditure Allocation By Principal Activity
2005/06**



**Revenue Allocation By Principal Activity
2005/06**



CIVIC LEADERSHIP

Ku-ring-gai Council will work to ensure that its affairs are conducted in an open and transparent manner.

Council will effectively consult with the community to ensure that it provides quality services which reflect the expectations of ratepayers and represent best value.

Ku-ring-gai will aspire to be recognised as a model Council in NSW.

Issues

- Intergovernment relations including Council control over local planning matters.
- Effective public policy.
- Balancing current & future demands against limited resources.
- Engaging the wider community.
- Community perception of Council.

Policies, Plans, Guidelines

- Federal and State Legislation.
- Code of Meeting Practice.
- Code of Conduct.
- Internal Reporting Policy (Protected Disclosures).
- Policy for the payment of expenses and provision of facilities to Councillors.
- Provision of Information and Interaction between elected members and staff.

Objective

To provide community leadership that is:

- Efficient.
- Effective.
- Transparent.
- Participative.
- Accountable.

What we are striving to achieve

- Civic Leadership drives the direction of all of Council's principal activities:
 - Integrated Planning.
 - Community Development.
 - Natural Environment.
 - Built Environment.
 - Financial Sustainability.
 - Corporate Services.
- Council's future direction is detailed throughout this document under each of the principal activities.
- Council strives to be a leading Local Government authority and to create a positive public image.

Where we want to be in 5 years

- A high degree of satisfaction with Council's leadership.

What we will do this year

- Continue to assess the level & mix of services provided to the community.
- Analyse initiatives to enhance Council's corporate identity.
- Implement a resident feedback register.

Measuring our achievements in 2005/2006

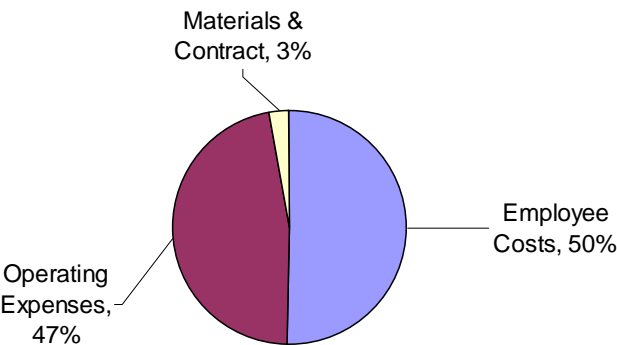
Key Performance Indicators

- | | | |
|---|--------------|-----------------|
| • Through the Management Plan process, review the implementation of Council's principal activities. | Each quarter | General Manager |
| • Establish the resource allocation and financial framework for Council's operations. | 2nd quarter | General Manager |
| • Report to Council on outcomes of the community feedback register as required. | 4th quarter | General Manager |
| • Report to Council on initiatives to enhance Council's corporate identity. | As required | General Manager |
| • Implement organisational wide training programs to enhance customer relationships. | As required | General Manager |

Expenditure Budget 2005/2006	\$567,100
Revenue Budget 2005/2006	\$1,100
General (Net) Funding	<hr/> \$566,000

Civic Leadership Expenditure Allocation 2005/06

Civic Leadership Revenue By Source 2005/06



*100% Funding from
User Fees & Charges*

INTEGRATED PLANNING

Ku-ring-gai will be a vibrant place while maintaining its unique character, natural environment and heritage.

Integration of Council's planning will improve the liveability and vitality of local communities and the sustainability of the area.

Council must respond to State Government and Community demands for additional housing, greater housing choice and associated facilities.

Issues

- Federal and State policies, legislation, reforms and initiatives impact at a local level.
- Demands for more housing, greater housing choice, greater and improved open space, new services and facilities.
- Increased medium density housing will create major demands, changes and opportunities within the area.
- Sustainability (environment, social, economic) needs to be integrated as the key driver of Council's approach.
- Ageing urban centres require revitalisation.
- Ageing infrastructure places limits on capacity for future development.
- Travel, transport and parking demand is growing with roads and rail reaching saturation during peak periods.
- There is limited integration across the transport network.
- Complex problems require multidisciplinary approach within Council and consultation and partnerships with the community, government bodies and other stakeholders.
- Heritage, biodiversity and the tree canopy are under threat from development and human activities.

Policies, Plans, Guidelines

- Federal & State Government Planning Legislation.
- Local Environmental Plans.
- Development Control Plans.
- Section 94 Contribution Plans.
- Tree Preservation Order.
- Planning Codes and Policies.

- State of the Environment Report.
- Plans of Management for Community Land.
- Social and Cultural Plans.
- Access Policy and Disability Discrimination Act Action Plan.
- Residential Development Strategy.
- Council's Traffic and Transport Policy.
- RTA Traffic generating development Guidelines.
- F3 to Sydney Orbital Link Study.

Objectives

- Ku-ring-gai will be a vibrant place while maintaining its unique character, natural environment and heritage.
- Housing, transport, open space and community facilities will meet the needs of a changing community while protecting heritage and the natural environment.
- Stakeholders including residents, community groups, government agencies and the development sector will be actively engaged in the planning process.

What we are striving to achieve

- A community that is informed and involved in the planning process.
- A great place to work, live and recreate.
- Clear visions and action plans are developed and implemented for each suburb and centre. These integrate social, economic, environmental, infrastructure and urban design considerations.
- Neighbourhood character, natural areas, biodiversity and heritage are protected and enhanced.
- Integrated transport services are in place and funded.
- Biocorridors are in place, green web integrated and tree canopy restored to pre 1990 levels.
- Sustainability is integrated into all planning and indicators are applied.(Council and development assessment).

Where we want to be in five years

- Environmental management and sustainability fully integrated into planning processes.
- A long term vision and plan is developed in consultation with the community and an action plan for its implementation is in place.
- New consolidated Council wide Local Environmental Plan and Development Control Plan in place.
- Key retail/commercial centres have comprehensive visions and plans to guide future development consistent with the principles of sustainability.
- Public domain manual and plans are in place for each major business centre.
- A new developer contribution plan (Section 94) is prepared to ensure adequate funds are collected to provide for the provision of future community infrastructure.
- Heritage inventory sheets are available for all heritage items and Urban Conservation areas.
- Items and areas with heritage significance are protected by inclusion in Local Environmental Plans and their development is subject to a Development Control Plan.
- Bio corridors established across public and private land and biodiversity strategy is being implemented and green web implemented.
- A process is in place for new development, services and facilities reflect the changing social, economic and environmental needs of the community.
- Integrated transport plans (including plans for cycling and walking) in place across the council area and consistent with regional and state government plans.
- Sustainability indicators in place.
- Improved access achieved at local railway stations.
- Council to have delegation to issue interim Heritage orders.

What we will do this year

- In association with the development of the state government Metro Strategy, lobby for infrastructure and intersection upgrades to major arterial link networks and access to railway stations.
- Ensure integration of accessibility criteria into Council's planning documents.
- Continue to implement Stage 2 of the Residential Development Strategy by preparing plans for major commercial centres.
- Review classification of community landholdings in association with Stage II of the Residential Development Strategy.

- Commence the development of a comprehensive Local Environmental Plan for Ku-ring-gai, to replace the Ku-ring-gai Planning Scheme Ordinance.
- Prepare plans for urban conservation areas.
- Undertake an open space land acquisition study.
- Commence review of Council's Bushfire prone land map.
- Complete a water conservation plan.
- Prepare a comprehensive public domain plan.
- Co-ordinate assessment of rezoning applications.
- Establish a program for progressing sustainability into Council's activities.
- Continue to revise key planning documents to make them more effective and to respond to legislative change.
- Develop plans for traffic management and other forms of transport in the major centres.
- Progress negotiations concerning the abandoned freeway corridor lands in Wahroonga and Turramurra.
- Continue to review potential heritage items.
- Prepare Draft Plans of Management for Community Lands.
- Monitor the F3/Sydney route proposal for siting of infrastructure.

Measuring our achievements in 2005/2006

Key Performance Indicators

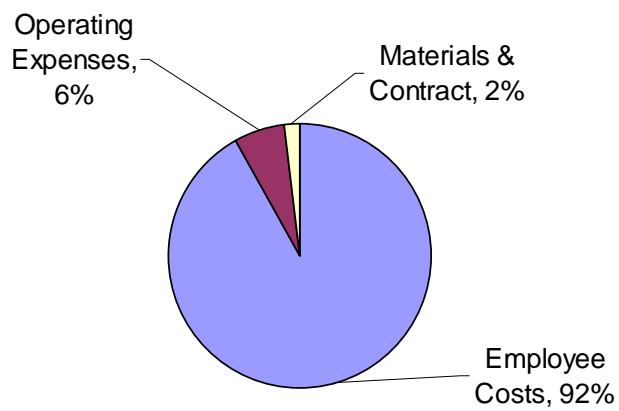
• Complete review of Development Control Plan No.38 (having regard to the special value of precincts).	1st quarter	Director Planning and Environment
• Continue to review potential Heritage items (including pre war & Inter war) and develop heritage inventory sheets.	4th quarter	Director Planning and Environment
• Finalise tree preservation order.	1st quarter	Director Open Space
• Finalise integrated plan for St Ives.	1 st quarter	Director Planning and Environment
• Finalise integrated plan for Turramurra.	1 st quarter	Director Planning and Environment
• Finalise integrated plan for Gordon.	2 nd quarter	Director Planning and Environment

- | | | |
|---|-------------------------|---|
| • Finalise integrated plan for Pymble. | 3 rd quarter | Director Planning and Environment |
| • Finalise integrated plan for Roseville. | 4 th quarter | Director Planning and Environment |
| • Finalise integrated plan for Lindfield. | 4 th quarter | Director Planning and Environment |
| • Review Development Control Plan 55. | 1 st quarter | Director Planning and Environment |
| • Complete drafting of plans of Management as per Council's adopted program. | Ongoing | Director Open Space |
| • Report to Council on initiatives undertaken to progress infrastructure and intersection upgrades to major arterial link networks. | 3 rd quarter | Director Technical Services |
| • All planning documents referred to Council for consideration include accessibility criteria. | Ongoing | Director Planning and Environment |
| • Open Space land acquisition reported to Council including fundings and associated opportunities. | 3 rd quarter | Director Open Space |
| • Report timetable and progress of bushfire prone land map to Council. | 2 nd quarter | Director Open Space |
| • Public Domain Plan completed and reported to Council. | 2 nd quarter | Directors; Technical Services, Open Space, Community Services and Planning & Environment. |
| • Establish a program for the development of a comprehensive Local Environmental Plan and report to Council. | 2 nd quarter | Director Planning and Environment |

Expenditure Budget 2005/2006	\$1,798,900
Revenue Budget 2005/2006	\$380,400
General (Net) Funding	<hr/> \$1,418,500

Integrated Planning Expenditure Allocation 2005/06

Integrated Planning Revenue By Source 2005/06



*100% Funding from
User Fees & Charges*

COMMUNITY DEVELOPMENT

Ku-ring-gai is characterised by a socially and culturally diverse community that values a safe and healthy environment. Council provides services and programs that respond to the specific needs of the Ku-ring-gai community.

Issues

- Limited opportunity for community participation in community events.
- Communication between the community and Council.
- Effectiveness and awareness of Council's environmental health service.
- Increasing demand on community facilities and services.
- Age and quality of facilities supporting service providers.
- An increasingly diverse community.
- Accessibility of services.
- Proportional shift from organised sport to informal recreation.
- Childhood obesity and inactivity.
- Ageing population.
- Crime and safety perceptions in the community.
- Vandalism and graffiti.
- Introduction of new regulations, accreditation standards, and increased administration and accountability requirements.

Policies, Plans, Guidelines

- Federal and State Legislation.
- National Home and Community Care Validation Standards.
- National Childcare Accreditation Principles.
- Disability Action Plan and Access Policy.
- Social and Cultural Plans.
- Northern Sydney Aboriginal Social Plan.
- Community Land Plans of Management.
- Ku-ring-gai Sporting Fields and Courts Strategic Plan.
- Section 94 Contributions Plan.

- Education for Sustainability Strategy.
- Draft Open Space Strategy.
- Demographic Profile.
- Ku-ring-gai Open Space Needs Analysis.

Objectives

- To contribute to a sustainable, safe, healthy and vibrant community through the provision of integrated services and programs.
- To provide a library service that addresses the information, cultural and recreation needs of the community.
- To offer a stimulating environment for artistic and creative expressions through an ongoing program of art courses, workshops and events.
- To provide programs that represent value for money and are financially sustainable.
- To develop community pride and identity through cultural planning, community celebrations and cultural awareness programs.
- To provide quality open space, sufficient to meet the needs of the community.

What we are striving to achieve

- A healthy, vibrant, inclusive and informed community.
- Accessible and affordable services that contribute to the well-being of the community.
- A culturally aware, active and involved community.
- A community that understands and assists in creating safe environments.
- An integrated network of facilities that are adaptable and effective in meeting the needs of the community.

Where we want to be in 5 years

- Planning and delivery of community services that address the changing needs of the community.
- Increased awareness of, and participation in cultural, sporting and recreational activities.
- North Turrumurra Recreation area as a multi use sport and recreation facility.
- Recreation needs are met for existing and new residents.
- Community with a realistic perception of safety.

- Major parks are a focal point for the community.
- A strong culture of community participation.
- External partnerships established to further develop and enhance services and facilities.
- Provision of adequate facilities to satisfy youth and childcare needs.
- Multi purpose community cultural centre established.
- Existing community facilities upgraded to best satisfy user needs.

What we will do this year

- Present cultural celebrations and special events that encourage community participation and create a sense of well-being.
- Increase access to and use of Council's community facilities and recreation areas.
- Encourage greater participation in community based volunteer programs.
- Review and enhance Council's library services.
- Review existing service programs to ensure they remain responsive and relevant to the needs of the community
- Conduct Children's Centre Feasibility Study.
- Complete plans for North Turramurra Recreation.

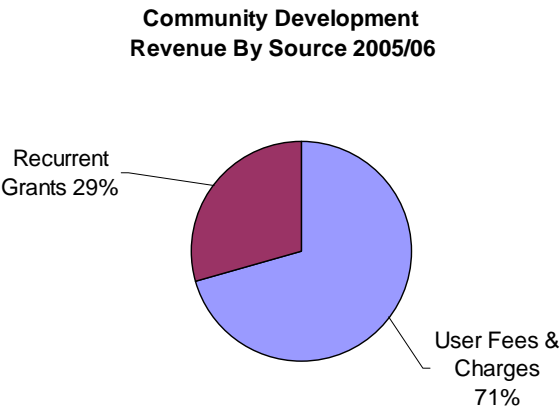
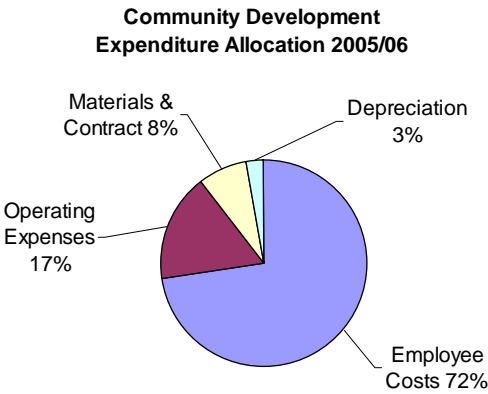
Measuring our achievements in 2005/2006

Key Performance Indicators

- | | | |
|---|-------------------------|-----------------------------|
| • A 'Sports in Ku-ring-gai' strategy completed and implementation commenced. | 1 st quarter | Director Open Space |
| • New arts centre program revised. | 1 st quarter | Director Community Services |
| • Complete master plans for district parks. | 4 th quarter | Director Open Space |
| • Childrens Centre Feasibility Study completed. | 3rd quarter | Director Community Services |
| • Community festival held. | 4 th quarter | Director Community Services |
| • Adopt a program for specific community groups and music events and report to Council. | 4 th quarter | Director Community Services |

- | | | |
|--|-------------------------|-----------------------------|
| • Conduct a review of library services including opening hours. | 2 nd quarter | Director Community Services |
| • Refer recommendations identified in Community issues paper to Council for consideration. | 4 th quarter | Director Community Services |
| • Commence implementation of recommendations in Community Plan and report quarterly to Community Services Committee. | ongoing | Director Community Services |
| • Commence implementation of recommendations in Cultural Plan and report quarterly to Community Services Committee. | ongoing | Director Community Services |
| • Continue to develop and implement master plans for District Parks. | 4 th quarter | Director Open Space |
| • Detailed plans and construction program for North Turramurra recreation area reported to Council. | 3 rd quarter | Director Open Space |
| • Develop concept plan for improved aquatic leisure facilities. | 2 nd quarter | Director Open Space |
| • Continue to communication quarterly on Open Space programs and plans. | Ongoing | Director Open Space |
| • Develop concept Plan for multipurpose Children's facility. | 4 TH quarter | Director Community Services |
| • Continue to increase participation in Council's environmentally based community programs. | 4 th quarter | Director Open Space |
| • Commence implementation of program for Centenary of Local Government. | 4 th quarter | Director Community Services |
| • Identify opportunities, particularly for seniors, to promote recreational use of bushland areas including Ku-ring-gai Wildflower Garden. | 2 nd quarter | Director Open Space |
| • Investigate and report on development of an "Active Ku-ring-gai" program. | 2 nd quarter | Director Open Space |

Expenditure Budget 2005/2006	\$10,565,700
Revenue Budget 2005/2006	\$3,102,100
General (Net) Funding	<hr/> \$7,463,600



NATURAL ENVIRONMENT

The identity of Ku-ring-gai comes from the relationship between natural bushland, creeks, street trees and our urban area.

Urban development and human interaction occur within our community and our natural resources and impact on the sustainability of the area.

Ku-ring-gai recognises the value of integrated natural resource management.

Issues

- Climate change.
- How to integrate natural systems and built solutions on local waterways.
- Adverse effects on the environment from unsustainable activities, causing increasing greenhouse gas emissions, decreasing air quality, degrading water quality and excessive waste disposal.
- Remediation of former landfill sites.
- How to prioritise programmes and expenditure.
- Increasing fire frequency from hazard reduction and wild fires.
- Reduction in biodiversity attributed to the impacts of urban development, introduction of pest species and habitat loss.
- Resourcing the solutions.

Policies, Plans, Guidelines

- Federal and State Legislation.
- NSW Biodiversity Strategy.
- SEPP 19 – Urban Bushland.
- Community Land Plans of Management.
- Local and regional environment plans.
- Catchment Blueprints for Sydney Harbour and Lower Hawkesbury – Nepean Rivers.
- State of Environment Report.
- Development Control Plans (DCP's).
- Tree Preservation Order.
- Stormwater Management Plans and local catchment plans.

- Greenhouse Action Plan.
- Environmental Management System.

Objectives

- To understand and manage our natural environment to ensure that it is preserved and enhanced for current and future generations.
- The community and Council have access to information to guide evidenced based decisions to sustainably manage our environment.
- To apply Council's resources in the most effective and efficient manner to contribute to protecting and managing our natural environment.

What we are striving to achieve

- A community and Council that considers and actively reduces their environmental impact.
- Biodiversity that is protected and enhanced through a co-operative effort between Council, our community, relevant agencies and other stakeholders.
- Maintenance of our existing landscape character including our urban forest and creeks.
- A community that feels strongly involved and having a sense of responsibility for the environment.
- Cleaner waterways and healthy habitats.
- Development outcomes with significantly reduced impacts on the natural environment.
- Environmental education is integrated throughout the organisation's planning and operations.

Where we want to be in 5 years

- Implementing new initiatives identified in our biodiversity strategy.
- Implementing initiatives from the integrated local catchment plans.
- Council seen as a model organisation in efficient programme design and resource allocation.
- One percent of our residents actively involved in community environment programmes.
- Research, industry and community partnerships established and delivering improvements for the management of our environment.

- Reducing corporate greenhouse gas emissions by 20% from 1996 levels.
- Reducing reliance on potable water.
- Council policy and programmes actively repairing past damage to the environment.
- Increase community awareness of environmental issues through a comprehensive and integrated education programme.

What we will do this year

- Preserve the existing areas of natural habitat.
- Implement the bushfire hazard reduction programme.
- Improve the condition of our riparian systems.
- Implement the projects identified in the environment levy.
- Implement initiatives to further reduce greenhouse gas emissions.
- Review methods for further reduction in disposal of waste to landfill.
- Further relationships with research institutions to assist in natural area management.
- Promote recreation in bushland areas.
- Increase participation in environmental education programmes across all sectors of our community.
- Prepare a Water Management Plan.
- Strengthen the Bushcare programme and groups.

Measuring our achievements in 2005/2006

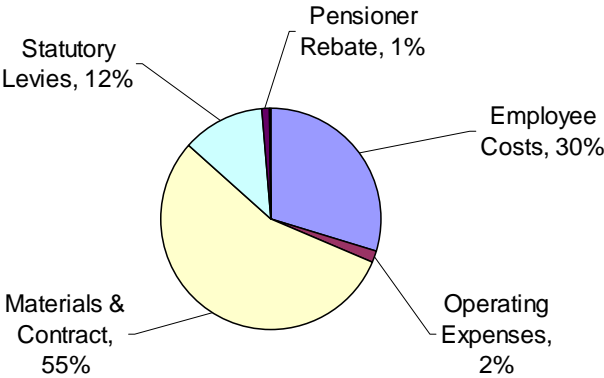
Key Performance Indicators

- | | | |
|--|-------------------------|-----------------------------------|
| • Reduce the percentage of bushland that is severely degraded by weeds. | 4 th quarter | Director Open Space |
| • Report on extensions to fire breaks at the urban/bushland interface. | 4 th quarter | Director Open Space |
| • Number of projects that improve riparian condition. | 4 th quarter | Director Open Space |
| • Report on development applications conforming to the objectives of the policy. | 4 th quarter | Director Development & Regulation |
| • Annual report prepared on implementation of projects funded by the environment levy. | 4 th quarter | Director Open Space |

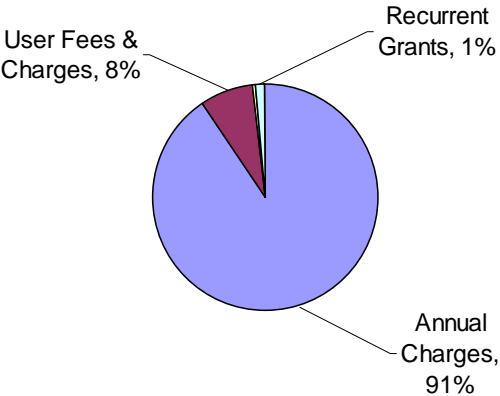
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|---|-------------------------|--|
| • Identify water conservation targets. | 3 rd quarter | Director Planning & Environment |
| • 10% increase in volunteer hours Worked by bushcare volunteers. | 4 th quarter | Director Open Space |
| • Adopt a measure for biodiversity. | 3 rd quarter | Director Open Space |
| • Establish resident usage of bushland areas, including participation in bushland education programmes. | 2 nd quarter | Director Open Space |
| • Prepare an asset management plan for bushland facilities and assets. | 2 nd quarter | Director Open Space |
| • Biodiversity strategy completed and implementation commenced. | 2 nd quarter | Directors, Open Space and Planning & Environment |
| • Report outcomes of the education program on the new waste and recycling system. | 1 st quarter | Director Technical Services |
| • Supplementary State of the Environment Report prepared. | 1 st quarter | Director Planning and Environment |
| • State of Environment Plan linked to Management Plan. | 3 rd quarter | Director Planning and Environment |
| • Update greenhouse action plan. | 4 th quarter | Director Planning and Environment |
| • Report on Water Smart challenge community involvement programme and “Every Drop Counts” program. | 3 rd quarter | Director Planning and Environment |
| • Implement prioritised program of riparian restoration and improvements. | 1 st quarter | Director Planning and Environment |

Expenditure Budget 2005/2006	\$18,528,400
Revenue Budget 2005/2006	\$10,106,400
General (Net) Funding	<hr/> \$8,422,000

**Natural Environment Expenditure Allocation
2005/06**



**Natural Environment Revenue By Source
2005/06**



BUILT ENVIRONMENT

Ku-ring-gai has an ageing infrastructure that requires significant funding to be sustainable and meet the needs of the community.

Pressure is being placed on the built environment by increased development and the need for Council to manage appropriate forms of development that are sympathetic to the area.

There is an ongoing need to ensure a reliable, consistent, effective and efficient development assessment and regulation service.

Issues

- Ageing asset infrastructure (roads, drainage, footpaths, buildings, open space).
- Limited funding from State and Federal Governments.
- Infrastructure Levy concludes in 2005/06.
- Protection of the natural environment.
- Public liability implications.
- Providing facilities that meet community needs and social standards.
- Analysis of capacity deficiencies of all drainage catchments still to be completed.
- High number of reported flooding incidences.
- High cost of completing drainage works required to meet 1 in 20 year design storms.
- Funding to ensure Council's operational plant is replaced within optimal timeframe.
- The reliability, effectiveness and efficiency of Development Assessment services.
- Land and Environment Court appeal costs.
- Backlog in development applications.
- The need to provide a competitive certification service.
- The effectiveness of our monitoring and regulation of unauthorised works, uses and construction activity.
- Ineffective and reactive compliance and regulatory service.
- Increasing demand on community facilities.
- Restrictions on use due to land categorisation.
- Parking and access limitations for Council's facilities.
- Bushfire threats to the built environment.

Policies, Plans, Guidelines

- Federal and State Legislation.
- Accounting Standards.
- Council's Local Environmental and Development Control Plans.
- Council's Operational Policies and Guidelines.
- Access and Equity Policy.
- Policies for Leasing Council Properties.
- Building Code of Australia.
- Social and Cultural Plans.
- Facility Management Plan.
- Community Land Plans of Management.

Objectives

- Management of our assets (roads, drains, footpaths, buildings, open space) that meet current and future uses and needs within resources available.
- To ensure development assessment is consistent with Council's policies and codes and provides an efficient and effective service.
- To provide multi purpose accessible facilities for community use.

What we are striving to achieve

- Assets that are regarded as being effectively managed and meet community needs.
- Local autonomy for assessment of development under local planning controls and minimal State planning controls.
- An efficient and effective development assessment process that provides both quality and timely outcomes.
- An efficient and effective compliance and regulatory service.
- Multi purpose and accessible community facilities that meet the needs of the community.

Where we want to be in 5 years

- Completion of 60 kilometres of road reconstruction works and 12 kilometres of new footpath.

- Completion of upgrades to 9 sporting facilities and 25 playgrounds.
- Water quality in natural environment from stormwater discharge from Council's roads to be improved by introduction of filter treatments for all roadworks adjacent to bushland.
- Completion of statutory requirements for all of Council's major buildings.
- Commencement of the program for replacement or major improvements of Council's buildings.
- All operational plant used to its maximum potential and plant that is underutilised below economic value to be disposed and replaced by hired plant.
- Undertaking best practice asset maintenance, management, refurbishment and replacement that is recognised as a leader by other Councils.
- A new Council depot that embodies sustainability design features.
- An adopted program that identifies improvements to all Council's drainage system to meet the 1 in 20 year design storms.
- An adopted program that re-uses stormwater and improves the quality of runoff to bushland.
- Land and Environment Court costs reduced to less than \$1 million per annum.
- A development assessment service that is a best practice model in terms of efficiency, consistency and reliability and has a median processing time of 40 days for 70% of all development applications.
- Fully automated development assessment and certification systems, using internet based application processes.
- High quality development outcomes evident across Ku-ring-gai.
- Improved public image and confidence in our regulatory and compliance services.
- A new multi purpose community facility.

What we will do this year

- Develop five year rolling programs for roads and footpaths that targets 12 kilometres of road and 2.5 kilometres of new footpath.
- Develop five year programs for upgrading sportsfields, sporting facilities and playgrounds.
- Continue to implement the program for road treatments adjacent to bushland which enhances the quality of water into the natural environment.
- Continue the program for replacement and improvements for Council buildings.
- Develop a program for improvements for all catchments in accordance with Council's ranking criteria.
- Ensure appeals are well managed and deemed refusal numbers are minimised.

- Apply for an extension of the Infrastructure Levy.
- Reduce numbers of outstanding Development Applications.
- Review service standards against all major asset classes.
- Implement community facilities improvement program.
- Promote halls and meeting rooms.
- Co-ordinate responses to Development Applications for targeted sites.
- Continue integration of asset costing data to council's financial systems.
- Commence implementation of irrigation programs for Council parks and reserves that utilise Councils Stormwater drainage system.
- Implement stage I of Sewer mining project for Golf course irrigation.
- Review utilisation rates for community facilities.
- Initiate forward design program for Open space capital works.
- Assess mix of Council facilities in major town centres and associated review of funding options.
- Document and report the operation of Private Principal Certifying Authorities.
- Update drainage maintenance and Capital Works program in accordance with findings of the catchment analysis for the Lane Cove River Catchment.

Measuring our achievements in 2005/2006

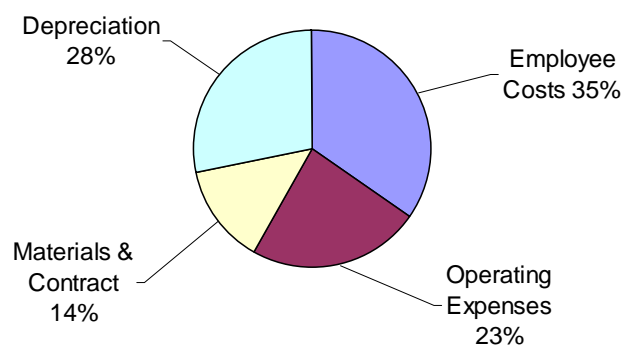
Key Performance Indicators

- | | | |
|--|-------------------------|-----------------------------|
| • An adopted five year rolling program for roads and footpaths. | 1 st quarter | Director Technical Services |
| • Complete road and footpath and program within 10% of time and cost estimates. | 4 th quarter | Director Technical Services |
| • An adopted seven year building maintenance program for all major Council buildings. | 1 st quarter | Director Technical Services |
| • An adopted program for upgrading open space assets. | 1 st quarter | Director Open Space |
| • Complete annual program for design & upgrading of open space assets within 10% of cost and time estimates. | 4 th quarter | Director Open Space |
| • An adopted program for improvements to the drainage system in all catchments. | 1 st quarter | Director Technical Services |

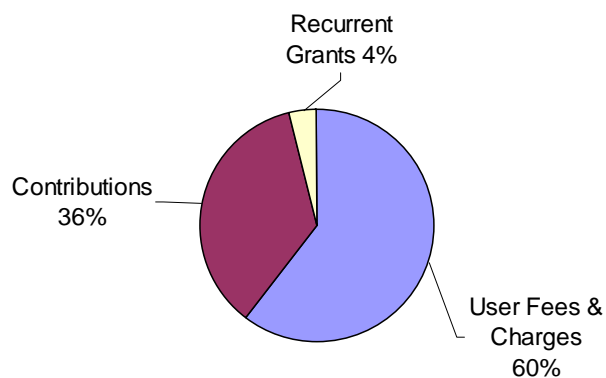
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|--|-------------------------|-----------------------------------|
| • Implement the Community Facilities Improvement Program and report to Council. | 2 nd quarter | Director Community Services |
| • Undertake consultation and preparation of application for Infrastructure Levy. | 3 rd quarter | Director Technical Services |
| • Lease and licence agreements finalised and executed as they fall due. | 4 th quarter | Director Community Services |
| • Conduct public education workshops regarding the role of Council Compliance Officers, Private Certifiers and Principal Certifying Authorities. | 2 nd quarter | Director Development & Regulation |
| • Development of a Compliance Policy. | 1 st quarter | Director Development & Regulation |
| • Audit and report on development compliance for completed development sites. | 4 th quarter | Director Development & Regulation |
| • Audit the usage of Council's facilities and report on findings | 2 nd quarter | Director Community Services |
| • Maintain outstanding DA numbers below 550. | 4 th quarter | Director Development & Regulation |
| • Case reporting on L&E Court appeal outcomes undertaken including assessment of legal firms performance. | 4 th quarter | Director Development & Regulation |
| • Establish express Development Application assessment process for straight forward applications. | 1 st quarter | Director Development & Regulation |
| • Extend Pre DA advice service to all application types. | 2 nd quarter | Director Development & Regulation |
| • Call and let tenders for new depot site at Suakin Street. | 2 nd quarter | Director Technical Services |
| • Report on new/improved facilities in major town centres and associated funding options. | Ongoing | All Directors |

Expenditure Budget 2005/2006	\$23,944,500
Revenue Budget 2005/2006	\$13,081,700
General (Net) Funding	<hr/> \$10,862,800

Built Environment Expenditure Allocation 2005/06



Built Environment Revenue By Source 2005/06



FINANCIAL SUSTAINABILITY

Ku-ring-gai is a largely developed Council with an ageing infrastructure and a heavy reliance on rating revenue as a proportion of total income.

Council has an annual budget of \$69 million, of which \$9 million is committed to capital and project works.

Council's financial strategies are governed by a 10 year financial model which is reviewed by Council each year. The aim of the model is to increase Council's commitment to asset renewal while simultaneously reducing debt.

Issues

- The need to set aside sufficient funding for Council's ageing asset infrastructure.
- The need to broaden Council's revenue base.
- Finding a balance between economic returns and social responsibilities governing Council's operations.
- Management of Council's debt.
- Maintaining a balanced budget, having regard for increasing statutory charges and Council's reliance on rating revenue.
- Prioritising available financial resources to best service the needs of the Community.

Policies, Plans, Guidelines

- Federal and State Legislation.
- Australian Accounting Standards.
- Code of Accounting Practice.
- Asset Accounting Manual.
- Investment Policy.
- 10 Year Financial Model.

Objectives

- To ensure the financial sustainability of Council which allows for efficient service delivery and the effective management of Council's assets, now and in future years.

- To continuously explore opportunities to maximise the financial return and Community benefit from Council's commercial property holdings.

What we are striving to achieve

- Sound, sustainable financial management.
- Reduced debt/effectively managed debt.
- An asset network which is maintained to community expectations.
- Continued increase in asset renewal works.
- A decreased reliance on rating revenue.

Where we want to be in 5 years

- A total of \$9.4 million in works of 'direct community benefit' to be undertaken, resulting from reductions in Councils loan repayments.
- Council's reliance on rates and waste income to be less than 55%.
- Council's commitment to Capital Works maintained and indexed annually.
- Depot relocation to Suakin Street completed.
- Significant increase in returns on Councils properties.
- Councils debt reduced from \$11.9 million to \$8.7 million.

What we will do this year

- Reduce Council's debt.
- Adopt a 10 year financial model setting the parameters for Council's Financial Framework.
- Complete sale of Carlotta Street.
- Produce statutory documents in accordance with legislative requirements.
- Execute commercial leases/Licences as required.
- Review the policy for long term financial sustainability.
- Review options to diversify and expand Councils revenue opportunities.
- Model funding options of the redevelopment of Councils facilities.
- Implement the requirements of the International Accounting Standards.

Measuring our achievements in 2005/2006

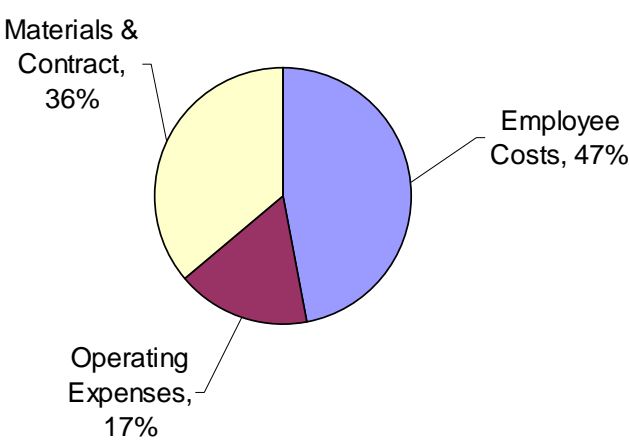
Key Performance Indicators

• 10-Year Financial Model reviewed and adopted by Council.	2 nd quarter	Director Finance and Business
• Requirements contained in Council's 10 year financial model are implemented.	4 th quarter	Director Finance and Business
• Council's investment returns to meet or exceed the average bank bill rate.	4 th quarter	Director Finance and Business
• Balanced budget developed for public exhibition.	4 th quarter	Director Finance and Business
• Analyse and report to Council options to ensure the financial viability of Marian Street Theatre now and in the future.	2 nd quarter	Director Finance and Business
• Firs Estate Cottage Lease to be executed.	2 nd quarter	Director Finance and Business
• Sale of Carlotta Street completed with proceeds restricted to new facilities reserve.	2 nd quarter	Directors, Finance & Business and Technical Services
• Annual Financial Statements adopted and submitted to the Department of Local Government.	2 nd quarter	Director Finance and Business
• Investment performance reported to Council on a monthly basis.	Monthly	Director Finance and Business
• Council's Budget review reported to Council within two months of the end of each financial quarter.	Each quarter	Director Finance and Business
• Notional rate return audited and submitted to Department of Local Government.	2 nd quarter	Director Finance and Business
• Council's debt reduced to \$11.2 million.	4 th quarter	Director Finance and Business
• \$2,176,600 committed to works of 'direct community benefit'	4 th quarter	Director Finance and Business
• Policy for long term financial framework adopted.	2 nd quarter	Director Finance and Business
• Report showing methodology of allocation to Capital works based on what is required to maintain a satisfactory standard and the timeframe.	2 nd quarter	Director; Finance and Business, Technical Services and Open Space

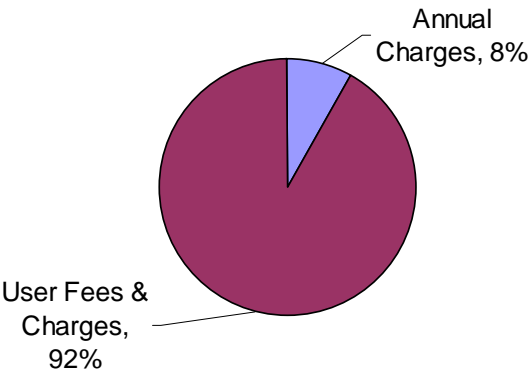
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| • Report to Council outlining potential options for the future use of Marian Street. | 2 nd quarter | Director Finance and Business |
| • Potential funding opportunities identified and reported to Council as required. | Ongoing | Director Finance and Business |
| • Re-apply for DIPNA Stage II funding grant. | 1 st quarter | Director Planning & Environment |

Expenditure Budget 2005/2006	\$3,600,000
Revenue Budget 2005/2006	\$4,158,000
General (Net) Funding	<div></div> (\$558,000)

**Financial Sustainability
Expenditure Allocation 2005/06**



**Financial Sustainability
Revenue By Source 2005/06**



COUNCIL'S CORPORATE SERVICES

Provision of a range of services which act as a focal point for the delivery of information and Customer Services.

Provision of internal services to support the organisation.

Issues

- Council's services need to meet community requirements.
- Implementing new computer system.
- The shift to E-Business.
- Attracting and retaining quality staff.
- Meeting community expectations relating to consultation and information provision.

Policies, Plans, Guidelines

- Federal and State Legislation.
- International Recordkeeping Standards.
- Australian Information Technology Standards.
- State Records Authority, Guidelines Policies and Procedures.

Objectives

- To improve services to the community through the provision of timely and accurate information.
- To ensure that Council's information is protected, developed and maintained effectively and efficiently.
- To expand the provision of Customer Service.
- To attract and retain skilled staff to meet organisational goals and objectives.
- Provide communication services that support the dissemination and exchange of information within Council and the community.

What we are striving to achieve

- Recognised as a leading Council in NSW.

Where we want to be in 5 years

- High degree of customer satisfaction with Council's services.
- Viewed as a leading Council in the area of information management and technology.
- Employer of choice.
- Optimal efficiency of Council's Call Centre through improved PABX Technology.
- Expanded Customer Service provision.
- Expanded E-Business capability to including the ability for customers to conduct business with Council electronically including but not limited to DA lodgement & tracking, online payments and Library transactions.

What we will do this year

- Implement Corporate Communications Strategy.
- Continue to review corporate standards and procedures.
- Produce statutory reports in accordance with legislative requirements.
- Continue to integrate councils Geographical Information Data to software systems across Council.
- Assess the potential to expand the provision of customer services across the council area.
- Establish an organisational customer service procedure.
- Improve the capability for customers to conduct business with Council electronically.

Measuring our achievements in 2005/2006

Key Performance Indicators

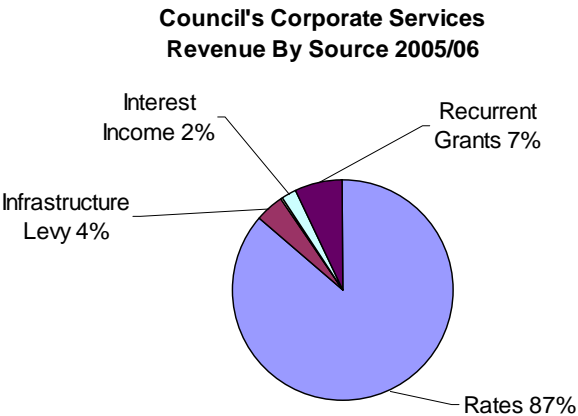
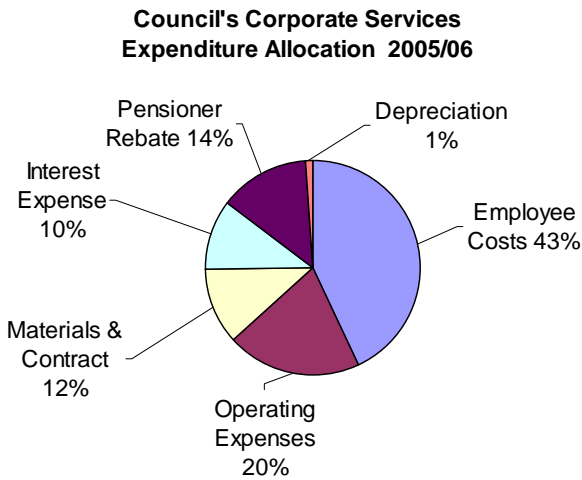
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| • Corporate Communications Strategy implemented. | 2 nd quarter | Director Community Services |
| • Annual Report adopted and submitted to the Department of Local Government. | 2 nd quarter | Director Finance and Business |
| • Management Plan adopted. | 4 th quarter | Director Finance and Business |
| • Council's Land and Environment Court Costs reported to Council on a quarterly basis. | Each quarter | Director Finance and Business |

- | | | |
|--|-------------------------|--|
| • Management Plan progress reported to Council within two months of the end of each financial quarter. | Each quarter | General Manager |
| • Report and analysis of NSW Department of Local Government Comparative data presented to Council. | 2 nd quarter | Director Finance and Business |
| • Annual report to Council on resolutions which have not been implemented with accompanying explanations. | 4 th quarter | General Manager |
| • Database of Council resolutions is kept up to date with responsible officers clearly nominated. | Each week | Director Finance and Business |
| • Annual report to Council on progress made on codifying Council policies for distribution to staff as operational manuals. | 4 th quarter | General Manager |
| • New bookings software system for Council services implemented. | 3 rd quarter | Directors; Finance & Business, Open Space and Community Services |
| • Capability to track DA's electronically is in place. | 4 th quarter | Directors; Development & Regulation and Finance and Business |
| • Identify ways to improve Councils web based functionality to enable exchange information with Stakeholders online. Report to Council | 4 th quarter | Directors; Finance & Business and Community Services |
| • Review the quality of customer service and implement an organisational customer service procedure. | 2 nd quarter | Director Community Services. |

Expenditure Budget 2005/2006	\$6,673,100
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Revenue Budget 2005/2006	\$42,338,800
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General (Net) Funding	<hr/> (\$35,665,700)
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DEPARTMENT FUNCTIONS

Community Services

Major Functions

Family and Community

- Direct services to children, youth, aged volunteers and other groups in the community.

Community Development

- Information, research, planning, service management, advocacy assistance and donations to community groups.

Community Facilities

- Community halls and meeting rooms.
- Facility bookings.
- Leasing and management.

Community Programs

- School holiday programs.
- Special community programs and events.
- Cultural development.

Library

- Seven day access through a network of four libraries.
- A stock of over 230,000 library resources available for loan or reference.
- On-line community information database.

Ku-ring-gai Art Centre

- Diverse range of visual arts courses (4,000 places).
- Exhibitions of local & renowned artists (3,000 + visitors).
- Artist workshops, activities and promotions.

Corporate Communications

- Corporate events.
- Graphic design.
- Publications.
- Community consultation.
- Strategic communication.
- Citizenship.
- Community reporting.

Customer Relations Management

- Customer Service Centre.
- Receipting.
- Information provision to the community.
- Call centre facilities.

Open Space

Major Functions

- Public and community land management.
- Managing built and natural public assets.
- Catchment management.
- Facilitation and support of community advisory committees.
- Liaison with community user groups and regional committees.
- Policy development for natural areas and resources.
- Parks, Sport & Recreation Planning.
- Open Space use, planning and categorisation.
- Bushland Education.
- Implementation of Stormwater Management Plans.
- Community Land Planning.
- Bushfire Planning.

- Management strategies for bushland, public gardens, parkland, golf courses, sports and recreation reserves and facilities, street trees, St Ives Showground and Ku-ring-gai Wildflower Garden.
- Planning, commissioning and monitoring of internal and external maintenance services.
- Business plans for sport and recreation assets.
- Capital works improvements, designs, specification and project management.
- Tree Preservation Order assessment.
- Landscape Assessment in conjunction with developments.
- Delivery of maintenance services in bushland, parks, golf courses, sports reserves and St Ives Showground.
- Recreation Programming.

Planning and Environment

Major Functions

Urban Planning

- Section 94 Contribution Plans for Public Amenities Including:
 - Cash Contributions
 - Car Parking
 - Council's Public Infrastructure Requirements.
- Preparation of Development Control Plans.
- Review of Development Control Plans.
- Preparation of Local Environment Plans.
- Urban Design.
- Residential Development Strategy.
- New comprehensive Local Environment Plan for Ku-ring-gai.
- Major Strategic Projects.
- Major Strategic Local Environment Plans.
- Major Strategic Development Control Plans.
- Regional Issues.
- Promotional Programs.
- Commercial and Retail Analysis
- Co-ordination of Urban Studies.

- Heritage.
- Response to Government Initiatives.
- Town Centre Planning.

Land Information

- System Administration.
- System Development.
- Asset Management.
- Data Collection / Capture.
- Data Input / Maintenance.
- Land Register.
- Shadow Analysis.
- Plan Production.
- Special Projects.
- CAD/General Drafting.
- Street Naming.
- House Numbering.
- Section 149 Certificates.
- Plan Printing/Laminating.
- Research Council Lands.

Sustainability

- Environmental Management System.
- Stormwater Policy.
- Specialist Advice.
- Aboriginal Land Claims.
- Sustainable Development.
- Air – Cities for Climate Protection Program, Energy Taskforce.
- Contaminated Land Management.
- Environmental Education.
- Environmental Assessment.
- State of the Environment Reporting.
- Environmental Policy Documents.

- Energy Efficiency.
- Water Conservation Initiatives.
- Septic Tank registration.

Coordination and Research

- Community Consultation.
- Research.
- Surveys.
- Statistical Analysis.
- Administrative Support for Department.
- Program Evaluation.

Technical Services

Major Functions

- Public asset management (built).
- Management strategies for road reserves.
- Planning, commissioning and monitoring of internal and external maintenance services.
- Capital works improvements, designs, specification and project management.
- Traffic strategy and service planning.
- Roads and roadside policy compliance monitoring.
- Road safety.
- Traffic committee support.
- Roadside environment strategy and service planning.
- Investigation, design and service planning.
- Technical service policy development.
- Public off-street car parks management and maintenance.
- Utility services co-ordination.
- Technical service commissioning and monitoring.
- Depot Services.
- Facilities Maintenance.

- Plant Operators.
- Building Construction and improvements.
- Asset/Building Maintenance.
- Roadside Furniture and signposting maintenance.
- Project Administration.
- Civil Works Construction.
- Civil Works Maintenance.
- Contract Management.
- Liaison with external organisations.
- Fleet and Operational Plant Management and Maintenance.
- Landfill rehabilitation.
- Waste Management.
- Waste Education.

Civic Management

Major Functions

- Councillor Support.
- Administrative support for Mayor and Councillors.
- Corporate Direction.
- Human Resources.
- Recruitment & Selection.
- Payroll.
- Training & Development.
- Occupational Health & Safety.
- Workers Compensation & Injury Management.
- Strategic Human Resource Management.
- Internal Ombudsman.

Finance and Business

Major Functions

Business Development

- Asset Management.
- Section 94 Accounting.
- Financial Strategy and Modelling.
- Benchmarking.
- Business and Management Planning.
- Cash & Investments.
- Analysis of Revenue Opportunities for Council.
- Tendering Evaluation & Guidelines.

Property

- Management of Commercial Council Properties.
- Leases and Licences.
- Insurance & Risk Management.
- Security.
- Cleansing.
- Acquisitions/disposals.

Finance

- Management Accounting.
- Financial Accounting.
- Purchasing.
- Inventory Management.
- Accounts Payable.
- Budgeting.
- Taxation Returns (FBT,GST).
- Accounts Receivable.
- Rates.
- Internal audit.

Governance

- Servicing Council's meeting cycle.
- Print Room.

Information Services

- Information Networks.
- Records Management.
- PC Technology.
- Corporate Systems.
- E-Business Development.
- Business Systems Replacement.
- Website Development.

Development & Regulation

Major Functions

Development Assessment

- Development applications.
- Section 96 applications (modification of consent).
- Section 82A applications (review of determination).
- Subdivision Certificates.
- Engineering assessment.
- Heritage assessment.
- Drainage assessment.
- Traffic assessment.
- Land and Environment Court appeals.

Administration

- Neighbour notifications.
- Records management.
- Section 12 Requests.
- Statistical and performance reporting.

Regulation and Compliance

- Section 68 activity applications.
- Complying Development Certificates.
- Building certificates.
- Construction certificates.
- Occupation Certificates.
- PCA (Principal Certification Authority) Services.
- Public Health.
- Environmental and development compliance.
- Illegal building works and land uses.
- Fire safety.
- Litter, dumping and water pollution control.
- Parking control.
- Abandoned vehicle control.
- Companion animals and animal registration.
- Children's immunisation.

SOCIAL COMMUNITY PLANNING

Executive Summary

The Local Government (General) Regulation 1999 requires all Councils in New South Wales to develop a social/community plan and include information about access and equity activities in their Management Plan and Annual Report. The regulation was introduced to:

- Promote fairness in the distribution of resources, particularly for those most in need.
- Recognise and promote people's rights and improve the accountability of decision makers.
- Ensure that people have fair access to the economic resources and services essential to meeting their basic needs and improve their quality of life.
- Give people better opportunities for genuine participation and consultation about decisions affecting their lives.

Council through its social planning process has identified a range of issues across a number of target groups. Council is currently in the process of developing a new Community Plan and it will be placed on public exhibition during April to June 2005.

Summary of Issues Identified

A summary of the issues identified through community consultation and research are listed below:

Children

- Special needs – disability, people from diverse cultural and linguistic backgrounds.
- Leisure activities – parks, playgrounds, libraries.
- Family/parent support facilities.
- Child care services/places.
- Road & traffic safety for primary age children.
- Information and advocacy.
- Physical access to facilities.
- Lack of growth funding for child care services.

Older People

- Transport - physical access, frequency.

- Safety - personal, home, property, feeling safe.
- Leisure, recreation, social activities.
- Access to support services.
- Information - what's on & what's available.
- Housing - affordable & adaptable.
- Health.
- Information in community languages.

Young People

- Transport - non-peak services.
- Self esteem & youth suicide.
- Personal safety.
- Entertainment.
- Drug & alcohol issues.
- Leisure/recreation facilities.
- Environment.
- Career education.
- Access to public space.

People with a Disability

- Access issues eg. facilities, services, footpaths, parking.
- Transport.
- Availability of support services.
- Information in appropriate formats.
- Community awareness.
- Employment.
- Leisure/recreation opportunities.

People from Culturally and Linguistically Diverse Backgrounds

- Information provision in community languages.
- Availability of library resources eg. English learning, community languages.
- Promotional/educational material on the role of Local Government.
- Access to interpreter services.
- Transport (eg: bus timetables at bus stops).

Families

- Housing – crisis accommodation & affordability.
- Locally based counselling services.
- Domestic violence.
- Information & referral.
- Low cost community events.
- Recreational facilities.
- Balancing work and family responsibilities.
- Isolation.

ACCESS & EQUITY ACTIVITY

Summary

The Local Government (General) Regulation 1999, requires Councils to include information about access and equity activities in their Management Plan and Annual Report.

Policy and Action Plan

The access and equity policy and action plan, was designed to achieve greater equity, better access and wider participation for all members of the community in Ku-ring-gai.

It was developed through community consultation, analysis of Australian Bureau of Statistics data, comparison with other Local Government authorities, consultations with relevant peak ethnic service providers and inter-departmental discussions within Council. The policy was adopted by Council in June 1997 and updated in March 2003.

Council's access and equity policy is as follows:

Objective 1

To have standards of communication which will enable Ku-ring-gai Council to communicate effectively with all residents with the purpose of enhancing access to Council services and greater participation of residents in Council activities.

Strategy

- 1.1. Publicise Council's services by translating information in relevant community languages where appropriate.
Timeframe: Ongoing.
Responsible Officer: General Manager and Directors.
- 1.2. Publicise Council's services by translating sections in its newsletter, Annual Report, resource directories and messages to residents.
Timeframe: Ongoing.
Responsible Officer: Corporate and Communications.
- 1.3. Ensure Rates notices and Council's letterhead contain at the bottom page the following sentence in relevant languages:
"For translation assistance please phone the Telephone Interpreter Services on 131450".
Timeframe: Ongoing.

Responsible Officer: Director Finance & Business, Manager Revenue Accounting.

- 1.4. Ensure that Council employees use ethnic media to publicise Council services where appropriate.

Timeframe: Ongoing.

Responsible Officer: Corporate and Communications.

- 1.5. Ensure that publicity campaigns are well targeted to reach out to relevant population groups.

Timeframe: Ongoing.

Responsible Officer: Corporate and Communications.

- 1.6. Maintain up-to-date demographic data to target publicity campaigns appropriately.

Timeframe: Ongoing.

Responsible Officer: Manager Community Development.

- 1.7. Encourage other services in the community to adopt strategies that will lead to greater access and participation for all Ku-ring-gai residents.

Timeframe: Ongoing.

Responsible Officer: Volunteer Service Coordinator, Community Development Officer (Aged and Disability Services), Community Development Officer (Children's Services), Youth Services Officer, Manager Community Development.

Objective 2

In all areas of public consultation, Ku-ring-gai Council will actively include residents from culturally and linguistically diverse backgrounds.

Strategy

- 2.1. Develop and maintain an up-to-date list of ethnic specific organisations for significant cultural groups living in the Ku-ring-gai Local Government Area.

Timeframe: Ongoing.

Responsible Officer: Community Information Officer.

- 2.2. Publicise Council services by utilising existing community networks, particularly those in contact with residents of culturally and linguistically diverse backgrounds.

Timeframe: Ongoing.

Responsible Officer: Volunteer Service Coordinator, Community Development Officer (Aged and Disability Services), Community Development Officer (Children's Services), Youth Services Officer, Manager Community Development.

- 2.3. Publicise Council services by organising educational talks and seminars on the role and processes of Council aimed at residents of culturally and linguistically diverse backgrounds and particularly targeting language schools.
Timeframe: As required.
Responsible Officer: Corporate and Communications.
- 2.4. Publicise Council services utilising community festivals and other points where the community may be gathered, such as shopping centres and citizenship ceremonies.
Timeframe: Ongoing.
Responsible Officer: Corporate and Communications and other Council Officers as appropriate.
- 2.5. Publicise where appropriate Council issues using the ethnic media.
Timeframe: Ongoing.
Responsible Officer: Corporate and Communications.
- 2.6. Take into consideration the language and cultural needs of residents when inviting comments concerning any forward management planning matters.
Timeframe: Ongoing.
Responsible Officer: Corporate and Communications and other Council Officers as appropriate.

Objective 3

Ku-ring-gai Council will offer staff training which helps employees to be aware and professionally responsive to the cultural and linguistic diversity of Ku-ring-gai residents.

Strategy

- 3.1. Ensure that the staff induction program incorporates an access and equity component.
Timeframe: Ongoing.
Responsible Officer: Human Resources and Manager Community Development.
- 3.2. Ensure Customer Relations staff are provided with training in effective communication with non-English speakers including use of interpreters, language aids, ethnospecific services and other communication resources.
Timeframe: Ongoing.
Responsible Officer: Manager Customer Services, Human Resources and Manager Community Development.
- 3.3. Provide Council employees with information on the availability of professional telephone interpreting and translation services.
Timeframe: Ongoing.

Responsible Officer: Manager Community Development.

- 3.4. Ensure that Council employees have information on ethnic media outlets.

Timeframe: Ongoing.

Responsible Officer: Corporate and Communications.

Objective 4

Ku-ring-gai Council will promote the use of interpreter services.

Strategy

- 4.1. Encourage all Council employees to use the services of the Telephone Interpreter Service (TIS).

Timeframe: Ongoing.

Responsible Officer: General Manager and Directors.

- 4.2. Publicise the availability of the TIS in the central Customer Relations Area through the use of international/multilingual signage.

Timeframe: Ongoing.

Responsible Officer: Manager Customer Services.

- 4.3. Raise resident awareness of the availability of interpreting services via multilingual publicity in the local press, Annual Report and other means of Council correspondence.

Timeframe: Ongoing.

Responsible Officer: Corporate and Communications.

Objective 5

Ku-ring-gai Council will undertake to ensure that all Human Resources Corporate Standards do not discriminate against the employment of people from culturally and linguistically diverse backgrounds.

Strategy

- 5.1. Ensure that all recruitment and selection processes comply with Equal Employment Opportunity principles.

Timeframe: Ongoing.

Responsible Officer: Human Resources.

- 5.2. Where appropriate advertise employment vacancies in the local ethnic press.

Timeframe: Ongoing.

Responsible Officer: Human Resources.

- 5.3. Where appropriate job descriptions and advertisements, particularly for positions with direct contact with residents, to include the desirability of bi-lingual skills.
Timeframe: Ongoing.
Responsible Officer: Human Resources.

Objective 6

Ku-ring-gai Council will have appropriate standards of data collection which will enable Council to target, plan, develop and evaluate programs in a way that is accessible and equitable to all residents.

Strategy

- 6.1. Implement data collection procedures as a permanent feature of Council's services and programs, including ethnicity data.
Timeframe: Ongoing.
Responsible Officer: All staff.
- 6.2. Undertake appropriate evaluation of data and develop action strategies where participation levels do not reflect Ku-ring-gai's population profile.
Timeframe: Ongoing.
Responsible Officer: All staff.

Objective 7

Ku-ring-gai Council will establish budgeting criteria that ensures linguistic and cultural needs of residents are met.

Strategy

- 7.1. Incorporate costs of access and equity strategies in activity centre budget estimates.
Timeframe: Annually.
Responsible Officer: All Managers.
- 7.2. Pursue all possible funding sources to assist in the provision of services.
Timeframe: Ongoing.
Responsible Officer: All Managers.

Disability Discrimination Act Action Plan

The introduction of the Federal Disability Discrimination Act in 1992 has seen Council respond in the first instance by forming the Ku-ring-gai Access Consultative Committee, a community based advisory committee to Council. Council with the support of the Committee went on to develop an Access Policy for Council and further to this a Development Control plan for Access (DCP - 31).

Both of these documents are aimed at providing a built and recreational environment which offers the best possible quality of life for all people. Following the development of these two documents, Council developed and adopted a Disability Discrimination Act (DDA) Action Plan.

The Plan is essentially designed to cover eight main areas:-

1. Organisational Change
2. Participation
3. Employment
4. Community Development
5. Direct Service Provision
6. Education and Promotion
7. Asset Management
8. Urban Development

By improving access in each of these areas, Council is effectively improving access for all people who live and work in the Ku-ring-gai area.

Such improvements are a high priority for Ku-ring-gai Council, and the Disability Discrimination Act Action Plan ensures that these improvements will happen now and will continue into the future. Council is currently developing a new integrated Access Policy and Disability Discrimination Act Action Plan. This document will be placed on exhibition during April to June 2005.

Note: Full copies of the Social Plan, Access and Equity Policy and Action Plan, and the Disability Discrimination Act Action Plan can be obtained by contacting Council's Community Services department.

ENVIRONMENTAL INITIATIVES

Summary of the State of the Environment Report

Land

State

- Council manages two former landfill sites, at St Ives and North Turramurra.
- Council administers land contamination issues under the provisions of its Contaminated Land Policy and State Environmental Planning Policy no. 55 (SEPP 55).

Pressure

- Many activities which have been carried out in the past such as agriculture may cause contamination of land.
- Impacts upon the condition of Ku-ring-gai's land may also be caused by urban development, gardening activities, landfill activities, road use and road construction.

Response

- Council records factual information about both possible and/or actual contamination on its Planning Certificates (Section 149 certificates).
- Council manages the potential impacts of its former landfill sites by implementing Environment Management Plans for each site.

Initiatives for the coming year:

- Continued implementation of the Environmental Management Plans for the former landfills.
- Monitoring analysis of water quality data collected from the surface waters surrounding Ku-ring-gai's former landfill sites.
- Continue to prepare, monitor and review Plans of Management (PoMs) for community land.

Water

State

- The number of samples that have been rated poor or very poor in the macro-invertebrate sampling program in the Lane Cove River Catchment has increased since 2002/2003.
- In 2004 the water quality of Cowan Creek at Bobbin Head was tested by DIPNR and showed that the site was suitable for secondary use only e.g. boating, wading, fishing etc.

Pressure

- All catchments are impacted by urban run-off and from inappropriate erosion and sediment controls on building sites.
- Urban runoff typically contains a variety of pollutants, including suspended solids, plant nutrients, substances that reduce dissolved oxygen levels and various micro-organisms.
- Most urban run-off also contains litter, seeds and propagules from introduced plant species, pesticides and herbicides from local gardens, trace metals and oils from roads and cars and faecal coliforms from animal faeces, sewerage leaks and sewage overflows.

Response

- Education program for builders.
- Environmental compliance inspections.
- Response to pollution complaints.
- Standard Operating Procedure for third party spills.
- Water Management Development Control Plan.
- Catchment management and analysis for aquatic ecosystems.
- Continued implementation of each of the Stormwater Management Plans.
- Continued monitoring of local creeks.

Initiatives for the coming year:

- Continued implementation of measures proposed by each of the Stormwater Management Plans relevant to Ku-ring-gai.
- Implementation of procedures for responding to environmentally hazardous spills.

Air

State

- Council has purchased more renewable energy, however its total energy consumption and other emissions has still increased since 2003.
- Methane concentrations have been less than 1% at both of Ku-ring-gai's former land fill sites.
- There has been a decrease of high pollution days since the 2002/2003 reporting year.

Pressure

- Activities like backyard burning, hazard reduction burns, BBQs and wood heaters can all contribute to air pollution.
- The most significant sources of greenhouse gases are the burning of fossil fuels and the decomposition of wastes, including vegetation wastes resulting from land clearing.
- Ku-ring-gai's gardens also generate greenhouse gases through the use of both fertilisers and power tools.

Response

Council has:

- Joined the Cities for Climate Protection (CCP) program in order to reduce its own greenhouse gas emissions, and has developed and begun to implement a greenhouse action plan.
- The plan aims to achieve a 20% reduction (from 1996 levels) in greenhouse gas emissions by 2010.
- Implemented the Energy Smart Homes program pilot.

Initiatives for the coming year:

- Implement the Greenhouse Action Plan in accordance with Milestone three of the Cities for Climate Protection program. Eg. Replacing high energy computers to low energy LCD monitors.

Biodiversity

State

- Council maintains a database of known plant, fungi and animal species and communities, including a full list of the threatened species, threatened ecological communities, threatened populations and significant plant communities.
- Tree canopy cover provides important linkages between remnant bushland reserves.
- The number of introduced species recorded in the Middle Harbour Catchment have increased since 2001.

Pressure

- Aquatic ecosystems are affected by stormwater pollution and sewer overflows, alterations to stream flows and the introduction of exotic species.
- Weed invasions are a major threat to biodiversity in Ku-ring-gai's bushland vegetation, especially along creek lines, roads and urban boundaries and below stormwater outlets.
- Fauna habitat modification and destruction includes the removal of trees, weed invasion, removal of understorey shrubs, removal of bush rock and inappropriate fire regimes.

Response

Council's activities include:

- Bush regeneration in reserves.
- Weed control at post-fire sites.
- Maintenance weeding at priority sites.
- Noxious weed control.
- Stormwater pollution management.
- Sediment control measures.
- Drainage and creekline restoration.
- Bushfire hazard reduction.
- Fox control program.
- Animal control program in urban areas.
- Habitat restoration (Flying-fox Reserve).
- Fauna monitoring.

Initiatives for the coming year:

- Ongoing monitoring of aquatic and terrestrial ecosystems.
- Continued implementation of the bushland management plans.

Waste

State

- 54.57% of waste produced by Ku-ring-gai's community was diverted from the waste stream by recycling programs.
- A range of school and community groups participated in Clean Up Australia Day.

Pressure

- Community participation in recycling.
- Costs of waste disposal.
- Community consumption patterns.
- Community expectations.
- Waste and recycling legislation.

Response

- Council continues to recycle its road base, asphalt and concrete engineering wastes.
- A corporate Waste Management Plan.
- A Council run anti-littering campaign at St Ives Skate park.

Noise

State

- 124 complaints were registered with Council regarding general noise (including noisy air conditioners, pool pumps, house alarms and noise from building sites).
- 228 complaints were made about barking dogs.

Pressure

- Community noise is generally associated with the development growth and associated infrastructure as well as by the existing road, rail and air travel infrastructure.

Response

- Development Consent contains specific conditions with respect to the emission of excessive noise from building sites.
- Council's Rangers respond to complaints about noise emissions from building sites.
- Council's Rangers respond to complaints about noise from barking dogs.

Heritage

State

- There are 67 Aboriginal Sites documented to be in existence in Ku-ring-gai.
- There are currently 7 unresolved Aboriginal Land Claims affecting land in Ku-ring-gai, and 3 claims which have been resolved.
- About 700 items are listed in the Ku-ring-gai Planning Scheme Ordinance (KPSO) as heritage items, of which 98 are regarded as having heritage significance.
- There are 14 items included in the State Heritage Register.

Pressure

- Aboriginal sites are often under threat of destruction or degradation through development and/or visitor pressures.
- Ku-ring-gai's non-Aboriginal heritage is under pressure from a push towards higher density development across Sydney.

Response

- The Ku-ring-gai Planning Scheme Ordinance contains requirements with respect to disturbance, development or removal of Aboriginal relics.
- Council is involved in other issues of Aboriginal heritage management.
- Council has nominated 98 items of significance for consideration in the State Heritage Register.

Initiatives for the coming year:

- Develop inventory sheets for potential heritage items identified in previous studies and resolve their heritage status.
- Undertake a study on heritage significance of interwar apartment blocks.
- Council to consider offering additional incentives to encourage conservation of heritage items.

Stormwater, Coasts, and Estuaries

The Ku-ring-gai Local Government area drains to three major stormwater catchments, Middle Harbour to the east, Cowan Creek to the north and Lane Cove River to the west.

Development has been largely constrained to the ridges with council bushland and the Garigal, Ku-ring-gai Chase and Lane Cove National Parks providing a buffer to each of the major water courses.

Council has recently prepared local catchment plans for the Cowan Creek and Middle Harbour catchments. These plans have investigated the capacity of the drainage system and modelled the effects of flooding and the quality of runoff within the catchment. A similar plan for the Lane Cove Valley will be completed by June 2005.

In November 2004, Council adopted a draft Policy for Drainage works and Maintenance Procedures including a five year program for drainage works.

The draft Policy is developed to manage Council's drainage assets to allocate resources on a program basis taking into account the severity and likelihood of the risk. It uses ranking criteria to prioritise drainage works as well maintenance measures which are supported by catchment research and modelling. It is designed to be flexible in order to consider Council's budget provisions and its ability to respond to requests or notified problem areas.

The condition of all our creeks have been mapped. This has for the first time provided Council with a snapshot of the health of our riparian environments.

Following on from the mapping, in December Council adopted a riparian policy that seeks to improve the bed and bank stability, provide basic habitat or enable robust biological links between key environmental assets. The principles of this policy have been included in the Water Management development control plan 47.

In addition to Council's ongoing programs, new initiatives include:

- Investigation into sustainable water management for Gordon and North Turramurra Golf Courses.
- Design and approval of a stormwater harvesting project to provide the irrigation needs of Barra Brui Oval, St Ives whilst improving the quality of run off to the creeks, reducing erosion and improving the condition of the adjacent bushland.
- Joining Sydney Water Corporation's Every Drop Counts program that has assisted in the identification of Council's tap water use sites.
- Construction of a waterwise garden at Turramurra.
- Development of a stormwater harvesting design for Gordon Golf Course.
- Construction of a water sensitive road design at Minamurra Avenue, Gordon as part of the road capital works program.

- ▶ Development of a water management program as part of the preparation of a special rate variation to fund environmental improvements.

There are no estuary management committees or plans that cover the Middle Harbour, Cowan Creek or Lane Cover River. However actions to address the impacts of development on these water bodies are accounted for through council policies and operations.

Note: The prescribed requirements of sewage and waste are not applicable to Ku-ring-gai Council.

HUMAN RESOURCES

The Strategic Human Resources Plan was developed during 2004 using a consultative process involving staff from across the organisation. It has four primary objectives:

1. **Attraction:** in partnership with each department, the Human Resources Department will maximise Council's ability to recruit people who have a passion for the job.
2. **Retention:** in partnership with each department, the Human Resources Department will maximise Council's ability to retain valuable staff.
3. **Industrial Relations:** our objective is to implement systems and processes that foster cooperative relationships and deliver a service that meets Ku-ring-gai community requirements and the changing needs of the organisation.
4. **Service Delivery:** Human Resources will be a respected business partner by providing a service that facilitates the achievement of organisational objectives.

In conjunction with the progressive implementation of the CHRIS 21 payroll system and its associated human resources modules, statistics are being produced that will facilitate the better management of our human resources now and into the future.

The Strategic Human Resources Plan and enhancements to our human resources information systems are major steps forward for Ku-ring-gai Council.

Human Development

In order to improve service delivery, competency standards, workforce safety and legislative compliance, our employees are provided with relevant training and development opportunities.

To ensure the smooth running of newly introduced computer systems including CHRIS 21, Finance 1, Business 1, Proclaim and Trim, ongoing and targeted in-house training is planned for most staff members over the next year.

A major part of the training budget is spent on ensuring the safety of staff as required under the Occupational Health and Safety Act. Training planned for the upcoming year includes a new course developed by the RTA on designing and auditing traffic control plans, especially focusing on road construction sites. Other programs include ongoing courses to develop and consolidate competent performance in other professional and managerial areas.

Another key development will be the introduction of an enhanced and targeted induction program for new employees. This will include orientation activities to be completed in the workplace by supervisors or managers.

Other programs being provided are:

- Business writing in plain English.
- Essential skills for supervisors.
- Sedimentary control for development sites.
- Handling dangerous dogs.
- Safety strategies for library and customer service staff.
- Safety strategies for Rangers.
- Dealing with difficult people.
- Selection and recruitment.
- Time management.

Occupational Health and Safety (OH&S)

The Strategic Human Resources Plan will continue to focus on a number of initiatives in order to continue meeting legislative requirements and improve the health and safety of Council's staff. There will be a review of all risk assessments and standard operating procedures, especially in the outdoor areas. Additionally, occupational health and safety policies and procedures will be reviewed and updated where appropriate, and all managers will be assessed against their generic health and safety accountabilities.

Managing Equity and Diversity

Ku-ring-gai Council is committed to the goals of equal opportunities in employment and to the provision of a work environment that fosters fairness, equity and respect for social and cultural diversity and that is free from unlawful discrimination and harassment.

Staff have been appointed from each department to the role of Referral Officers. These staff members have been trained to provide information for staff and managers about workplace harassment and discrimination and to act as a point of contact and support for any employee who wishes to make a complaint.

The Equal Employment Opportunity (EEO) Management Plan developed in 2004 in consultation with staff and management is reviewed by the EEO Committee on a bi-monthly basis against established performance indicators. Planned activities for the Committee over the coming year include:

- Attending team meetings to raise awareness of EEO and workplace harassment.
- Implementing additional training for managers and staff to focus on a broad range of EEO issues.
- Reviewing Ku-ring-gai Council's human resources standards and procedures, ensuring the inclusion of EEO principles.
- Reviewing and updating the EEO and Workplace Harassment Information Kit and the Bullying and Harassment brochure.

DOMESTIC WASTE MANAGEMENT

Domestic Waste Management (DWM) charges, unlike other fees and charges, have very specific requirements under Sections 496 & 504 of the Local Government Act (1993).

They are:

- A Council must make and levy an annual charge for the provision of DWM services for each parcel of rateable land for which the service is available.
- A Council must not apply income from its ordinary rate towards the cost of providing DWM services.
- Income applied by Council towards the cost of providing DWM services must be obtained from the making & levying of a charge.
- Income obtained from charges for DWM must be calculated so as to not exceed the reasonable cost to Council of providing those services.

The effect of these requirements is that Council cannot subsidise DWM services.

Council's Domestic Waste Management service is provided on the following basis:

A. Single Residential Dwellings / Base Service

- A weekly waste collection service from a container provided by Council.
- A fortnightly vegetation collection service from a container provided by Council.
- A fortnightly recycling collection service for paper products from a container provided by Council.
- A fortnightly recycling collection service for glass and plastic containers from a container provided by Council.
- A monthly kerb-side clean up of a maximum 3.0 cubic metres bulky materials (by appointment and subject to availability).

B. Flats and Home Units

- A twice weekly collection service per unit occupancy using 55 litre waste containers or a single weekly collection service per unit occupancy using 120 litre waste container.
- A weekly recycling collection service for paper products and beverage containers from a container provided by Council.

C. General

- Rehabilitation of former landfill sites and maintenance of sites to meet environmental guidelines and statutory responsibilities.

Charges for 2005/2006 are:

Category	Charge	Properties	Estimated Yield
Base service with green waste service	\$250.00	28,689	\$7,274,750
Base service without green waste service	\$190.00	296	\$61,180
Flat, Home Unit	\$230.00	4,123	\$977,040
Provision additional green waste bin, per container per year	\$80.00	640	\$52,720
240 litre waste container with green waste	\$350.00	2,134	\$746,900
Provision additional 120 litre waste container, per container per year	\$120.00	56	6,720
Vacant Land	\$100.00	255	\$25,500
240 Litre Waste Container without Green Waste	\$270.00	21	\$5,670
240 Litre Waste, Flat Home Unit	\$350.00	2	700
Total Yield			\$9,151,180

REVENUE POLICY

Rates Statement

Ordinary Rate

The land within the Ku-ring-gai area is divided into two categories, Residential and Business.

Rate Levy

Council has adopted a Differential Rate with a General Residential Rate and a General Business Rate. Council has elected not to levy a base charge. Business and Residential Categories can be defined as follows:

Residential

Each parcel of land valued as one assessment whose dominant use is for residential accommodation (other than as a hotel, motel, guesthouse, boarding house or nursing home or any other form of residential accommodation whose dominant use is for business or profit).

Business

Each parcel of land valued as one assessment whose dominant use is for business, commerce or associated with business for profit, whether profitable or not.

Special Rate - Infrastructure Levy

The infrastructure levy is used to upgrade Council's road network. The Minister for Local Government approved a special rate for five years from 2002 to 2006. Currently, eligible pensioners receive a full rebate on this levy.

Special Rate – Environmental Levy

Council has resolved to make application to the Minister for Local Government for the introduction of an Environmental Levy. The levy (if approved) will be levied on each parcel of land categorised Residential or Business.

The yield is expected to be \$1,887,000 per annum. However, Council has resolved that there will be a voluntary rebate for pensioners, which amounts to \$127,000. Accordingly, \$1,760,000 will be available for Environmental Works. It is expected that the rate in the dollar will be \$0.0001107.

Council's decision to support an application for a special rate variation is to enable the implementation of a range of environmental programs. These have been identified in the 2004/08 Management Plan and are consistent with a number of key regional strategies including the Catchment Prints for Sydney Harbour and the Lower Hawkesbury/Nepean, the Hornsby Ku-ring-gai District Fire Management Plan and the Metropolitan Water Plan.

Council is seeking a 5% special rate increase for a period of seven years, commencing 1 July 2005. This 5% increase would be subject to annual rate peg increases, which have been estimated at 3.5% in Council's 10 Year Financial Model.

Based on a 5% increase, approximately \$1,760,000 (\$1,887,310 less pensioner rebates of \$127,310) would be generated in 2005/2006 with subsequent increases as projected in Council's 10 year financial model. This figure is based on 36,292 rate assessments less 3,290 pensioner rebates. This additional income represents 1.9 per cent of the expected revenue for Council in the 2005/06 budget and all funds generated would be restricted for the purpose of activities outlined in the application to the Department of Local Government.

A full copy of the Draft Environmental Levy Application is available at:

- Council Chambers
- Council's website (www.kmc.nsw.gov.au)
- Ku-ring-gai Library
- Lindfield Library
- Turramurra Library
- St Ives Library

Rate Pegging

Under Section 506 of The Local Government Act, each year the Minister for Local Government determines the maximum amount by which Councils can increase their notional rates income. The increase announced by the Minister for 2005/2006 is 3.5%. This increase has been included in calculating Council's rate revenue for the 2005/2006 financial year.

Rate peg increase of 3.5% without variation				
Rate Type	Category	Rate in \$	Min Amount \$	Yield \$
General	Residential	0.544321	366	\$2,343,000
General	Business	0.20321	366	\$34,211,000
Special	Infrastructure	0.010402	-	\$1,767,000

Rate peg increase of 3.5% with variation				
Rate Type	Category	Rate in \$	Min Amount \$	Yield \$
General	Residential	0.544321	366	\$2,343,000
General	Business	0.20321	366	\$34,211,000
Special	Infrastructure	0.010402	-	\$1,767,000
Special	Environmental	0.011107	-	\$1,887,310

Payment of Rates

Ratepayers may pay their rates in four instalments being: 31 August, 30 November, 28 February and 31 May each year. Council is required to forward notices one month in advance. Council's payment options include:

- A telephone payment service.
- Direct debit.
- Payments at Australia Post.
- BPAY View, electronic billing via Council's website.
- BPAY via financial institution Internet banking sites.
- Credit Card, cheque, money order, or cash payments at Council Chambers.

Interest is charged on each instalment not paid by the due date. The applicable interest rate is set each year by the Minister for Local Government. The rate for 2005/06 has not been set at this point in time.

Eligible pensioners receive a statutory reduction of 50% of the combined rates and domestic waste management charge to a maximum of \$250.00 and a full rebate on Council's infrastructure levy. Those pensioners who are uncertain of their status should contact Council's Pensions Officer for assistance and advice.

Non Domestic Waste Management Charges

Charge

Council's annual non-domestic waste management charges include:

- ➔ Street sweeping.
- ➔ Roadside litter removal.
- ➔ Footpath sweeping.
- ➔ An availability charge.

This charge relates to Business land per unit occupancy or in the case of a multi storey structure, one unit occupancy per storey of the structure.

In 2005/2006 this charge will be \$195.00 per unit occupancy.

Restricted Assets

Council has resolved that restricted assets (reserves) can only be utilised for the acquisition of assets or in providing major capital works or refurbishment where Council has determined that the use of such funds is appropriate.

Such funds will not be used in meeting Council's normal operational requirements.

This excludes those Restricted Assets governed by legislation, for example Domestic Waste Management and Section 94 Contributions.

Council has reviewed the restricted assets policy and resolved that reserves be used for the following purposes:

<u>Reserve</u>	<u>Use</u>
→ Bond Reserve	To facilitate the refund of bonds held by Council.
→ Building Replacement Reserve	To fund the replacement of existing buildings or major structural alterations or the construction of new buildings.
→ Contingency Reserve	To make allowance for unforeseen, unplanned non-discretionary costs that may arise during the financial period that are not included in Council's budget.
→ Domestic Waste Reserve	To fund the replacement of Council's Domestic Waste Vehicles, bin replacements and activities such as Landfill Rehabilitation.
→ Drainage Reserve	To fund the future replacement and refurbishment of Council's drainage network.
→ Election Reserve	To amortise the cost of holding a Council Election over the four year term of the Council.

<u>Reserve</u>	<u>Use</u>
→ Employee Leave Entitlements	To fund 15% of the total employee leave entitlements liability. This is in addition to amounts budgeted annually to cover expected commitments in the current financial year.
→ Footpath Reserve	To fund the future replacement and refurbishment of Council's footpath network.
→ Garbage Reserve	To fund major equipment purchases such as street sweepers.
→ Golf Course	To fund capital works and improvements at Council's Golf Courses.
→ Infrastructure Restoration	To fund the future replacement and refurbishment of Council's road infrastructure network.
→ Insurance reserve	To fund unplanned increases in the cost of Council's insurances.
→ IT Reserve	To fund the upgrade and replacement of Council's Corporate IT systems.
→ Kindergarten Reserve	To fund Child Care Services.
→ Library Reserve	To fund the refurbishment of Council's libraries.
→ Natural Environment Reserve	To fund projects relating to Ku-ring-gai's Natural Environment.
→ Parking Funds	To fund capital projects relating to the provision of car parking facilities.
→ Parks Reserve	To fund the future replacement and refurbishment of Council's parks.
→ Plant Replacement Reserve	To fund the replacement of Council's Passenger & Operational Fleet (other than Domestic Waste & Garbage vehicles).
→ Playground reserve	To fund the future replacement and refurbishment of Council's playgrounds.

<u>Reserve</u>	<u>Use</u>
→ Property Reserve	To fund investment in property assets, environmentally sensitive land or ventures that will generate future income.
→ Revolving Energy Fund	Funds set aside to fund future energy initiatives to further reduce electricity consumption within Council.
→ Road Rehabilitation Reserve	To fund the future refurbishment and upgrade of Council's road infrastructure network.
→ Sportsfield Improvement Reserve	To fund the future replacement and refurbishment of Council's sportsfields.
→ Superannuation Reserve	Funds set aside in the event that Council's superannuation holiday ends.
→ Swimming Pool Reserve	To fund the future replacement and refurbishment of Council's swimming pool.
→ Tree Planting Reserve	To fund future tree planting works.
→ New facilities Reserve	To fund investment in property assets including replacement/structural alterations to existing buildings or the construction of new buildings. Additionally, to purchase associated land or land deemed to be environmentally sensitive. (New Reserve – proposed only)

Section 94 Contributions

Council has adopted Section 94 contribution plans in respect of the following:

New residential development that occurs after 30 June 2004

On 22 June 2004 Council adopted a new Residential Development Section 94 plan. This plan applies to all forms of new residential development including single dwelling houses, residential flat buildings, units, villas, townhouses, dual occupancies, land subdivisions for residential purposes and development under State Environmental Planning Policy (Seniors Living).

The primary purpose of this plan is to enable Council to require a contribution towards the provision, extension or augmentation of:

- Community Facilities.
- Recreation facilities and Open Space.
- Traffic, pedestrian and cycleway facilities.
- Public domain improvements.
- Administration.

That will, or are likely to be, required as a consequence of residential development in the area.

Commercial/Retail Development

Where a new development is proposed, Council's levy is made up of:

Child-care facilities

Car Parking:

- St Ives
- Pymble (Alma Street)
- Roseville (Larkin Lane)
- Wahroonga
- West Lindfield Business Centre
- Gordon

Council must use any contributions received, together with investment income from those contributions, for the purpose for which the contribution was made.

Full details are available in the relevant plan, which is subject to review and annual assessment in relation to formulae, works schedules and costings.

Copies of Council's Section 94 Plans are available for inspection at Council Chambers and at each of Council's Libraries.

Discounts to Qualifying Community Groups

Council has adopted a policy, which allows for a discount to be provided in certain circumstances. The policy provides for reduction in fees for those Community Groups that qualify, namely:

- A) Incorporated associations and/or non-profit making community organisations.
- B) An organisation whose aims and objectives provide benefits to the community.
- C) A school or church.
- D) A registered charity.
- E) A rental rebate is available to Community Groups which meet the eligibility criteria and who lease a council owned property.

Works on Private Land

Traditionally, Council has not performed work on private land. In the event that such work is carried out, the fee for such work will be charged on the basis of full cost recovery to Council.

PRICING POLICY - GOODS & SERVICES

Council's Policy

Council's pricing policy is detailed below. The Schedule of Fees and Charges (Appendix A) also details the principles employed by Council in determining each fee and charge.

	MOTIVE	CODE	PRICING PRINCIPLE
1.	Community Service Obligations	CSO	Fees may be discounted to a level below the cost of a service where the production or consumption of the service generates external benefits to the community (as well as creating a community service obligation), however, the cost of the discount will not exceed the estimated benefit.
2.	Natural Monopoly	NM	Where Council has a monopoly over the production of a good or service, prices should be set at a level to fully recover costs unless there are explicit community service obligations or equity obligations.
3.	Statutory Fees	SF	Certain goods and services provided by Council emanate from a requirement contained in legislation and, in some circumstances, the fees for these goods or services are set by that legislation.
4.	Regulatory Fees	RF	Certain goods and services provided by Council emanate from a requirement contained in legislation but Council may set its own fee. In such cases, fees should be set at a level to fully recover costs unless they are accepted community service obligations or equity obligations.
5.	Entrepreneurial Activities	EA	Where Council produces a good or service as a commercial pursuit, prices should be set at a level to fully recover costs and risk.

STATEMENT OF PROPOSED BORROWINGS

Council may only borrow funds in accordance with legislative restrictions on borrowing limits, and terms and conditions as determined by the Department of Local Government. Council makes a submission and seeks approval for borrowing limits on an annual basis.

Council considers that the maintenance of existing infrastructure assets should be funded from operating revenue and that loan funds are only to be utilised for the following purposes:

- Infrastructure refurbishment programs.
- To purchase or build a major new asset, where full funding costs can be recovered over the life of the asset.
- To buy an asset or establish a service which will decrease costs of service delivery or generate income and is justifiable in economic terms.
- In an emergency.

Once approval of Council's general borrowing limit is advised by the Department of Local Government, submissions will be invited from financial institutions to provide the required borrowings.

Council complies with the provisions of Section 623 of the Local Government Act (1993) and clause 23 of the Financial Management Regulations, in that any funds borrowed by Council will be secured by a charge over Council's General Fund income.

Council will need a moderate borrowing program to continue to commit funding to asset refurbishment.

Accordingly, the proposed new borrowings, principal repayments and net repayments proposed over the term of the plan are:

Financial Year	Proposed Borrowings	Principal Repayments	Net Repayments
2005/2006	\$1,400,000	\$1,538,500	\$138,500
2006/2007	\$1,000,000	\$1,706,500	\$706,500
2007/2008	\$1,000,000	\$1,856,700	\$856,700
2008/2009	\$1,000,000	\$1,877,300	\$877,300
TOTAL	\$4,400,000	\$6,979,000	\$2,579,000

Over the term of this Management Plan, Council will reduce "net debt" by \$2,579,000.

NATIONAL COMPETITION POLICY

The intent of the National Competition Policy is to apply competitive neutrality principles to business activities conducted by Councils. The principle of competitive neutrality is based on the concept of the 'level playing field' and essentially means that Council should operate without net competitive advantage over other businesses as a result of its public ownership. The 'level playing field' enhances competition and promotes greater efficiency and lower costs to government and the community.

Council is required to incorporate the costs of administrative overheads including depreciation charges, imputed taxation costs, and a notional return on capital for its Category 1 and Category 2 businesses.

Category 1 businesses are defined as those which have gross operating income exceeding \$2 million, while Category 2 businesses have gross operating incomes of less than \$2 million.

In accordance with this policy Council has identified the following business activities.

Category 1

At this stage Council has no Category 1 businesses.

Category 2

- | | |
|----------------------------|--------------------------------------|
| (a) Ku-ring-gai Art Centre | (f) Thomas Carlyle Children's Centre |
| (b) Tennis Courts | (g) Gordon Golf Course |
| (c) Nursery | (h) Turramurra Golf Course |
| (d) Swimming Pool | (i) Commercial Leasing |
| (e) Trade Waste | |

The above businesses are identified in Council's Annual Financial Statements and a separate Special Purpose Financial Report is prepared to disclose their results. This report is presented to Council in October each year.

REPLACEMENT AND SALE OF ASSETS

Replacement of Assets

\$650,000 has been provided in the 2005/2006 budget for operational plant replacement and \$300,000 for passenger fleet replacement.

Plant will be replaced during 2005/2006 taking into account the following turnover periods:

Plant Type	Turnover Period
Fleet Passenger Vehicles	1 year/25,000 km
Light Commercials	3 years/60,000 km
Trucks < 4 tonne	4 years
Trucks > 4 tonne	7 – 8 years
Buses	4 years
Tractors/Mowers	4 – 5 years
Road Sweepers/Compactors	7 years
Backhoes/Rollers	8 – 10 years

Sale of Assets

Council's vehicles shall be disposed of in one of three ways:

1. Public Auction
2. Public Tender
3. Other means (eg trade in) as approved by the General Manager.

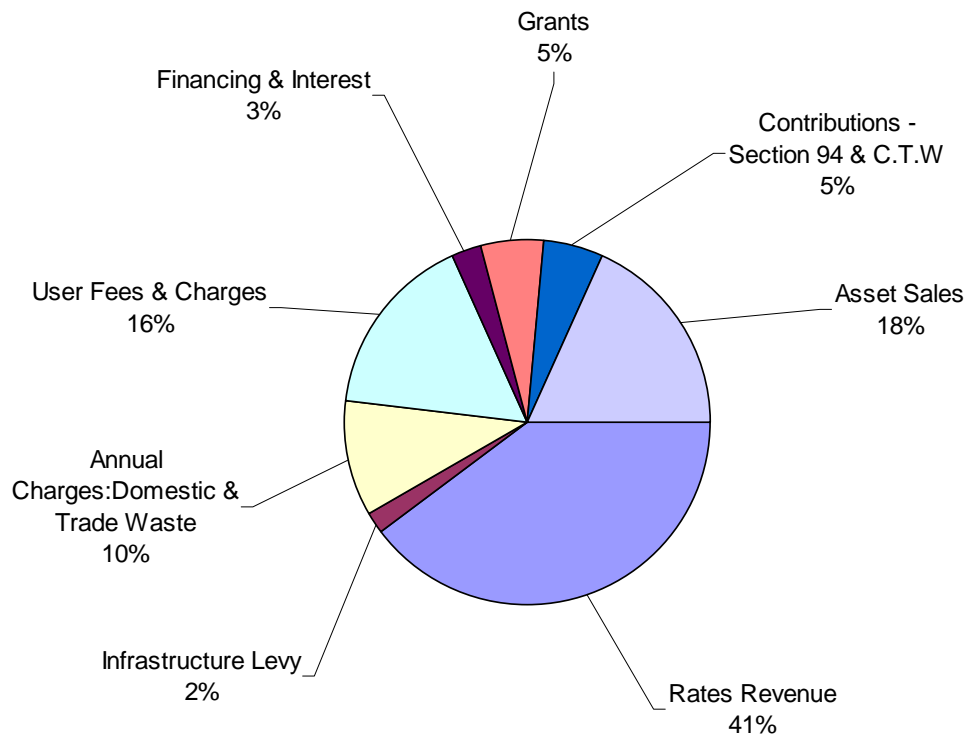
In the current market, sale by public auction is the most cost-effective method of disposal.

4 YEAR FINANCIAL FORECAST

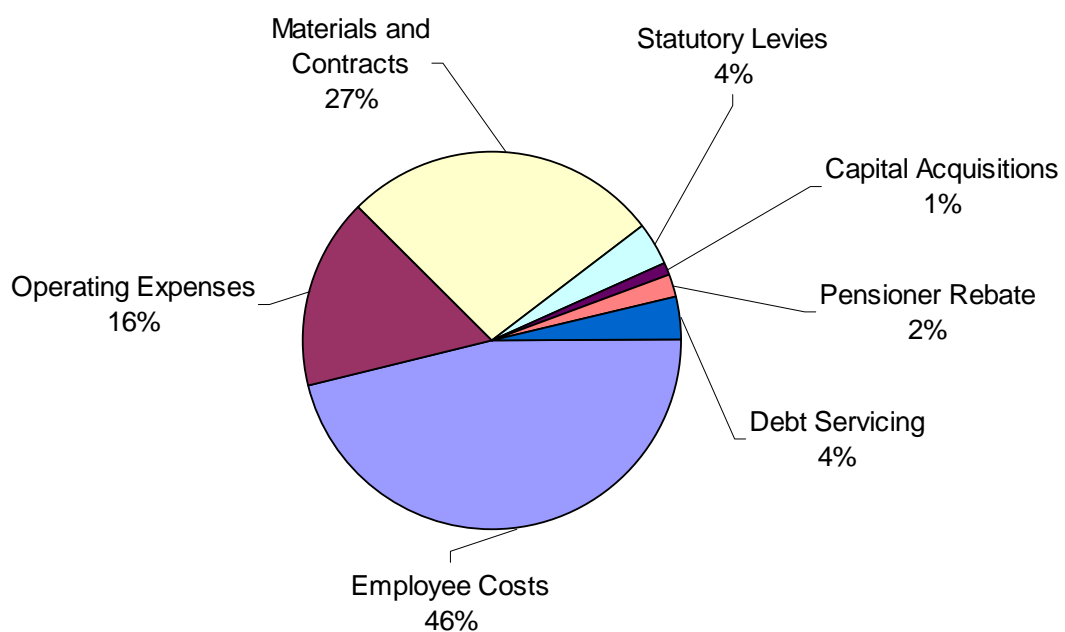
STATEMENT OF FUNDING FINANCIAL FORECAST	BUDGET	REVISED BUDGET	DRAFT	LONG TERM FINANCIAL PLAN		
	2004/2005	2004/2005	2005/2006	2006/2007	2007/2008	2008/2009
Cash In						
Rates	35,330,000	35,354,300	36,554,000	37,833,390	39,157,559	40,528,073
Infrastructure Levy	1,704,700	1,704,700	1,767,000	1,828,845	0	0
Annual Charges:Domestic & Trade Waste	8,659,100	8,659,100	9,501,200	9,786,236	10,079,823	10,382,218
User Fees & Charges	14,130,500	14,437,400	15,139,600	15,669,486	16,217,918	16,785,545
Interest Income	895,000	925,000	1,005,000	1,215,188	1,273,067	1,281,144
Recurrent Grants	4,556,600	4,570,200	4,501,700	4,636,751	4,775,854	4,919,129
Contributions - Section 94 & C.T.W	2,000,000	2,000,000	4,700,000	4,725,570	9,451,140	9,451,140
Capital Grants	415,000	555,200	565,000	565,000	565,000	565,000
New Loans	1,600,000	1,600,000	1,400,000	1,000,000	1,000,000	1,000,000
Asset Sales	0	0	17,000,000	0	0	0
Total Cash In	69,290,900	69,805,900	92,133,500	77,260,466	82,520,360	84,912,249
Cash Out						
Employee Costs	26,681,600	26,997,300	27,993,200	29,342,962	30,214,095	31,111,429
Operating Expenses	9,694,500	9,897,300	9,962,900	10,211,973	10,508,120	10,812,855
Materials and Contracts	15,757,700	15,150,500	16,475,700	16,887,593	17,377,333	17,881,275
Statutory Levies	2,144,500	2,188,800	2,236,000	2,284,350	2,341,838	2,400,993
Pensioner Rebate	800,000	800,000	1,098,400	1,109,384	1,120,478	1,131,683
Capital Acquisitions	636,400	548,100	647,700	663,893	683,145	702,957
Interest Expense	693,700	693,700	698,000	724,740	693,620	675,672
Principal Repayments	2,153,200	2,153,200	1,538,500	1,706,461	1,856,685	1,877,305
Total Cash Out	58,561,600	58,428,900	60,650,400	62,931,354	64,795,313	66,594,170
Headline Budget Surplus/(Deficit)	10,729,300	11,377,000	31,483,100	14,329,111	17,725,047	18,318,079
Funds To Restricted Assets	5,545,800	5,730,800	25,787,300	8,631,523	13,240,354	13,495,711
Funds To Depreciation Reserves	1,100,000	1,100,000	1,130,000	1,162,770	1,196,490	1,231,189
Operating Net Surplus/(Deficit)	4,083,500	4,546,200	4,565,800	4,534,818	3,288,203	3,591,180
Projects (excluding S94)	8,874,500	13,187,000	9,762,300	19,941,491	9,223,420	8,851,312
Section 94 Funded Projects	0	0	0	3,000,000	4,000,000	4,000,000
Total Projects	8,874,500	13,187,000	9,762,300	22,941,491	13,223,420	12,851,312
Funded By						
General Fund	778,800	1,241,500	1,398,800	1,705,973	2,288,203	2,591,180
New Loans	1,600,000	1,600,000	1,400,000	1,000,000	1,000,000	1,000,000
Infrastructure Levy	1,704,700	1,704,700	1,767,000	1,828,845	0	0
Sub Total (Operating Surplus)	4,083,500	4,546,200	4,565,800	4,534,818	3,288,203	3,591,180
Surplus Carried Forward	0	423,400	0	0	0	0
Section 94 Plan	27,600	44,800	30,000	30,870	31,765	32,686
Section 94 Pre Plan	0	126,000	0	0	0	0
Section 94 2004 Plan	0	30,000	0	3,000,000	3,500,000	3,500,000
Section 94 Future Plans	0	0	0	0	0	0
Other Restricted Assets	4,763,400	8,016,600	5,166,500	15,364,618	4,194,234	4,011,260
Net Surplus/(Deficit)	0	0	0	(11,184)	(2,209,217)	(1,716,186)

LONG TERM FINANCIAL PLANNING

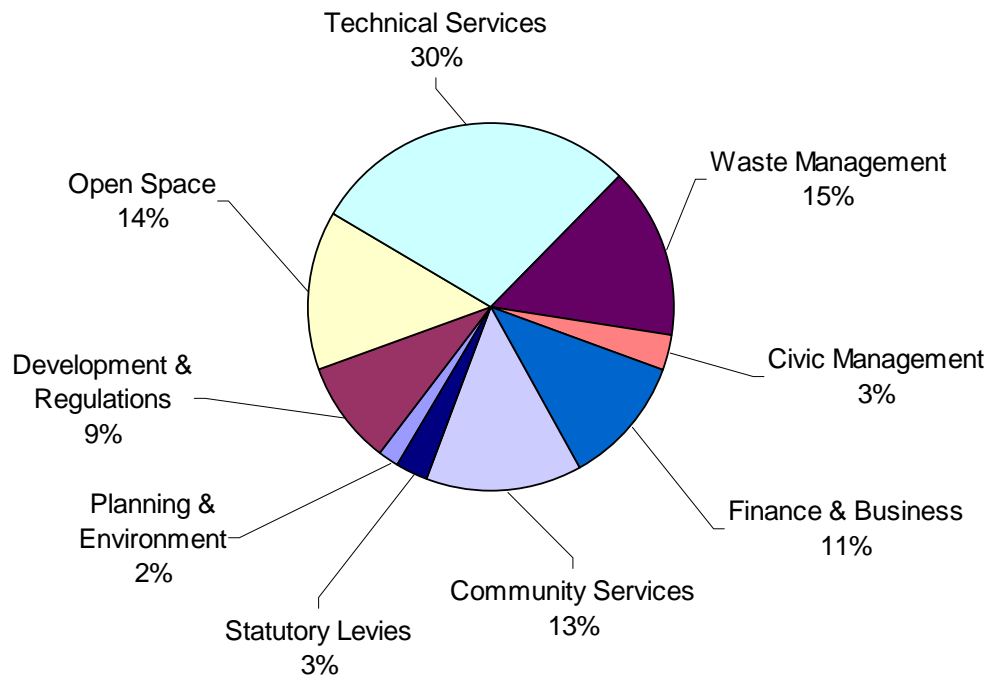
Revenue Sources 2005/2006



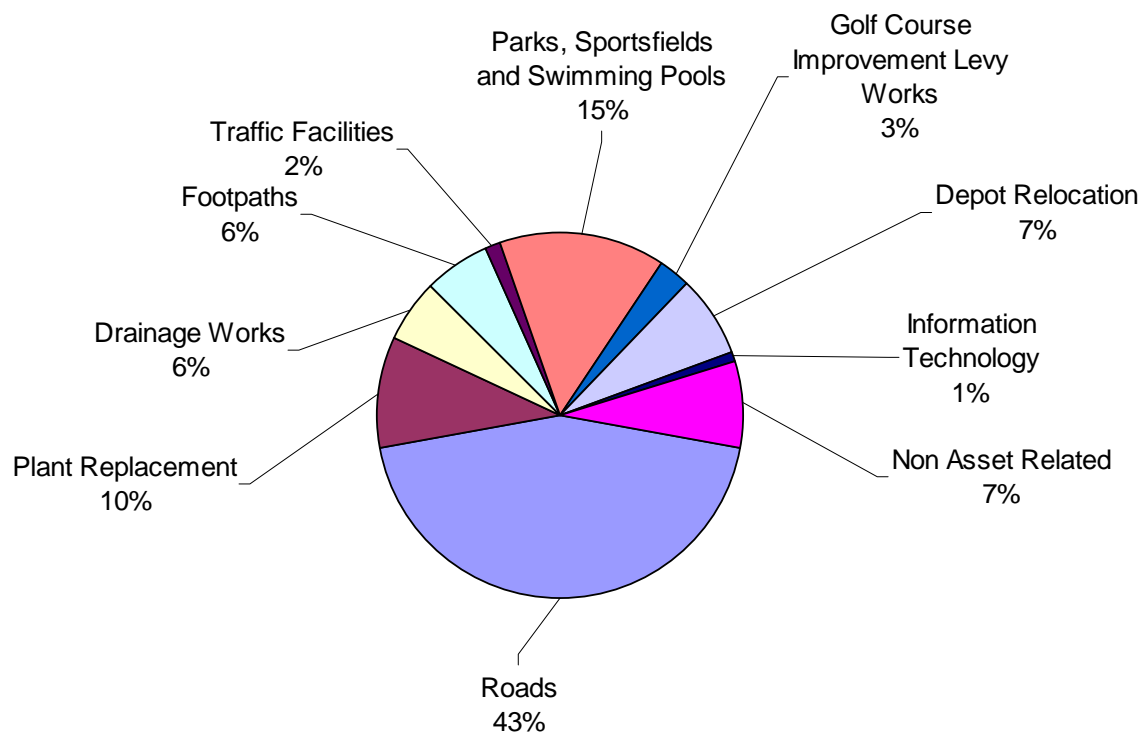
Allocation of Expenditure 2005/2006



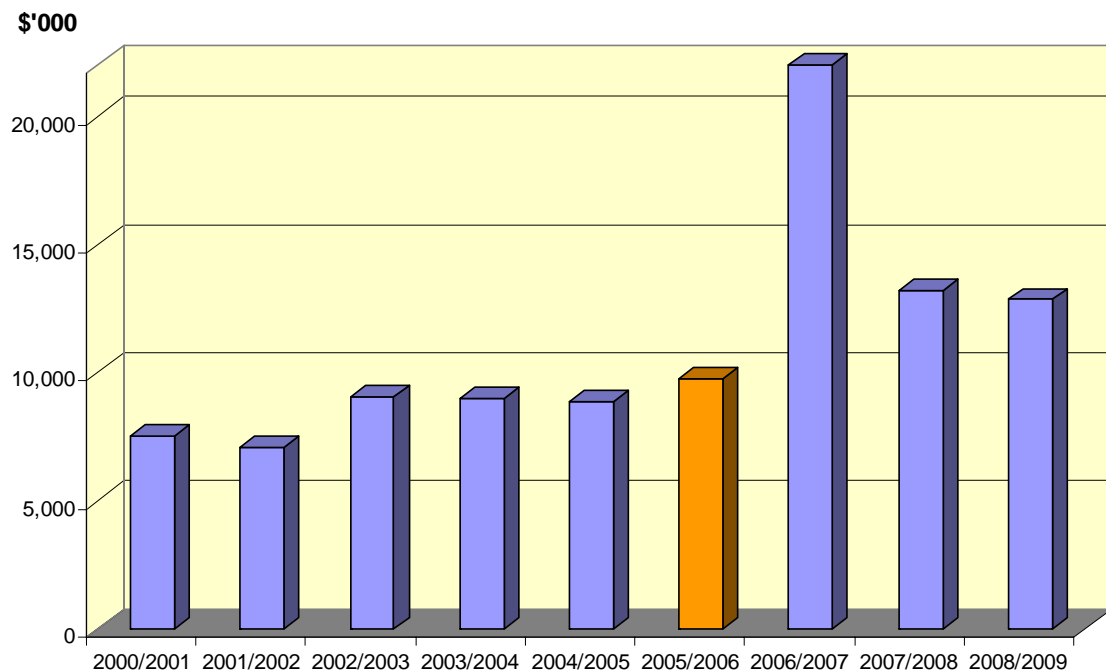
Departmental Expenditure Allocations 2005/2006



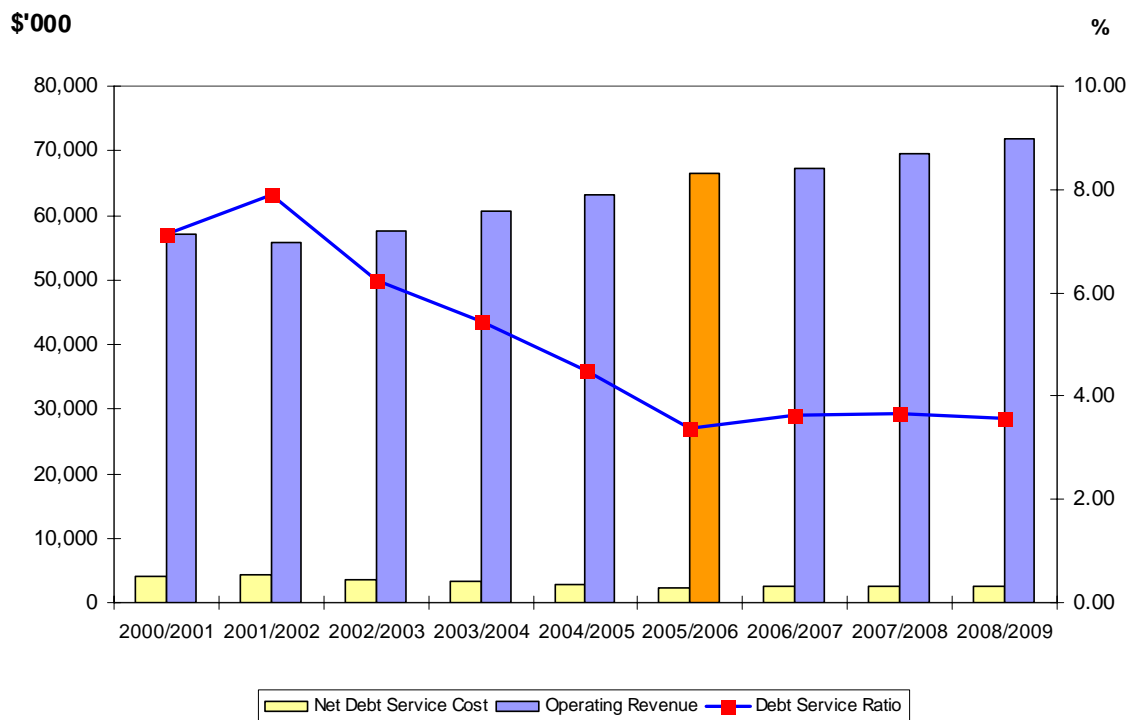
Projects by Asset Type 2005/2006



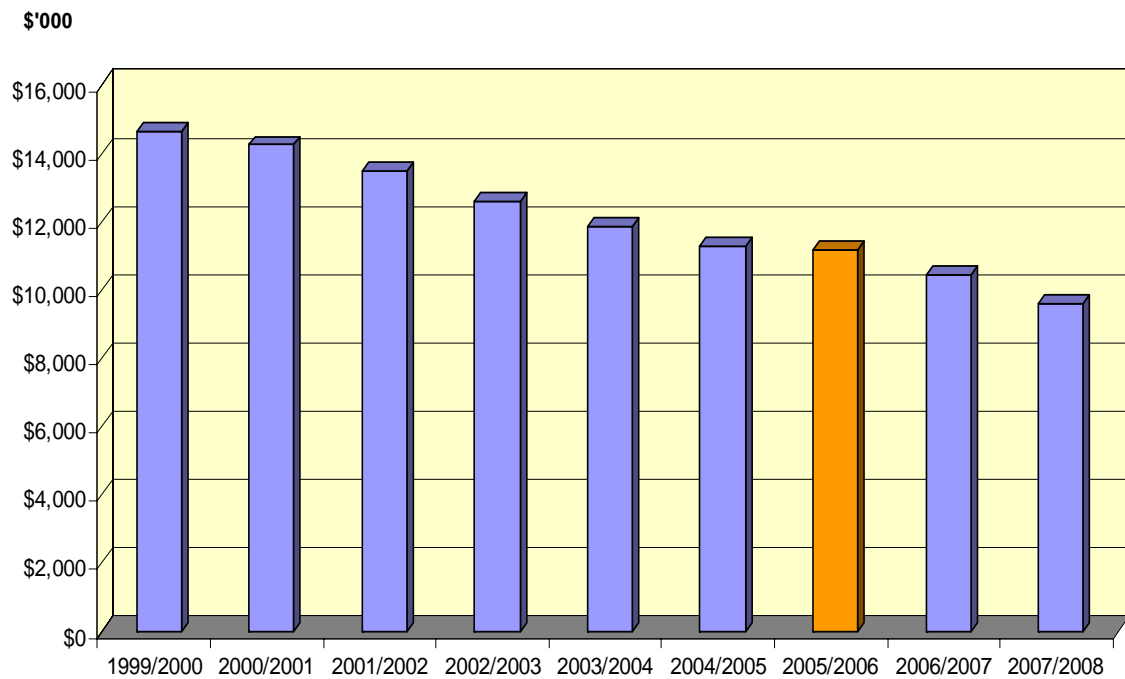
Total Projects



How Council's debt is being managed



Total Loan Liability



OPERATING BUDGET SUMMARIES

Council Summary

	Year 2005/2006			Year 2004/2005		
	Revenue \$'000	Expense \$'000	Net Exp. \$'000	Revenue \$'000	Expense \$'000	Net Exp. \$'000
Operating						
Civic Management	51	2,426	2,375	5	2,201	2,196
Community Services	3,726	10,449	6,724	3,875	10,272	6,397
Development & Regulation	4,664	7,165	2,501	3,932	6,570	2,638
Finance & Business Development	49,165	11,004	(38,161)	44,788	10,962	(33,827)
Open Space	3,208	10,866	7,658	3,105	10,612	7,507
Planning & Environment	380	1,453	1,073	325	1,386	1,062
Technical Services	12,037	22,537	10,501	12,068	21,551	9,483
Waste Management	11,227	11,714	487	10,327	10,896	569
Net Expenditure / (Revenue)	84,457	77,614	(6,843)	78,424	74,449	(3,975)
Expense						
Employee Costs		27,993		26,682		
Operating Expenses		9,963		9,695		
Materials & Contract		16,476		15,758		
Statutory Levies		2,236		2,145		
Pensioner Rebate		1,098		800		
Interest Expense		698		694		
Depreciation		7,214		6,893		
Internal Transactions		11,288		11,148		
Total Operating Expense		76,966		73,813		
Capitalised Expense						
Balance Sheet		648		636		
Total Capitalised Expense		648		636		
Total Expense		77,614		74,449		
Revenue						
Rates	36,554		35,330			
Infrastructure Levy	1,767		1,705			
Annual Charges	9,501		8,659			
User Fees & Charges	15,140		14,131			
Interest Income	1,005		895			
Grants Recurrent	4,502		4,557			
Contributions	4,700		2,000			
Internal Transactions	11,288		11,148			
Total Revenue	84,457		78,424			
Total Operating Result	84,457	77,614	(6,843)	78,424	74,449	(3,975)
As per 4 year Financial Forecast						
Capital Grants	565			415		
New Loans	1,400			1,600		
Internal services	(11,288)	(11,288)		(11,148)	(11,148)	
Principal Repayments		1,538			2,153	
Depreciation		(7,213)			(6,893)	
Asset Sales	17,000					
Headline Budget Surplus/ (Deficit)	92,134	60,651	31,483	69,291	58,561	10,730

Civic Management

	Year 2005/2006			Year 2004/2005		
	Revenue	Expense	Net Exp.	Revenue	Expense	Net Exp.
	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000
Operating Activities						
Councillor Support		490	490		499	499
Executive Support		779	779		562	562
Human Resource Management	51	1,156	1,105	5	1,140	1,135
Total Operating Activities	51	2,426	2,375	5	2,201	2,196

Resources:

Expense

Employee Costs	1,656	1,414
Operating Expenses	600	582
Materials & Contract	29	62
Depreciation	1	0
Internal Transactions	142	142

Capitalised Expense

Balance Sheet

Revenue

User Fees & Charges	51	5
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Total Result	51	2,426	2,375	5	2,201	2,196
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Community Services

	Year 2005/2006			Year 2004/2005		
	Revenue	Expense	Net Exp.	Revenue	Expense	Net Exp.
	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000
Operating Activities						
Community Development	1,934	2,942	1,008	1,981	2,946	965
Community Facilities Unit	727	1,438	711	659	1,141	482
Corp Communications		341	341		397	397
Cultural Services	769	974	205	909	970	61
Customer Services	29	901	872	32	870	837
Library Services	267	3,523	3,257	292	3,633	3,340
Mgmt Sup Comm Servs		331	331	0	315	315
Total Operating Activities	3,726	10,449	6,724	3,875	10,272	6,397

Resources:

Expense

Employee Costs	5,685	5,263
Operating Expenses	719	917
Materials & Contract	359	457
Depreciation	266	411
Internal Transactions	2,938	2,709

Capitalised Expense

Balance Sheet	483	515
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Revenue

User Fees & Charges	1,491	1,634
Grants Recurrent	850	944
Internal Transactions	1,385	1,296

Total Result	3,726	10,449	6,723	3,875	10,272	6,397
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Development & Regulation

	Year 2005/2006			Year 2004/2005		
	Revenue	Expense	Net Exp.	Revenue	Expense	Net Exp.
	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000
Operating Activities						
Building Control	655	346	(309)	759	320	(440)
Compliance & Enviro	296	644	348	172	741	569
Administrative Servs	254	946	693	501	952	451
Development Control	2,145	4,075	1,930	1,353	3,384	2,031
Regulatory Services	883	866	(17)	730	836	106
Specialist Support	431	287	(145)	417	337	(80)
Total Operating Activities	4,664	7,165	2,501	3,932	6,570	2,638

Resources:

Expense

Employee Costs	4,530	4,030
Operating Expenses	2,064	1,811
Materials & Contract	186	310
Depreciation		
Internal Transactions	384	415

Capitalised Expense

Balance Sheet		4
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Revenue

User Fees & Charges	4,664	3,932
Internal Transactions		

Total Result	4,664	7,165	2,501	3,932	6,570	2,638
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Finance & Business

	Year 2005/2006			Year 2004/2005		
	Revenue	Expense	Net Exp.	Revenue	Expense	Net Exp.
	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000
Operating Activities						
Business Development		209	209		191	191
Council Services	1	198	197	1	190	190
Corporate Accounts	48,052	4,150	(43,902)	43,699	4,300	(39,399)
Financial Management	136	951	815	156	961	806
Information Tech		1,894	1,894		1,783	1,783
Insurance & Risk		894	894		867	867
Mgmt Sup Fin & Bus		244	244		232	232
Print Room	223	198	(25)	229	196	(33)
Property Services	753	1,418	665	703	1,460	757
Records		496	496		436	436
Supply		352	352	1	346	345
Total Operating Activities	49,165	11,004	(38,161)	44,788	10,962	(33,827)

Resources:

Expense

Employee Costs	2,599	2,855
Operating Expenses	2,313	2,344
Materials & Contract	782	843
Statutory Levies	2,236	2,145
Pensioner Rebate	905	620
Interest Expense	698	694
Depreciation	75	143
Internal Transactions	1,238	1,227

Capitalised Expense

Balance Sheet	157	92
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Revenue

Rates	36,554	35,330
Infrastructure Levy	1,767	1,705
User Fees & Charges	785	725
Interest Income	957	846
Grants Recurrent	2,949	2,937
Contributions	4,700	2,000
Internal Transactions	1,452	1,246

Total Result	49,165	11,004	(38,161)	44,788	10,962	(33,827)
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Open Space

	Year 2005/2006			Year 2004/2005		
	Revenue	Expense	Net Exp.	Revenue	Expense	Net Exp.
	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000
Operating Activities						
Bush & Nat Resources	50	1,993	1,943	63	1,913	1,851
Tree&Landscape Asses	110	559	449	110	500	390
Mgnt Sup Open Space	0	359	359	0	427	427
Plant Nursery	150	240	90	157	224	67
Parks	54	1,931	1,877	90	2,341	2,251
Sport & Recreation	2,843	4,516	1,672	2,685	4,096	1,411
Trees	0	1,268	1,268	0	1,111	1,111
Total Operating Activities	3,208	10,866	7,658	3,105	10,612	7,507

Resources:

Expense

Employee Costs	6,311	6,103
Operating Expenses	445	410
Materials & Contract	1,631	1,432
Depreciation	97	235
Internal Transactions	2,373	2,425

Capitalised Expense

Balance Sheet	8	7
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Revenue

User Fees & Charges	2,799	2,744
Grants Recurrent	0	3
Internal Transactions	409	358

Total Result	3,208	10,866	7,658	3,105	10,612	7,507
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Planning & Environment

	Year 2005/2006			Year 2004/2005		
	Revenue	Expense	Net Exp.	Revenue	Expense	Net Exp.
	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000
Operating Activities						
Environmental Policy	0	286	286	0	365	365
Land Information	291	218	(73)	285	214	(71)
Mgmt Sup Planning	0	389	389	0	288	288
Urban Planning	89	560	471	40	519	479
Total Operating Activities	380	1,453	1,073	325	1,386	1,062

Resources:

Expense

Employee Costs	1,268	1,166
Operating Expenses	83	100
Materials & Contract	15	20
Internal Transactions	87	101

Capitalised Expense

Balance Sheet

Revenue

User Fees & Charges	369	316
Internal Transactions	11	9

Total Result	380	1,453	1,073	325	1,386	1,062
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Technical Services

	Year 2005/2006			Year 2004/2005		
	Revenue	Expense	Net Exp.	Revenue	Expense	Net Exp.
	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000
Operating Activities						
Depot Support Servs		412	412		374	374
Fleet Operations	2,762	2,786	24	3,020	2,812	(207)
Maint & Construction	1,558	7,432	5,874	1,546	7,090	5,544
Mgmt Sup Tech Services	251	1,630	1,378	250	1,654	1,404
Street Sweep & Litter		1,356	1,356	205	1,221	1,016
Trade Services	7,358	7,642	285	6,973	7,152	180
Traffic & Projects	108	1,280	1,171	75	1,247	1,172
Total Operating Activities	12,037	22,537	10,501	12,068	21,551	9,483

Resources:

Expense

Employee Costs	5,688	5,600
Operating Expenses	3,642	3,412
Materials & Contract	3,417	3,537
Depreciation	6,774	5,953
Internal Transactions	3,016	3,049

Capitalised Expense

Balance Sheet

Revenue

User Fees & Charges	3,523	3,376
Grants Recurrent	594	565
Internal Transactions	7,920	8,128

Total Result	12,037	22,537	10,501	12,068	21,551	9,483
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Waste Management

	Year 2005/2006			Year 2004/2005		
	Revenue	Expense	Net Exp.	Revenue	Expense	Net Exp.
	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000
Operating Activities						
Domestic Waste	9,716	10,663	947	8,891	9,838	948
Trade Waste	1,512	1,052	(460)	1,437	1,058	(379)
Total Operating Activities	11,227	11,714	487	10,327	10,896	569

Resources:

Expense

Employee Costs	255	249
Operating Expenses	96	120
Materials & Contract	10,058	9,096
Pensioner Rebate	194	180
Depreciation	0	150
Internal Transactions	1,111	1,081

Capitalised Expense

Balance Sheet	20
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Revenue

Annual Charges	9,501	8,659
User Fees & Charges	1,459	1,400
Interest Income	48	49
Grants Recurrent	108	108
Internal Transactions	112	112

Total Result	11,227	11,714	487	10,327	10,896	569
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PROJECTS FOR 2005/2006

Projects

Buildings

Project Name	Expenditure Type	Total Cost	Property Reserve
Depot Relocation	Operational	\$713,000	\$713,000
Total		\$713,000	\$713,000

Drainage

Project Name	Expenditure Type	Total Cost	Operating Surplus	Drainage Reserve	Works of Direct Community Benefit
Drainage Works	Capital	\$304,400		\$190,100	\$114,300
Catchment Analysis	Operational	\$100,000	\$100,000		
Catchment Management	Operational	\$150,000	\$150,000		
Total		\$554,400	\$250,000	\$190,100	\$114,300

Fleet and Plant Replacement

Project Name	Expenditure Type	Total Cost	Operating Surplus	Plant Replacement Reserve
Operational Fleet	Capital	\$650,000	\$650,000	
Passenger Fleet	Capital	\$300,000		\$300,000
Total		\$950,000	\$650,000	\$300,000

Footpaths

Project Name	Expenditure Type	Total Cost	Works of Direct Community Benefit
Business Centres Improvement Program	Capital	\$185,000	\$185,000
Footpath Works	Capital	\$378,200	\$378,200
Total		\$563,200	\$563,200

Golf Courses

Project Name	Expenditure Type	Total Cost	Golf Course Improvement Levy
Golf Course Improvements	Capital	\$250,000	\$250,000
Total		\$250,000	\$250,000

Information Technology

Project Name	Expenditure Type	Total Cost	Operating Surplus
IT Initiatives	Capital	\$100,000	\$100,000
Total		\$100,000	\$100,000

Non Related Asset

Project Name	Expenditure Type	Total Cost	Operating Surplus	Works of Direct Community Benefit
Planning Projects	Operational	\$599,000	\$599,000	
Tree Planting	Operational	\$120,000		\$120,000
Total		\$719,000	\$599,000	\$120,000

Parks, Sportsfield And Swimming Pools

Project Name	Expenditure Type	Total Cost	Works of Direct Community Benefit	Sportsfield Reserve
Swimming Pool Refurbishment	Capital	\$350,000	\$350,000	
Tennis Court Refurbishment	Capital	\$62,000	\$62,000	
Park Development	Capital	\$200,000	\$200,000	
Sportsfield Refurbishment	Capital	\$675,000	\$470,000	\$205,000
Playground Refurbishment	Capital	\$150,000	\$150,000	
Total		\$1,437,000	\$1,232,000	\$205,000

Roads

Project Name	Expenditure Type	Total Cost	Operating Surplus	Capital Grants	New Loans	Infrastructure Levy	Infrastructure Restoration Reserve
Infrastructure Levy Works	Capital	\$1,767,000				\$1,767,000	
Road Refurbishment	Capital	\$2,561,600	\$211,600	\$565,000	\$1,400,000		\$385,000
Total		\$4,328,600	\$211,600	\$565,000	\$1,400,000	\$1,767,000	\$385,000

Traffic Facilities

Project Name	Expenditure Type	Total Cost	Works of Direct Community Benefit
Traffic Facilities	Capital	\$147,100	\$147,100
Total		\$147,100	\$147,100

Summary by Asset Type 2005/2006

Description	Capital	Operational	Total
Roads	4,328,600		4,328,600
Fleet & Plant Replacement	950,000		950,000
Drainage Works	304,400	250,000	554,400
Footpaths	563,200		563,200
Traffic Facilities	147,100		147,100
Parks, Sportsfields & Swimming Pools	1,437,000		1,437,000
Golf Course Improvement Works	250,000		250,000
Buildings		713,000	713,000
Non Asset Related		719,000	719,000
Information Technology	100,000		100,000
Grand Total	\$8,080,300	\$1,682,000	\$9,762,300

Summary by Expenditure Type

Total Cost	Total Cost	Operating Surplus	Capital Grants	New Loans	Infrastructure Levy	Sportsfield Reserve	Golf Course Improvement Levy	Infrastructure Restoration Reserve	Plant Replacement Reserve	Drainage Reserve	Property Reserve	Works of Direct Community Benefit
Roads	\$4,328,600	\$211,600	\$565,000	\$1,400,000	\$1,767,000			\$385,000				
Fleet & Plant Replacement	\$950,000	\$650,000							\$300,000			
Drainage Works	\$554,400	\$250,000								\$190,100		\$114,300
Footpaths	\$563,200											\$563,200
Traffic Facilities	\$147,100											\$147,100
Parks, Sportsfields & Swimming Pools	\$1,437,000					\$205,000						\$1,232,000
Golf Course Improvement Works	\$250,000						\$250,000					
Depot Relocation	\$713,000										\$713,000	
Non Asset Related	\$719,000	\$599,000										\$120,000
Information Technology	\$100,000	\$100,000										
Total Cost	\$9,762,300	\$1,810,600	\$565,000	\$1,400,000	\$1,767,000	\$205,000	\$250,000	\$385,000	\$300,000	\$190,100	\$713,000	\$2,176,600

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Ku-ring-gai Council

Draft Management Plan 2005-2009
Appendix A

Draft Fees & Charges 2005-2006

April 2005

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PRICING POLICY

Council's Policy

Council's pricing policy is detailed below.

	MOTIVE	PRICING PRINCIPLE
1.	Community Service Obligations	Fees may be discounted to a level below the cost of a service where the production or consumption of the service generates external benefits to the community (as well as creating a community service obligation). However, the cost of the discount will not exceed the estimated benefit.
2.	Natural Monopoly	Where Council has a monopoly over the production of a good or service, prices should be set at a level to fully recover costs unless there are explicit community service obligations or equity obligations.
3.	Statutory Fees	Certain goods and services provided by Council emanate from a requirement contained in legislation and, in some circumstances, the fees for these goods or services are set by that legislation.
4.	Regulatory Fees	Certain goods and services provided by Council emanate from a requirement contained in legislation but Council may set its own fee. In such cases, fees should be set at a level to fully recover costs unless they are accepted community service obligations or equity obligations.
5.	Entrepreneurial Activities	Where Council produces a good or service as a commercial pursuit, prices should be set at a level to fully recover costs and risk.

GST Codes

C	=	Current Rate
Z	=	Zero Rated
I	=	Input Taxed (exempt)
NA	=	Not Applicable

CUSTOMER SERVICE

Customer Service			
	Fee Details	Fee For 2004/2005	Fee For 2005/2006
Animal Related Items			
	Animal Control Devices		
	Dog Control Device (Abiostop) Hire per week.	\$44.00	\$45.00
	Bond on hire of Dog Control Device.	\$200.00	\$200.00
	Dog Control Device (Abiostop).	\$252.00	\$255.00
	Battery	\$14.00	\$15.00
	Citronella refill.	\$26.00	\$27.50
	Banners		
	Commercial Casual Hire per day.	\$40.00	\$40.00
	Commercial - permanent hire (2 months).	\$130.00	\$130.00
	Worms		
	Worm Farms	\$63.00	\$63.00
Health & Safety			
	Thermometers for food handling establishments.	\$11.00	\$12.00
Photocopies			
	A4 black and white photocopies.	\$0.70	\$0.70
	A3 black and white photocopies.	\$1.40	\$1.40
	A4 colour photocopies.	New fee	2.50
	A3 colour photocopies.	New fee	3.50
Publications for Sale			
	Advertising signs DCP 28.	\$21.00	\$22.00
	Car Parking Code DCP43.	\$21.00	\$22.00
	Construction and Demolition Waste Management Policy DCP 4.	\$22.00	\$23.00
	Development in Business Zones DCP 14.	\$21.00	\$22.00
	Dual Occupancy Code.	\$21.00	\$22.00
	Exempt and Complying Development DCP 46.	\$35.00	\$37.00
	Multi Unit Housing DCP 55.	New Fee	\$39.00
	Water Management DCP 47.	New Fee	\$39.00
	The Ku-ring-gai residential Design Manual.	\$42.00	\$45.00
	SEPP 5 / Seniors Living.	\$21.00	\$22.00
	National Code for Construction of Food Premises.	\$18.00	\$20.00
	Plans of Management – community land (50% discount for residents of Ku-ring-gai area and non-profit organisations).	\$35.00	\$40.00

Customer Service			
	Fee Details	Fee For 2004/2005	Fee For 2005/2006
	Pool Safety Posters.	\$17.00	\$20.00
	Section 94 Contributions Plan(s).	\$58.00	\$60.00
	Standard specification booklets.	\$7.00	\$7.00
	Subdivision Code	\$9.00	\$10.00
	Waste Related Items		
	Compost Bins	\$35.00	\$35.00

FINANCE AND GOVERNANCE

Finance & Business			
	Fee Details	Fee For 2004/2005	Fee For 2005/2006
Administration			
	Freedom of Information		
	Access to records by natural person about their personal affairs - after first 20 hours of work, per hour.	\$30.00	\$30.00
	All other requests for access to records, per hour.	\$30.00	\$30.00
	Internal Review	\$40.00	\$40.00
	Freedom of Information Processing Charge		
	Access to records by natural person about their personal affairs, after 20 hours of work, per hour.	\$30.00	\$30.00
	All other requests for access to records, per hour.	\$30.00	\$30.00
	Annual Report		
	Annual Report under Section 428 of the Local Government Act 1993.	\$32.00	\$35.00
	Council Minutes		
	Annual Subscription.	\$373.00	\$375.00
	Copies of reports per page.	\$0.65	\$0.65
	In excess of 1 month of meeting date.	\$19.50	\$20.00
	Section 12		
	Any document available under Section 12 of the Local Government Act 1993 - per page (or at an individual document cost whichever is the lesser to cover costs).	\$0.65	\$0.65
	Tape Recording		
	Tape Records of Council/Committee Meetings (per hour or part thereof, plus cost of tape).	\$40.00	\$45.00
Cheque Dishonour			
	Administration Charge	\$23.00	\$25.00
Property			
	Applications		
	Property Easement/Right Of Way Applications.	\$525.00	\$600.00
	Application for purchase of land.	\$680.00	\$750.00
	Section 54 Local Government Act		
	Certificate for Classification of Council Land.	New Fee	\$30.00
	Bonds/Leasing		

Finance & Business			
	Fee Details	Fee For 2004/2005	Fee For 2005/2006
	Security Bond for Leased Residential Property.	Equivalent to 4 weeks rent	Equivalent to 4 weeks rent
	Consultancy		
	Administration / Attendance – Charge per hour.	\$84.00	\$85.00
	Tulkiyan		
	Tulkiyan Historic House Open days – Families.	\$15.00	\$15.50
	Tulkiyan Historic House Open days – Adults.	\$8.00	\$8.50
	Tulkiyan Historic House Open days - Children (accompanied by an adult).	\$1.30	\$1.50
	Wade Lane		
	Car parking - Wade Lane, per month.	\$92.00	\$95.00
	Publications for Sale		
	Management Plan		
	Management Plan	\$58.00	\$60.00
	Tender Documentation		
	Sale of Tender documents (dependent on size of specification).	Min \$55.00 Max \$370.00	Min \$55.00 Max \$400.00
	Rates		
	Clerk Certificate: 603	\$50.00	\$50.00
	Interest		
	Interest on Overdue Rates charged.	9%	Yet to be announced

PLANNING & ENVIRONMENT

Planning & Environment			
	Fee Details	Fee For 2004/2005	Fee For 2005/2006
Certificates			
	149 Certificates		
	Planning Certificate Section 149(2).	\$40.00	\$40.00
	Planning Certificate Section 149(2) & (5).	\$100.00	\$100.00
	Planning Certificate urgency fee.	\$50.00	\$50.00
Photocopying			
	Laminating service per metre (external).	\$20.00	\$20.00
	A2, A1, A0, large format - plans as supplied, per copy.	\$10.00	\$10.00
	DCP'S/LEP'S (less than 20 pages).	\$12.00	\$12.00
	DCP'S/LEP'S (more than 20 pages).	\$45.00	\$45.00
	DRAFT DCP'S/LEP'S.	\$10.00	\$10.00
	A0 size black/white plot from GIS.	\$110.00	\$110.00
	A0 size colour plot from GIS.	\$220.00	\$220.00
	A1 size black/white plot from GIS.	\$66.00	\$66.00
	A1 size colour plot from GIS.	\$110.00	\$110.00
	A2 size black/white plot from GIS.	\$34.00	\$34.00
	A2 size colour plot from GIS.	\$66.00	\$66.00
	A3 size black/white copy from GIS.	\$7.00	\$7.00
	A3 size colour laser copy from GIS.	\$15.00	\$15.00
	A4 size black/white laser copy from GIS	\$5.00	\$5.00
	A4 size colour laser copy from GIS.	\$8.00	\$8.00
	KMAP Street Directory A4 size.	\$25.00	\$25.00
	Ku-ring-gai Planning Scheme Map (laminated)	\$127.00	\$130.00
	Ku-Ring-Gai Planning Scheme Ordinance.	\$58.00	\$60.00
	Contributions Plan	\$52.00	\$52.00
	Travis McEwen Group Report per copy.	\$75.00	\$75.00
	Base Line Studies 1- 4 (sold separately) each.	\$75.00	\$75.00
	Ku-ring-gai Residential Development Strategy Reports & Studies.	\$53.00	\$53.00

Planning & Environment			
	Fee Details	Fee For 2004/2005	Fee For 2005/2006
<i>Amendment to Ku-ring-gai Planning Scheme Ordinance</i>			
	Assessment of rezoning application or application for reclassification of Public Land.	\$17,380.00	\$18,000.00
	Advertising. (To be paid for by the applicant as an additional fee, regardless of the size of the application).	\$3,000.00	\$3,100
	Large Institutional Sites and other sites over 1ha.	\$37,000.00	\$38,000.00
	Planning Documents on "CD".	New Fee	\$25.00
<i>Plans of Management</i>			
	Small (less than 25 pages).	\$20.00	\$20.00
	Large (more than 25 pages).	\$40.00	\$40.00
	State of environment report (CD version only available).	\$30.00	\$30.00

TECHNICAL SERVICES

Technical Services			
	Fee Details	Fee For 2004/2005	Fee For 2005/2006
Infrastructure			
	Alignment Level		
	Re-consideration fee per property.	\$138.00	\$140.00
	Additional fee for sites requiring survey design for crossing design - per property.	\$370.00	\$380.00
	Provision of vehicular crossing design levels - per property.	\$185.00	\$190.00
	Provision of boundary alignment levels with DA approval - per property.	\$138.00	\$140.00
	Construction Work Zones		
	Construction Work Zone per metre per week (Min 6m, 13 weeks). Cost includes processing through Ku-ring-gai Traffic Committee.	\$40.00	\$42.00
	Footpaths		
<i>Note: Footpath surfaces per square metre (20% discount for areas > 10sqm). Minimum charge - one square metre or one lineal metre.</i>			
	Asphalt or bitumen footpath	\$172.00	\$175.00
	Concrete 130mm thick footpath and vehicular crossings.	\$356.00	\$360.00
	Grass verges.	\$100.00	\$100.00
	Flagging - sandstone.	\$263.00	\$265.00
	Brick or concrete pavers.	\$278.00	\$280.00
	Gravel footpaths.	\$120.00	\$120.00
	Concrete 100mm thick (precast or slabs).	\$242.00	\$245.00
<i>Note: Schedule of charges for restoration of main, secondary and other roads, footpaths, kerbs and gutters maintained by Ku-ring-gai Council.</i>			
	Gutter Crossing Construction		
	Dish crossings constructed in conjunction with kerb and gutter works where no approved constructed crossing previously existed – per metre.	\$142.00	\$145.00
	1.0m extension of existing piped crossing.	\$530.00	\$535.00
	2.4 metre extension of existing piped crossing.	\$1,000.00	\$1,000.00
	Standard 3.7 metre wide concrete layback gutter crossing.	\$1,220.00	\$1,250.00
	4.5 metre wide precast concrete gutter bridge.	\$1,220.00	\$1,250.00
	4.8 metre wide x 300mm diameter pipe crossing.	\$1,370.00	\$1,400.00
	Additional layback gutter crossing (per additional metre).	\$325.00	\$33000
	Construct asphalt surface between road pavement and layback or pipe crossing (per square metre).	\$55.00	\$60.00

Technical Services			
	Fee Details	Fee For 2004/2005	Fee For 2005/2006
	Construct 100mm thick fine crushed rock pavement across footway (per square metre).	\$53.00	\$53500
	Excavation in rock (per cubic metre).	\$505.00	\$510.00
	Excavation in other than rock (per cubic metre).	\$190.00	\$200.00
	Extension of existing layback crossing (per metre).	\$530.00	\$535.00
	Kerb & Guttering		
	<i>Note: Kerb and Gutter Per linear metre (20% discount for areas > 10sq m). Minimum charge - one square metre or one lineal metre.</i>		
	Kerb and gutter frontage per metre.	\$65.00	\$70.00
	Kerb and gutter where frontage and sideline form a curve, per metre.	\$50.00	\$50.00
	Kerb and gutter rear line per metre.	\$32.00	\$35.00
	Kerb and gutter sideline per metre.	\$32.00	\$35.00
	Kerb and/or gutter restoration (regional).	\$210.00	\$210.00
	Hole in kerb (per opening).	\$100.00	\$100.00
	Kerb and/or gutter - restoration (local).	\$210.00	\$210.00
	Saw cutting	\$32.00	\$35.00
	Saw cutting (roadside).	\$32.00	\$35.00
	Additional administrative charge to apply to restoration orders with inadequate or incorrect information.	\$135.00	\$135.00
	<i>Note: Schedule of charges for restoration of main, secondary and other roads, footpaths, kerbs and gutters maintained by Ku-ring-gai Council.</i>		
	Lines at Driveways		
	Provision of perpendicular pavement lines at driveways.	\$390.00	\$405.00
	Parking Restriction Signs		
	Provision of signs, if approved (per sign/stem installed or altered).	\$210.00	\$225.00
	Application fee – cover cost of processing (reporting to Ku-ring-gai Traffic Committee).	\$605.00	\$626.00
	Piping Requests and Approval for Drainage Easements		
	Application requiring determination by Council - fee for processing report.	\$730.00	\$730.00
	Hydraulic, hydrologic calculations and reports, per hour.	\$150.00	\$150.00
	<i>Note: Requests for piping of watercourses, adjustments to Council easements, pipes, etc. Refer to Engineering inspection Fees (Environmental & Regulatory Services).</i>		
	Records Searching		
	Conduct a search of records and extract information (per half hour).	\$84.00	\$85.00

Technical Services			
	Fee Details	Fee For 2004/2005	Fee For 2005/2006
	Roads		
	<i>Note: Road surfaces per square metre (20% discount for areas > 10sq m). Minimum charge - one square metre or one linear metre.</i>		
	Gravel and all other classes of unsealed pavement or shoulder.	\$122.00	\$125.00
	Natural earth	\$100.00	\$100.00
	Asphaltic concrete and all other bitumen surfaces.	\$294.00	\$300.00
	Cement/Concrete	\$520.00	\$525.00
	Asphaltic concrete with cement/concrete base.	\$520.00	\$525.00
	Road Opening Permit	\$25.00	\$25.00
	<i>Note: Schedule of charges for restoration of main, secondary and other roads, footpaths, kerbs and gutters maintained by Ku-ring-gai.</i>		
	Special Events		
	Application fee – cover cost of processing (access Traffic Management Plan and report to Ku-ring-gai Traffic Committee).	\$605.00	\$626.00
	Advertising (at cost +10%)	\$510.00	\$546.00
	Traffic Control		
	Appraisal/Reappraisal of Traffic Control Plans for work/activity on public roads.	\$166.00	\$172.00
	Crane Permits	New Fee	\$155.00
	SRA use of Local Road during rail closure per day.	New Fee	\$685.00
	SRA Road Closure Inspection Fee per closure.	New Fee	\$210.00
	Road Occupancy		
	Occupy road way during work crane or other vehicle per vehicle per day or part – subject to approved TMP/TCP.	New Fee	\$160.00
	Publications for Sale		
	Aquatic Ecosystem Assessment Guidelines.	\$22.00	\$23.00
	Stormwater Management Manual	\$30.00	\$32.00
	Printed extracts from Stormwater Management Manual.	\$8.00	\$10.00
	Stormwater Management Policy	\$10.00	\$11.00
	Complete set of specifications and standards for all Council's road and drainage works.	\$100.00	\$105.00
	Separate specifications extracted from complete set of specifications and standards for all Council's road and drainage works.	\$30.00	\$31.00
	Specifications for design of Road Construction Plans.	\$25.00	\$26.00
	General Conditions for Engagement of Consultant.	\$25.00	\$26.00

Technical Services			
	Fee Details	Fee For 2004/2005	Fee For 2005/2006
	Copies or extracts from specifications - A4 paper - single & first copy – each.	\$3.00	\$3.00
	Copies or extracts from specifications - A4 paper – extra related copies.	\$2.00	\$2.00
	Copies or extracts from specifications - A3 paper- Single & First Copy – each.	\$4.00	\$4.00
	Copies or extracts from specifications - A3 paper -extra related copies.	\$3.00	\$3.00
Waste			
	Collection		
Note: The following commercial waste collection fees include:			
1. Provision of container and repairs.			
2. Disposal Costs.			
3. Waste Collection at nominated fee schedule.			
4. Recycling collection at nominated fee schedule.			
All nominated fees are per bin, per service.			
<i>Note: Service Fees associated with commercial waste management services may be subjected to quotation in a commercially competitive environment and the nominated fees for services below may vary according to the request service level of the customer, type of waste, disposal costs, specific collection site, customer or waste requirements requested by the Director Technical Services:</i>			
	1.5 cubic metre Standard	\$29.00	\$30.00
	3.0 cubic metre Standard	\$44.00	\$44.00
	1.5 cubic metre Heavy	\$39.00	\$39.00
	3.0 cubic metre Heavy	\$47.00	\$47.00
	240/340 litre Standard	\$6.00	\$7.00
	240/340 litre Heavy	\$8.00	\$8.50
	240 litre Recycling	\$4.00	\$4.00
	Loose cardboard per cubic metre.	\$4.00	\$4.00
Community Event Services			
	Minimum amount per event (Includes delivery & return of bins). (\$ 4.00 per bin to be charged in addition to base rate).	\$160.00	\$160.00
Domestic Waste Management Charges			
	Domestic waste management charges, annual.	Refer to Management Plan 2004-2008 for Fees	Refer to Management Plan 2005-2009 for Fees
	White Goods Collection	\$40.00	\$45.00

OPEN SPACE

Open Space		
Fee Details	Fee For 2004/2005	Fee For 2005/2006
Access over Open Space		
Access over open space (as per Council's Policy).	\$1 to \$3,000	\$1 to \$3,000
Advertising Fee	\$500.00	\$500.00
Neighbour Notification Fee	\$60.00	\$60.00
Access over open space bond (as per Council's Policy).	Up to \$40,000	Up to \$40,000
Golf Courses		
Gordon Golf Course		
Green Fees - Weekend & Public Holidays 18 holes.	\$25.00	\$27.00
Green Fees - Weekday 18 holes.	\$21.00	\$21.00
Green Fees - Twilight up to 18 holes (2 hours prior to sunset).	\$16.00	\$16.00
Green Fees - Weekday "Charity Event" Concession.	\$12.00	\$13.00
Green Fees - Concession 18 holes (includes School Students, Pensioners, specials - proof required)	\$13.00	\$15.00
(Note: Concessions apply to weekdays only.)		
Green Fees - School Student - Weekend only (current Student ID must be shown).	\$16.00	\$17.00
Green Fees - Senior Student - Weekday only (current Student ID must be shown).	\$16.00	\$16.00
Green Fees – Monday to Friday - 9 Holes.	\$16.00	\$16.00
Green Fees – Weekend & Public Holidays.	New Fee	\$19.00
Green Fees - Family rate 18 holes (additional children \$13.00).	\$57.00	\$57.00
Green Fees - Family rate 9 holes (additional children \$13.00).	\$47.00	\$47.00
Caddy / Spectator fee 9 or 18 holes.	\$6.50	\$6.50
North Turramurra Golf Course		
Green Fees - Weekend & Public Holidays 18 holes.	\$25.00	\$27.00
Green Fees - Weekday 18 holes.	\$21.00	\$21.00
Green Fees - Twilight up to 18 holes (2 hours prior to sunset).	\$16.00	\$16.00
Green Fees - Weekday "Charity Event" Concession.	\$12.00	\$13.00
Green Fees - Concession 18 holes (includes School Students, Pensioners, specials - proof required).	\$13.00	\$15.00
(Note: Concessions apply to weekdays only).		

Open Space			
	Fee Details	Fee For 2004/2005	Fee For 2005/2006
	Green Fees - School Student - Weekend only (current Student ID must be shown).	\$16.00	\$16.00
	Green Fees - Senior Student - Weekday only (current Student ID must be shown).	\$16.00	\$17.00
	Green Fees – Monday to Sunday & Public Holidays - 9 Holes.	\$16.00	\$16.00
	Green Fees – Weekends & Public Holidays – 9 Holes.	New Fee	\$19.00
	Green Fees - Family rate 18 holes (additional children \$13.00).	\$57.00	\$57.00
	Green Fees - Family rate 9 holes (additional children \$13.00).	\$47.00	\$47.00
	Caddy / Spectator fee 9 or 18 holes	\$6.50	\$6.50
	Landscaping		
	Landscaping Bonds		
	Non residential, alterations & additions.	Min\$1,000 - Max.\$10,000 (if over \$10,000, requires a report to Council)	Min\$1,000 - Max.\$10,000 (if over \$10,000, requires a report to Council)
	New dwellings	Min.\$2,000 - Max.\$10,000 (over \$10,000, requires a report to Council)	Min.\$2,000 - Max.\$10,000 (over \$10,000, requires a report to Council)
	Tree Protection Bond		
	Tree protection bond	Min \$500.00 – Max \$50,000.00	Min \$500.00 – Max \$50,000.00
	Nursery		
	Sales - Retail		
	Tube stock 1-100mm pots.	\$3.00	\$3.00
	140mm pots	\$8.95	\$8.95
	200mm pots	\$16.95	\$17.50
	200mm pot rare/threatened/difficult species including Telopea, Epacris, Actinotus, Persoonia, and others.	\$19.95	\$22.00
	200mm “rocket pot”.	\$19.95	\$25.00
	250mm pots.	\$34.95	\$34.95
	300mm pots	\$59.95	\$59.95
	Potting mix 30L	\$9.50	\$11.50
	Tube stock – other	New Fee	\$5.00
	Cow manure 25L	\$7.50	\$7.75
	Bamboo Stakes	\$0.20	\$0.20
	Plastic Sleeves	\$0.40	\$0.40
	Workshop Seminars		

Open Space			
	Fee Details	Fee For 2004/2005	Fee For 2005/2006
	Maximum 25 people (flat rate, duration up to 3 hours).	\$250.00	\$260.00
	Maximum 25 people (flat rate, duration up to 6 hours).	\$500.00	\$520.00
	Secondary /Tertiary students up to 3 hours (per person).	\$6.00	\$6.50
	Secondary /Tertiary students up to 6 hours (per person).	\$9.50	\$10.00
	Delivery Fee		
	Within Ku-ring-gai Local Government Area.	Free	Free
	Outside Ku-ring-gai LGA up to 10 km.	\$10.00	\$10.00
	Outside Ku-ring-gai LGA up to 20 km.	\$20.00	\$20.00
	Outside Ku-ring-gai LGA up to 30 km.	\$30.00	\$30.00
	Seed Collection		
	Seed collection for contract growing –(per person per hour).	\$45.00	\$45.00
	Open Space Hire		
	General Charges (Including St Ives Showground)		
	Booking fee	\$5.50	\$6.00
	Bond for key issue (per casual booking).	\$50.00	\$50.00
	Bond for key issue (per season).	\$200.00	\$200.00
	Ground restoration bond, 100-500 people.	\$500.00	\$500.00
	Ground restoration bond, Over 500 people.	\$1,000.00	\$1,000.00
	Litter bond, 100-500 people.	\$150.00	\$150.00
	Litter bond, over 500 people.	\$300.00	\$300.00
	Public Liability Insurance.	\$55.00	\$55.00
	Additional grass cutting - at cost of additional service.	"At Cost"	"At Cost"
	Litter fee (per day).	"At Cost"	"At Cost"
	Toilet cleaning fee (per day).	"At Cost"	"At Cost"
	Equipment storage fee (per season / hire period).	\$165.50	\$165.50
	Set up rate (per day).	\$95.00	\$95.00
	Electricity supply, full day, per power point.	\$44.00	\$44.00
	Electricity supply, half day, per power point.	\$22.00	\$22.00
	Children's Animal Farm.	New Fee	\$50.00
	School Holiday Programs.	New Fee	\$27.00
	Specialist School Holiday Programs.	New Fee	\$27.00 plus costs
	Temporary structure, Jumping Castle - Commercial/Corporate Bookings per day or part thereof (no pegs weighted only).	\$50.00	\$50.00

Open Space			
	Fee Details	Fee For 2004/2005	Fee For 2005/2006
	Temporary structure, Jumping Castle - Community Groups, Family Events, Registered Charities per day or part thereof (no pegs weighted only).	\$25.00	\$25.00
	Temporary structure, marquee small - Commercial/Corporate Bookings per day or part thereof (no pegs weighted only).	\$100.00	\$100.00
	Temporary structure, marquee small - Community Groups, Family Events, Registered Charities per day or part thereof (no pegs weighted only).	\$50.00	\$50.00
	Temporary structure, marquee medium - Commercial/Corporate Bookings per day or part thereof (no pegs weighted only).	\$200.00	\$200.00
	Temporary structure, marquee medium - Community Groups, Family Events, Registered Charities per day or part thereof (no pegs weighted only).	\$100.00	\$100.00
	Temporary structure, marquee large – Commercial/Corporate Bookings per day or part thereof (no pegs weighted only).	\$300.00	\$300.00
	Temporary structure, marquee large - Community Groups, Family Events, Registered Charities per day or part thereof (no pegs weighted only).	\$150.00	\$150.00
	Parking (only when grounds used specifically for parking).	\$1,180.00	\$1,250.00
	Ground Hire (0- 25 people) half day	\$35.00	\$35.00
	Ground Hire (26-50 people) half day	\$53.00	\$53.00
	Ground Hire (51-100 people) half day	\$135.00	\$135.00
	Ground Hire (101-150 people) half day	\$165.00	\$165.00
	Ground Hire (151-200 people) half day	\$220.00	\$220.00
	Ground Hire (201-500 people) half day	\$445.00	\$445.00
	Ground Hire (over 501 people) half day	\$1,390.00	\$1,390.00
	Swain Garden meeting room (per hour)	\$13.50	\$13.50
<i>Note: These fees exclude fees for temporary structures. Where temporary structures are to be used they will be charged at the fees set out in hire – general in addition to the Public Garden Hire fees.</i>			
Publications for Sale			
	Plans of Management (including Draft Plans).	New Fee	\$50.00
	Resource information documents	\$25.00	\$25.00
	Open Space Guidelines	\$60.00	\$60.00
	Open Space Policies	\$25.00	\$25.00
	Open Space Standards	\$60.00	\$60.00
Sportsgrounds			
General Fees & Special Event Hire			

Open Space			
	Fee Details	Fee For 2004/2005	Fee For 2005/2006
	Additional line markings (for all sports).	"At Cost"	"At Cost"
	Personal training non exclusive use - Low intensity, per week (maximum 15 hours).	\$25.00	\$25.00
	Personal training non exclusive use - Low intensity, per week (maximum 8 hours).	\$15.00	\$15.00
	Casual Club House hire - Community per hour.	\$16.00	\$16.00
	Casual Club House hire - Commercial per hour.	\$21.00	\$21.00
	Sportsground Floodlighting		
	<i>Note: Following fees are per hour / per location</i>		
	Acron	\$5.50	\$5.50
	Auluba no 1 & no 2	\$5.50	\$5.50
	Bannockburn	\$6.50	\$6.50
	Barra Brui	\$6.50	\$6.50
	Cliff no 1 & no 2 oval	\$5.50	\$5.50
	Comenarra	\$5.50	\$5.50
	Hassell Park	\$6.50	\$6.50
	Lindfield (No 1)	\$5.50	\$5.50
	Lindfield (No.2)	\$5.50	\$5.50
	Lofberg (Oval)	\$5.50	\$5.50
	Lofberg (Netball Courts)	\$6.50	\$6.50
	Norman Griffith	\$6.50	\$6.50
	Primula	\$5.50	\$5.50
	Roseville Chase	\$6.50	\$6.50
	Samuel King (North Turramurra)	\$6.50	\$6.50
	St Ives Village Green	\$5.50	\$5.50
	St Ives Village Green (Netball Courts)	\$5.50	\$5.50
	Turramurra	\$5.50	\$5.50
	Warrimoo	\$5.50	\$5.50
	Wellington	\$6.50	\$6.50
	William Cowan	\$6.50	\$6.50
	Casual Sports Hire		
	Aero Club half day.	\$95.00	\$98.00
	Archery half day.	\$95.00	\$98.00
	Athletics half day.	\$95.00	\$98.00

Open Space			
	Fee Details	Fee For 2004/2005	Fee For 2005/2006
	Australian Rules half day.	\$95.00	\$98.00
	Baseball/Softball per diamond half day.	\$48.00	\$50.00
	Cricket Artificial wicket half day.	\$95.00	\$98.00
	Cricket Turf wicket full day only.	\$545.00	\$560.00
	Dog Clubs half day.	\$95.00	\$98.00
	Hockey half day.	\$95.00	\$98.00
	Netball Courts (per court) half day.	\$20.00	\$21.00
	Rugby (per field) half day.	\$95.00	\$98.00
	Skateboard facility community demonstrations per hour.	\$70.00	\$70.00
	Skateboard facility commercial demonstrations per hour.	\$140.00	\$140.00
	Skateboard facility community use (schools etc) half day.	\$280.00	\$280.00
	Skateboard facility-commercial use half day.	\$560.00	\$560.00
	Soccer (per field) half day.	\$95.00	\$98.00
	Training – Australian Rules, Ruby League, Rugby Union, Soccer, Touch, Cricket, Athletics, any other activities (per hour, may be on a share basis).	\$16.00	\$16.50
	School Sport (Weekday 9am to 4pm)		
<u>Note:</u> Bookings after 4pm may be on a share basis with other organisations			
	Athletic Carnival/Gala days: (per day) – Including markings at locations advised by Sport & Recreation includes additional waste service & toilet cleaning fee.	\$185.00	\$210.00
	Athletics Carnival / Gala Day (per day) no markings. Includes additional waste service & toilet cleaning fee.	\$95.00	\$120.00
	Netball (per court) Weekday 9am-4pm per hour.	\$4.50	\$4.75
	Rugby League, Rugby Union, Soccer, Touch Football, Cricket, Baseball, Softball, Athletics Archery and Australian rules per field.	\$7.00	\$7.25
	Seasonal Hire		
<u>Note:</u> Seasonal Hire is: Summer 18/09/05-12/03/06 Winter 02/04/06-27/08/06 unless otherwise stated.			
	Aero Club half day per half year (Annual hire July-December).	\$215.00	\$220.00
	Archery half day per half year (Annual hire July-December).	\$215.00	\$220.00
	Athletics half day	\$1,270.00	\$1,300.00
	Baseball/Softball per diamond half day	\$260.00	\$265.00
	Cricket - Artificial Wicket (per Saturday Season) half day.	\$300.00	\$307.00
	Cricket - Artificial Wicket half day (season - 15 Sundays).	\$215.00	\$220.00

Open Space			
	Fee Details	Fee For 2004/2005	Fee For 2005/2006
	Cricket Artificial Wicket additional days outside season dates if available. Maximum of 4 can be booked by seasonal hirers of artificial wickets only (per day).	\$50.00	\$55.00
	Cricket - Turf wicket full day (per Saturday Season).	\$3,675.00	\$3,750.00
	Cricket - Turf wicket full day (season - 15 Sundays).	\$2,505.00	\$2555.00
	Cricket Turf Wicket additional days outside season dates if available. Maximum of 4 can be booked by seasonal hirers of Turf Wickets only (per day).	\$140.00	\$150.00
	Dog Clubs half day per half year (Annual Hire July-December).	\$215.00	\$220.00
	Netball Courts per court half day.	\$230.00	\$235.00
	Netball Courts Night Competition per court per hour (excludes lighting fee).	New Fee	\$4.75
<i>Note: Seasonal maximum 22 weeks as advised by the Ku-ring-gai Netball Association.</i>			
	Winter Sports Seasonal hire per field half day (per Saturday Season).	\$525.00	\$535.00
	Winter Sports Seasonal hire per field half day (15 Sundays).	\$360.00	\$368.00
	Winter Sports additional days outside season dates if available. Maximum of 4 can be booked by seasonal hirers (per day/per field).	\$55.00	\$60.00
	Winter Sport Season Hire (maximum 22 dates) per field, per night excludes lighting.	\$664.00	\$535.00
<i>Note: Only available to the clubs & associations who hire fields on a seasonal basis.</i>			
Sportsgrounds-Training			
Training for Seasonal Hirers Only			
<i>Note: Following fees per hour, per location - weekdays only, share agreement permitted between organisations.</i>			
	Cricket Artificial practice nets (per wicket strip).	\$5.00	\$5.25
	Netball per court	\$4.50	\$4.75
	Field Hire	\$7.00	\$7.25
Tennis Courts			
	Promotional Specials (acrylic courts casual) per hour.	\$6.50	\$6.50
	Promotional Specials (synthetic grass courts casual) per hour.	\$8.00	\$8.50
	Storage Fee (per 6 months).	\$125.00	\$125.00
	Penalty Charge - unauthorised use of Council's courts.	\$110.00	\$110.00
	Penalty Charge - unauthorised coaches use of Council's courts.	\$365.00	\$400.00
Acrylic Court			

Open Space		
Fee Details	Fee For 2004/2005	Fee For 2005/2006
<i>Note: Monday – Friday 8am – 5pm EST & 8am – 8pm Daylight Savings (per court / per hour).</i>		
Tennis Court Charges - School Students.	\$6.50	\$6.50
Tennis Court Charges - Public, casual (1-11 weeks).	\$11.50	\$12.00
Tennis Court Charges - Public, permanent - long term (22 wks) and short term (12 wks).	\$8.50	\$8.50
Tennis Court Charges - Professional Coaches - casual (1-11 weeks).	\$13.30	\$13.50
Tennis Court Charges - Professional Coaches, permanent, long term and short term.	\$10.00	\$10.00
<i>Note: Weekend - 8.00am to 5pm EST & 8am – 8pm Daylight Savings- Per court Per hour.</i>		
Tennis Court Charges - Public Junior/Clubs/School Saturday Morning (1-11 weeks).	\$8.50	\$8.50
Tennis Court Charges - Public Junior/Club/School Saturday Morning permanent.	\$7.50	\$7.50
Tennis Court Charges - Public casual (1-11 weeks).	\$13.50	\$14.00
Tennis Court Charges - Public permanent - long term (22 wks) and short term (12 wks).	\$11.00	\$11.00
Tennis Court Charges - Professional Coaches, casual (1-11 weeks).	\$15.50	\$15.50
Tennis Court Charges - Professional Coaches, permanent, long term and short term.	\$12.00	\$12.00
Synthetic Grass Court		
<i>Note: Monday – Friday 8am – 5pm EST & 8am – 8pm Daylight Savings (Per court per hour).</i>		
Tennis Court Charges – School Students.	\$8.50	\$8.50
Tennis Court Charges casual, (1-11 weeks).	\$14.00	\$14.50
Tennis Court Charges permanent - long term (22 wks) and short term (12 wks).	\$10.50	\$10.50
Tennis Court Charges - Professional Coaches, casual (1-11 weeks).	\$16.00	\$16.00
Tennis Court Charges - Professional Coaches - long term and short term.	\$11.00	\$11.00
<i>Note: Weekend - 8.00am to 5pm EST & 8am – 8pm Daylight Savings- Per court Per hour.</i>		
Tennis Court Charges casual School Saturday Morning (1-11 weeks).	\$11.00	\$11.00
Tennis Court Charges - School Saturday Morning permanent.	\$9.50	\$9.50
Tennis Court Charges casual (1-11 weeks).	\$16.50	\$16.50
Tennis Court Charges permanent - long term (22 wks) and short term (12 wks).	\$13.50	\$13.50
Tennis Court Charges - Professional Coaches, casual (1-11 weeks).	\$18.00	\$18.00

Open Space		
Fee Details	Fee For 2004/2005	Fee For 2005/2006
Tennis Court Charges - Professional Coaches, permanent - long term and short term.	\$14.00	\$14.00
Floodlit Courts		
<i>Note: Monday – Sunday 5pm – 10pm EST & 8pm – 10pm Daylight Savings (St Ives Village Green 5pm-9pm).</i>		
Floodlit courts casual per hour acrylic.	\$18.00	\$18.00
Floodlit courts permanent per hour acrylic.	\$13.00	\$14.00
Floodlit courts Coaches casual per hour acrylic.	\$19.50	\$19.50
Floodlit courts Coaches permanent per hour acrylic	\$15.50	\$15.50
Floodlit Courts – casual per hour – synthetic grass.	\$21.00	\$21.00
Floodlit Courts – permanent (10wks) per hour synthetic grass.	\$16.00	\$16.00
Floodlit Courts – casual Coaches per hour synthetic grass.	\$22.80	\$22.50
Floodlit Courts - permanent Coaches (11-12 wks) per hour synthetic grass.	\$18.50	\$18.50
St Ives Showground		
Caravan site - no power (per day).	\$15.00	\$20.00
Caravan site - with power (per day).	\$25.00	\$30.00
Tent - no power (per day).	\$10.00	\$10.00
Tent - with power (per day).	\$15.00	\$15.00
Night Training (per hour per field).	\$7.00	\$7.25
Floodlights (per hour).	\$21.00	\$21.00
Car parking		
Car parking fee - 50 to 100 cars.	\$115.00	\$115.00
Car parking fee - 101 to 200 cars.	\$230.00	\$230.00
Car parking fee - 201 to 300 cars.	\$455.00	\$455.00
Car parking fee - 301 to 400 cars.	\$680.00	\$680.00
Car parking fee - 401 to 500 cars.	\$1,090.00	\$1,090.00
Car parking fee - events over 500 cars.	\$1,190.00	\$1,190.00
Public Liability Insurance		
Public Liability Insurance.	New Fee	\$55.00
Northside Agricultural & Horticultural Society Shows		
Litter bond.	\$2,000.00	\$2,000.00
Ground restoration bond.	\$4,000.00	\$4,000.00
Society days (per day).	\$995.00	\$995.00

Open Space			
	Fee Details	Fee For 2004/2005	Fee For 2005/2006
	Set up day.	\$500.00	\$500.00
	Showground Areas		
	<i>Note: Prices do not include general hire fees, these will be charged in addition to area hire fees where applicable.</i>		
	Picnic Areas		
	Picnic table (per day) - Area 6 only.	\$25.00	\$25.00
	Main Arena track – per hour.	\$25.00	\$30.00
	Cross Country Athletics Event (0-500 people) includes Main Arena, excludes pavilions Includes additional waste service & toilet cleaning.	\$185.00	\$210.00
	Cross Country Athletics Event (501-1000 people) includes Main Arena, excludes pavilions Includes additional waste service & toilet cleaning.	\$435.00	\$460.00
	Cross Country Athletics Event (over 1000 people) includes Main Arena, excludes pavilions Includes additional waste service & toilet cleaning.	\$525.00	\$550.00
	Soccer - casual hire per field, per half day Includes additional waste service & toilet cleaning.	\$92.50	\$98.00
	Soccer - Seasonal hire per field per half day (maximum 22 dates).	\$525.00	\$535.00
	Model Flying area (per half day).	\$220.00	\$115.00
	Dog Ring No 1 (per day).	\$61.50	\$63.00
	Dog Ring No 6 (per day).	\$31.00	\$31.50
	Dog Ring No 7 (per day).	\$31.00	\$31.50
	Dog Ring floodlights per hour.	\$4.20	\$4.50
	The Princess Anne Equestrian Area (per day).	\$220.00	\$225.00
	Equestrian Activities Including hire of Main Arena, horse and tie stalls, and control tower, but not including the hire of any picnic area used in conjunction with the equestrian activity (per day).	\$435.00	\$450.00
	Jim Watson Arena & control tower (per day) (This is not including the picnic area).	\$435.00	\$450.00
	Major Event (commercial) Note: Excludes Pavilion and permanent hire areas.	\$2,835.00	\$2,900.00
	Major Events (non-profit) Note: Excludes Pavilion and permanent hire areas.	\$1,100.00	\$1,100.00
	Pavilion & Building Hire		
	<i>Note: Pavilion Hire Includes use of internal power and fittings.</i>		
	<i>Note: Community Hirers are: Schools, Community Groups, Non-profit Organisations, Registered Charities and Family Events. Commercial Hirers are organisations holding Commercial/Corporate Functions, Exhibitions, Training or Instruction by Private Companies.</i>		

Open Space			
	Fee Details	Fee For 2004/2005	Fee For 2005/2006
	Bond for Pavilion and Building Hire.	\$300.00	\$300.00
	Dog Huts (per day).	\$38.00	\$40.00
	Dog Hut B (per hour).	\$5.25	\$5.50
	Rotary Kiosk Community (per day).	\$100.00	\$105.00
	Rotary Kiosk Commercial (per day).	\$120.00	\$125.00
	Rotary Kiosk (per hour).	\$8.50	\$8.75
	Jim Powell Pavilion		
	Community (per hour).	\$16.00	\$16.50
	Commercial (per hour).	\$25.00	\$25.50
	Louise Lennon Pavilion		
	Community (per hour).	\$28.00	\$28.00
	Commercial (per hour).	\$45.00	\$45.00
	Additional time after 12 midnight-1am (latest).	\$160.00	\$160.00
	Exhibition/Commercial sale rate (per day for two days or more).	\$400.00	\$400.00
	Douglas Pickering Pavilion		
	Community (per hour).	\$34.50	\$34.50
	Commercial (per hour).	\$50.00	\$50.00
	Additional time after 12 midnight-1am (latest).	\$200.00	\$200.00
	Exhibition/Commercial sale rate (per day for two days or more).	\$500.00	\$500.00
	Swimming Pool		
	User fees (in accordance with associated operating lease).		
	Tree Management		
	Basic Application Fee under the Tree Preservation Order (includes one tree).	\$75.00	\$75.00
	Up to 10 trees.	\$10.00	\$11.00
	For each and every tree in excess of 10 trees.	\$15.00	\$16.00
	Tree Review Application (for each tree).	\$50.00	\$50.00
	Tree Pruning (no advertising).	\$35.00	\$36.00
	Applications by pensioners - general (card must be produced).	\$35.00	\$35.00
	Applications by pensioners - tree pruning (card must be produced).	\$15.00	\$15.00
	Applications by pensioners - review of application (card must be produced).	\$35.00	\$35.00

Open Space		
Fee Details	Fee For 2004/2005	Fee For 2005/2006
Wildflower Garden Admission Fees		
Groups/Schools (per student) not participating in bushland education activities.	\$2.00	\$3.00
Special Events Family (2 adults & 2 children).	\$7.00	\$7.00
Special Events Adults (18 years & over).	\$3.00	\$3.00
Special Events Children (5 to 17 years).	\$2.00	\$2.00
Special Events Infants (0 to 4 years) – No Charge.	N/A	Free
Special Events Pensioners/Disabled Persons (on production of Pension/Identification Card).	\$2.00	\$2.00
Bus/Coach - group concessions.	\$20.00	\$25.00
Annual Passes		
<i>Note: Annual Passes (valid for 12 months from date of issue):</i>		
Spotlight/Breakfast Family People in Parks (2 Adults & 2 Children).	\$30.00 to \$40.00	\$30.00 to \$40.00
Spotlight/Breakfast Adult participants.	\$8.50 to \$15.00	\$8.50 to \$15.00
Spotlight/Breakfast Child participants.	\$7.50 to \$10.00	\$7.50 to \$10.00
Bushland Education		
<i>Note: The following fees include admission (minimum numbers apply):</i>		
People In Parks - Family (2 adults & 2 children).	\$20.00 to \$30.00	\$20.00 to \$30.00
People in Parks – Child.	\$5.50 to \$8.00	\$5.50 to \$8.00
People in Parks – Adult.	\$4.00 to \$8.00	\$4.00 to \$8.00
Students – half day per person.	\$6.00	\$7.00
Students – full day per person.	\$9.50	\$10.00
Secondary students – half day (Year 7 – 12) per person.	\$6.00	\$7.00
Secondary students – full day (Year 7 – 12) per person.	\$9.50	\$10.00
Primary students – half day (K - Year 6) per person.	\$5.00	\$5.50
Primary students – full day (K - Year 6) per person	\$7.00	\$7.50
Playgroup/Pre School - Child participant.	\$3.00	\$3.50
Playgroup/Pre School - Adult participant.	\$4.00	\$4.50

Open Space			
	Fee Details	Fee For 2004/2005	Fee For 2005/2006
	Education School/Community information groups.	New Fee	\$3.00
	Natural Environmental walking Maps.	New Fee	\$18.00
	Step into the Bush - per participant.	\$5.50	\$5.50
	Community Group Activities - Child participant.	\$7.00 to \$15.00	\$8.00 to \$15.00
	Community Group Activities - Adult participant.	\$3.00 to \$10.00	\$4.00 to \$10.00
	Community Education - Child participant.	\$7.00 to \$15.00	\$7.50 to \$15.00
	Community Education - Adult participant.	\$15.00 to \$30.00	\$15.00 to \$30.00
	Bush birthday parties per child.	\$10.00	\$10.00
	Bush birthday parties per adult.	\$3.00	\$3.00
	Bush Birthday parties - Cancellation fee.	\$20.00	\$25.00
	School Holiday Program – Daily Fee.	New Fee	\$27.00
	Visitor Centre Hire		
	Day Bookings (10:00am – 4:00pm).		
	Environmental Education Groups per hour (First 3 hrs free then per hour).	\$50.00	\$55.00
	Security bond/deposit.	\$275.00	\$275.00
	General bookings per hour (minimum 3 hrs) weekdays.	\$50.00	\$55.00
	Weekend Daytime hire (per hour).	\$60.00	\$70.00
	Evening Bookings (4:00pm – midnight).		
	Environmental Education Groups per hour (maximum 3 hrs 4pm- 12am). After 3 hours \$100.00 (<i>per hour</i>).	\$30.00	\$35.00
	General bookings per hour (minimum 3 hrs).	\$98.00	\$100.00
	Security bond/deposit.	\$350.00	350.00
	<i>Note: Late Night Extension (midnight – 8:00am).</i>		
	General bookings per hour (maximum 3 hrs).	\$160.00	\$170.00
	Environmental Education Groups per hour (maximum 3 hrs) (<i>per hour</i>).	\$45.00	\$50.00
	Booking fee	\$5.50	\$5.50
	Public Liability Insurance		
	Public Liability Insurance	\$55.00	\$55.00
	Dampiers Clearing		
	General Booking (10am – 4pm).	\$125.00	\$50.00
	Open Space Bushland Special Events on designated Walking Tracks and Service Trails		
	(Commercial Activities)		

Open Space			
	Fee Details	Fee For 2004/2005	Fee For 2005/2006
	Gate key bond (only in conjunction with authorised booking).	\$200.00	\$200.00
	<u>Supervision Fee</u>		
	(if and as specified by authorising officer).		
	Standard Hours per hour.	\$55.00	\$55.00
	After Hours per hour.	\$71.50	\$71.50
	<u>Environmental Fee</u>		
	(per km of Track or trail minimum 1 km).		
	Walking/running/orienteering		
	1 –20 persons per hour.	\$25.00	\$25.00
	21 –40 persons per hour.	\$40.00	\$40.00
	41 –60 persons per hour.	\$60.00	\$60.00
	61 –80 persons per hour.	\$85.00	\$85.00
	81+ persons per hour.	\$120.00	\$120.00
	Mountain Biking and Horse Riding (designated service trails only).		
	1 –20 persons per hour.	\$40.00	\$40.00
	21 –40 persons per hour.	\$75.00	\$75.00
	41 –60 persons per hour.	\$100.00	\$100.00
	61 –80 persons per hour.	\$120.00	\$120.00
	81+ persons per hour.	\$150.00	\$150.00

COMMUNITY SERVICES

Community Services			
	Fee Details	Fee For 2004/2005	Fee For 2005/2006
Art Centre			
Facilities			
Room hire - per exhibition.		\$95.00 to \$105.00	\$95.00 to \$120.00
Term programs			
Children's Art Classes.		\$105.00 to \$158.00	\$105.00 to \$160.00
Teenage Art Classes.		\$126.00 to \$190.00	\$126.00 to \$200.00
School vacation Classes.		New Fee	\$25.00 to \$130.00
Adult Art Classes.		\$158.00 to \$231.00	\$158.00 to \$280.00
Late Enrolment Fee (after 3 weeks).		\$21.00	\$21.00
Cancellation Fee.		\$32.00	\$35.00
<i>Note: 5% discount for full semester enrolment for one course.</i>			
Childcare			
Thomas Carlyle Children's Centre			
Administration fee for parents, per enrolment.		\$44.00	\$45.00
Waiting list fee, per application each child.		\$18.00	\$18.00
Long Day Care fee (per day) each child.		\$58.00	\$61.00
<i>NOTE: Parents arriving to collect their child/children after 6.00pm will be charged a late fee of \$1.00 per minute. If the child has not been collected by 6.15 PM the parent will be charged an additional fee of \$2.00 per minute until such time that the child is collected.</i>			
Occasional Care			
Occasional Care (per hour) Minimum 4 hours and maximum 6 hours charged.		\$7.50	\$7.50
Family Day Care			
Administration fee for parents, per enrolment.		\$95.00	\$100.00
Family Day Care Carer Levy (per carer p/w). The fee is a contribution made by carers towards the operation of the scheme.		\$120.00	\$5.25
Attendance pad charge.		\$23.00	\$23.00
Filming			
Fees are assessed upon the nature of each application, it's level of impact upon the community, it's location and road type			

Community Services		
Fee Details	Fee For 2004/2005	Fee For 2005/2006
NOTE: Each application is assessed upon level of impact based on some of the following criteria:- Number of trucks and crew, filming duration and time of day, community use of land and disruption to surrounding area.		
Lodgement fee for 1 to 2 days filming.	\$100.00	\$100.00
Lodgement fee for over 2 days filming.	\$200.00	\$200.00
Approval fees		
Filming Fees - first 8 hours (or part thereof) minimal impact.	\$100.00	\$100.00
Low impact.	\$200.00	\$200.00
Medium impact.	\$400.00	\$400.00
High impact.	\$600.00	\$600.00
Late fee (less than 3 days notice) 100% of lodgement fee, 30% loading approval.	-	
Additional fees and charges intermittent road closure and/or external infrastructure.		
Low impact.	\$200.00	\$200.00
Medium impact.	\$600.00	\$600.00
High impact.	\$1,000.00	\$1,000.00
Very high impact.	\$1,400.00	\$1,400.00
Overnight unit parking		
Assessed by the level of impact upon location ie. Number of trucks and road type.		
Low impact & up to 4 trucks.	\$150.00	\$150.00
Medium impact & 5-10 trucks.	\$200.00	\$200.00
High impact & 11 or more trucks.	\$400.00	\$400.00
Council Property, Gardens, Parks, Reserves and Bushland / Commercial		
Low impact.	\$100.00	\$100.00
Medium impact.	\$200.00	\$200.00
High Impact.	\$290.00	\$290.00
Council Property, Gardens, Parks, Reserves and Bushland / Non Commercial		
Low impact.	\$100.00	\$100.00
Medium.	\$138.00	\$138.00
High impact.	\$275.00	\$275.00
Additional Council services charges		
NOTE: A bond may be required in certain situations.		

Community Services		
Fee Details	Fee For 2004/2005	Fee For 2005/2006
Additional waste management (per site).	\$165.00	\$165.00
Extraordinary site monitoring fee.	\$150.00	\$150.00
Halls - Category A		
<i>Note: Discounts are available for Meeting Rooms and Halls. (See Discounts Available on Halls and Meeting Rooms, page 29 for details.) No discounts available on fixed costs.</i>		
Peak/Off Peak Times: Off Peak Times: Sunday 7.00am to Friday 5.00pm and Saturday 7.00am to 5.00pm. Peak Times: Friday 5.00pm to close and Saturday 5.00pm to close.		
Casual Hire		
Peak time hire of a Category A hall charged at an hourly rate, or part thereof.*	\$88.00*	\$90.00*
Off peak time hire of a Category A hall charged at an hourly rate, or part thereof.*	\$44.00*	\$45.00*
Permanent Hire		
Peak hour hire of a Category A hall on a permanent basis charged at an hourly rate, or part thereof.*	\$88.00*	\$90.00*
Off peak hour hire of a Category A hall on a permanent basis charged at an hourly rate, or part thereof.*	\$30.00*	\$31.00*
Sale, Exhibition or Conference		
Hire - Minimum hire 6 hours.*	\$660.00*	\$675.00*
Hire Per hour after first 6 hours.*	\$88.00*	\$90.00*
Overnight charge.	\$175.00	\$175.00
<i>*Refer to fixed costs for other charges payable with this fee.</i>		
PA System Hire		
PA System hire per booking.	\$30.00	\$30.00
Piano Hire		
Piano Hire per booking.	\$16.00	\$20.00
Halls - Category B		
<i>Note: Discounts are available for Meeting Rooms and Halls. See Discounts Available on Halls and Meeting Rooms, page 29 for details. No discounts available on fixed costs.</i>		
Casual Hire		
Peak time hire charged at an hourly rate or part thereof.*	\$68.00*	\$70.00*
Off peak time hire charged at an hourly rate or part thereof.*	\$34.00*	\$35.00*
Permanent Hire		
Peak time hire of a Category B hall on a permanent basis charged at an hourly rate.*	\$68.00*	\$70.00*
Off peak time hire of a Category B hall on a permanent basis charged at an hourly rate.*	\$24.00*	\$25.00*

Community Services		
Fee Details	Fee For 2004/2005	Fee For 2005/2006
Sale, Exhibition or Conference		
Minimum hire 6 hours.*	\$440.00*	\$450.00*
Hire for sales, exhibitions or conferences. Per hour after first 6 hours.*	\$61.00*	\$65.00*
Overnight charge for hire for sales, exhibitions or conferences.	\$122.00	\$122.00
<i>Note: *Refer to fixed costs for other charges payable with this fee.</i>		
Meeting Rooms		
<i>Note: Discounts are available for Meeting Rooms and Halls. See Discounts Available on Halls and Meeting Rooms, page 29 for details. No discounts available on fixed costs.</i>		
Category A Rooms		
Hire of room on casual basis per hour, or part thereof.	\$33.00	\$35.00
Hire of room on permanent basis per hour, or part thereof.	\$22.00	\$23.00
Category B Rooms		
Hire of room on casual basis per hour, or part thereof.	\$25.00	\$25.00
Hire of room on permanent basis per hour, or part thereof.	\$18.00	\$20.00
Seniors Centres		
Lindfield Seniors Centre.	\$1.00 to \$85.00	\$1.00 to \$90.00
Lindfield Seniors Resource Centre.	\$1.00 to \$85.00	\$1.00 to \$90.00
Turramurra Seniors Centre.	\$1.00 to \$85.00	\$1.00 to \$90.00
Fixed Costs (Halls and meeting Rooms)		
<i>No discounts available on fixed costs.</i>		
Booking Fee non refundable.	\$5.00	\$5.00
Public liability.	\$55.00	\$55.00
Security bond.	\$315.00	\$315.00
Close hall and clean per service.	\$252.00	\$255.00
Call out fee per hour (minimum 4 hours).	\$61.00	\$65.00
Penalty labour (minimum 2 hours) appropriate hire cost per hour.	\$60.00	\$60.00
Community Bus		
Community Bus per Km Available Thursday, Evenings, weekends.	\$0.70	\$0.70
Discounts available on Halls and Meeting Rooms		
<i>No discounts available on fixed costs.</i>		
Category	Discount	

Community Services		
Fee Details	Fee For 2004/2005	Fee For 2005/2006
Council Activities include: School Holiday, Leisure Program, Seniors Program, Youth Services, Receptions, Presentations, Committee Meetings, and Staff Training.		100%
Government Statutory/Regulatory Services include: Citizenship, Immunisation.		100%
Blood Bank.		100%
State Emergency Services (SES).		100%
Merrymakers – (East Lindfield Hall).		100%
Ku-ring-gai Neighbourhood Centre – (St Ives Library Meeting Room).		100%
St Ives Early Childhood Centre – (St Ives Library Meeting Room).		100%
Organisations that qualify for the Arts/Cultural Incentive Scheme. eg: Performances, Shows, Rehearsals and Exhibitions.		70%
Individuals for the purposes of rehearsals, music practice, art and cultural activities, education, recreational and leisure activities (off peak periods only) hall/meeting room hire.		50%
Community Groups -(not for profit) Sales/Exhibitions, Conferences for the first 6 hours only.		65% Discount on hall hire, then the discount of 50% applies to the hourly rate for each hour thereafter
Community Groups (not for profit) – Overnight charge.		65%
Families – for functions, celebrations and parties (off peak hours only).		50%
Community Organisations (not for profit) involved in activities to promote health and well-being, the arts, culture, education, recreation and leisure.		50%
Registered Charities.		50%
Schools.		50%
Churches and church groups.		50%
Community Groups (not for profit) - Overnight charge.		50%
Individuals – discount on the hire of PA System.		50%
Family functions, celebrations and parties (peak hours only).		25%
Library		
Library booking fee - per booking.	\$1.00	\$1.00
Community Information (CI) Customised Reports.	\$6.50	\$6.50
Audio visual carry bags.	\$3.00	\$3.00
Library carry bags (calico).	\$2.00	\$2.00

Community Services			
	Fee Details	Fee For 2004/2005	Fee For 2005/2006
	Negative Charge (volume depends on number of photos ordered for which a negative is not already available).	\$6.85	\$6.90
	Photographer's fee plus \$2.40 per print up to 21.5cm x 16.5 cm.	\$2.40	\$2.40
	Photographer's fee plus \$6.30 per print 25cm x 20cm and larger.	\$6.30	\$6.30
	Processing Charge plus full cost of item for damaged/lost/not returned items.	\$15.00	\$15.00
	Replacement borrower cards - lost cards.	\$6.00	\$6.00
	Cassette box - fee levied when item lost.	\$2.20	\$2.20
	Cassette/Video/CD inserts fee levied when item lost.	\$6.00	\$6.00
	CD Box - fee levied when item lost.	\$0.50	\$0.50
	Double CD box - fee levied when item lost.	\$1.40	\$1.40
	Double video box and A4 book - fee levied when item lost.	\$15.00	\$15.00
	Single video box.	\$2.00	\$2.00
	Video box & A5 book fee levied when item lost.	\$9.00	\$9.00
	Request for item not in Library's Collection.	\$5.50	\$5.50
	Research Fee - conduct a search of Council and/or Land Title records and/or local history resources and extract information - per hour.	\$120.00	\$120.00
	Adults – Reservations.	\$1.30	\$1.30
	School Children – Reservations.	\$0.60	\$0.60
	Diskette	\$1.00	\$1.00
	Technology access fee per hour.	\$2.00	\$2.00
	E-mail access fee per half hour.	\$3.00	\$3.00
	Photocopies		
	Black and white per page (self service) microfiche & microfilm reader/printer.	\$0.50	\$0.50
	Approved Community Groups A4.	\$0.11	\$0.10
	A4 Black & white per page (self service).	\$0.20	\$0.20
	A3 Black & white per page (self service).	\$0.45	\$0.45
	A4 Colour (self service) - Available at Gordon & St Ives only.	\$3.40	\$3.40
	A3 Colour (self service) - Available at Gordon & St Ives only.	\$4.50	\$4.50
	Articles obtained from another library (per article) up to 50 pages.	\$13.20	\$13.20
	Articles obtained from another library (per article) every additional 50 pages.	\$3.30	\$3.30

Community Services			
	Fee Details	Fee For 2004/2005	Fee For 2005/2006
Programs			
	Community Services Programs/Activities.	\$1.30 to \$1300.00	\$3.00 to \$250.00
	School Holiday Program - Daily Fee.	\$25.00	\$27.00
Publications For Sale			
	Publication Sales/Information Directories.	\$3.00 to \$100.00	\$3.00 to \$100.00
	Sale of Other Specialist Publications.	\$3.00 to \$100.00	\$3.00 to \$100.00
Consultancy			
	Consultancy fee/research (per hour).	\$121.00 to \$180.00	\$121.00 to \$180.00

DEVELOPMENT AND REGULATION

Development & Regulation		
Fee Details	Fee For 2004/2005	Fee For 2005/2006
Administration		
E-mailing of reports.	\$10.50	\$11.00
Faxing of reports appearing on Council Meeting Agenda.	\$33.00	\$35.00
Copy of full scale development application plan (notification plans).	\$22.00	\$25.00
Production of A4 Notification Plans (for applicant).	\$44.00	\$45.00
A4 Photocopy fee.	\$0.70	\$0.70
A3 Photocopy fee.	\$1.40	\$1.40
A1 & A2 Photocopy fee for Plans.	\$7.50	\$7.20
Advertising Signs		
Advertising Signs Inspection Fee (3 years).	\$135.00	\$140.00
Temporary Signs (maximum period 3 months).	\$126.00	\$130.00
<i>Note: Applications must be in the form of a Development Application or a Complying Development Application for which these fees apply. The above fees will apply to applications for other types of development which include advertising signs - ie; in addition to the Development Application fees for the other developments.</i>		
Animals		
Cats		
Lifetime Registration – desexed.	\$35.00	\$35.00
Lifetime registration - not desexed.	\$100.00	\$100.00
Lifetime - registration of animal owned by pensioner.	\$15.00	\$15.00
Lifetime - registration of animal owned by breeder.	\$35.00	\$35.00
Dogs		
Lifetime registration – desexed.	\$35.00	\$35.00
Lifetime registration - not desexed.	\$100.00	\$100.00
Lifetime registration of animal owned by pensioner.	\$15.00	\$15.00
Lifetime registration of animal owned by breeder.	\$35.00	\$35.00
Building		
Development Application Fee		
Hoarding application fee – non refundable.	\$75.00	\$75.00

Development & Regulation			
	Fee Details	Fee For 2004/2005	Fee For 2005/2006
	Temporary occupation of footpath by overhead protective type B hoarding during building operations, per metre, per week.	\$25.00	\$25.00
	Temporary occupation of footpath by fence or type A hoarding during building operations, per metre, per week.	\$14.00	\$14.00
<i>Note: Local Government Act 1993 Section 68 Applications.</i>			
Inspection Fee			
	Inspection/Compliance Certificate (Critical Phases for Development Consent condition requirements) per inspection.	\$160.00	\$160.00
	Re-inspection	\$160.00	\$160.00
<i>Note: Part 4a Certificate Compliance Certificate Section 109c (1) (A) EPA.</i>			
Materials & Waste Storage			
<i>Note: Storage of building materials & waste containers on footpath and nature strip in accordance with Council's policy.</i>			
	Application fee (non refundable).	\$75.00	\$75.00
	Minimum 5 square metres for one week per sq metre.	\$14.00	\$14.00
	Waste containers per week or part thereof less than or equal to 10 cubic metres.	\$60.00	\$60.00
	Waste containers per week or part thereof greater than 10 cubic metres.	\$100.00	\$100.00
Certificates - Notices S735A			
	Certificate Section 735A Local Government Act, Outstanding Notices, Orders, Notifications.	\$63.00	\$63.00
	Certificate as to outstanding notices or orders, (EPA Act).	\$60.00	\$60.00
Certificates from Private Certifiers			
	Registration fee for documents/certificates - submitted by Accredited Certifier (IPRT) *Note: Fees are charged per document.	\$35.00	\$35.00
Certificates - Noxious Weeds			
	Noxious Weeds Act 1993 Certificate (Section 64).	\$63.00	\$63.00
Occupation Certificates Buildings			
	Single dwelling, Dual Occupancies (class1 and 1A) cost per occupancy.	\$85.00	\$85.00
	Major Developments- Schools, Shopping Centres, Retirement Villages, and the like (where over 2000m ² , additional \$0.20 per square metre applies).	\$385.00	\$385.00
	Residential Flat Building / Town Houses per unit occupancy.	\$85.00	\$85.00

Development & Regulation			
	Fee Details	Fee For 2004/2005	Fee For 2005/2006
	Commercial Building (where over 2000m ² , additional \$0.20 per square metre applies).	\$385.00	\$385.00
	Plan Assessment Inspection Fee		
	Subdivision Construction Certificates. Plan Check plus \$50 per allotment.	\$220.00	\$220.00
	Re-endorsement of any final plan of subdivision.	\$330.00	\$330.00
	Section 149B Certificate		
	Copy of Certificate.	\$10.00	\$10.00
	Class 1 or X Building.	\$70.00	\$70.00
	Certified Copy of Certificate.	\$40.00	\$40.00
	Other classes - not exceeding 200 square metres, exceeding 200 square metres but not exceeding 2,000 square metres. (Plus additional 14 cents per square metre for each square metre over 200).	\$70.00	\$70.00
	Fee for additional inspections (per inspection).	\$25.00	\$25.00
	In any case, where the application relates to a part of a building and that part consists of an external wall only or does not otherwise have a floor area.	\$70.00	\$70.00
	Exceeding 2,000 square metres (plus additional 2.1 cents per square metre over 2,000).	\$322.00	\$322.00
	Section 88G Certificate		
	Section 88G Certificate (Conveyancing).	\$10.00	\$10.00
	<i>Note: *Plus additional fee of \$40.00 if 48hrs express service required.</i>		
	Application for Certification of any final plan of subdivision (Linen Plan release).	\$275.00	\$275.00
	Strata Title Subdivision Fee for each lot.	\$30.00	\$30.00
	Subdivision Certificate		
	Application for Certification of any final plan of subdivision (Linen Plan release).	\$275.00	\$275.00
	Torrens Title Subdivision Fee for each lot.	\$55.00	\$55.00
	Swimming Pools		
	Certificate of Compliance.	\$50.00	\$50.00
	Application for Exemption.	\$50.00	\$50.00
	Construction Certificates		
	Construction Certificates S109C		
	Fee based on estimated cost of works:		
	Less than \$5,000.	\$150.00	\$150.00
	From \$5,001 -10,000.	\$250.00	\$250.00

Development & Regulation		
Fee Details	Fee For 2004/2005	Fee For 2005/2006
From \$10,001-\$30,000.	\$500.00	\$500.00
From \$30,001 – \$100,000.	\$750.00	\$750.00
From \$100,001 – \$200,000.	\$1,200.00	\$1,200.00
From \$200,001 – \$500,000.	\$1,700.00	\$1,700.00
From \$500,001 – \$1,000,000.	\$2,500.00	\$2,500.00
Development - Advertising		
Development application advertising fees for advertised development.	\$830.00	\$830.00
Development application advertising fees for designated development.	\$1,665.00	\$1,665.00
Development application advertising fees for prohibited development.	\$830.00	\$830.00
The advertisement of Section 96 (2) Applications.	\$500.00	\$500.00
Development application advertising fees for heritage listed single residence or child care centre.	\$500.00	\$500.00
Development Application Advertising fees for Development for which an environmental planning instrument requires notice to be given otherwise than as referred to.	\$830.00	\$830.00
Pre Development Applications		
Services for 1 hour additional fees may apply if consultation exceeds 1 hour		
Resident alterations and additions, ancillary structures, pools, tennis courts, garages etc.	\$350.00	\$350.00
New dwelling houses	\$500.00	\$500.00
Dual Occupancies	\$500.00	\$500.00
Residential Flat Buildings up to 4 units.	\$750.00	\$750.00
SEPP5 and residential flat buildings over 4 units and mixed developments.	\$1,000.00	\$1,000.00
Alterations to Schools, Churches, Nursing Homes, Hospitals.	\$350.00	\$350.00
Retail / Commercial developments up to 4 units.	\$750.00	\$750.00
Retail / Commercial developments over 4 units.	\$1,000.00	\$1,000.00
Alterations and additions to retail commercial developments.	\$500.00	\$500.00
Subdivision to create 2 lots.	\$350.00	\$350.00
Subdivision to create in excess of 2 lots.	\$500.00	\$500.00
Development Applications		
Advertising Signs		

Development & Regulation		
Fee Details	Fee For 2004/2005	Fee For 2005/2006
<i>Note: All applications must be in the form of a Development Application or a Complying Development Application.</i>		
DA Fee for advertising signs. See schedule of development application fees. Minimum Fee is \$170.00 or \$126.00 in the case of complying development.	\$170.00	\$170.00
Archiving/Scanning Fee		
Under \$5,000 in value	\$25.00	\$25.00
\$5001 - \$100,000	\$50.00	\$50.00
\$100,001 - \$250,000	\$100.00	\$100.00
\$250,001 - \$500,000	\$150.00	\$150.00
Over \$500,001– 1,000,000	\$200.00	\$200.00
Development \$1,000,001 – \$5,000,000.	\$350.00	\$350.00
Development over \$5,000,000.	\$500.00	\$500.00
Complying Development S85		
Up to \$50,000	\$150.00	\$150.00
From \$50,001 to \$100,000	\$250.00	\$250.00
Complying development over \$100,000.	\$350.00	\$350.00
Fee for modification.	\$70.00	\$70.00
Development Application Fees		
(Includes NSW Government Plan First charge of .64 cents in every \$1,000 for development application with a value of \$50,000 or over).		
DA Fees - Designated Development.	\$715.00	\$715.00
Dwelling House \$100,000 or less.	\$364.00	\$364.00
DA Fees Up to \$5,000	\$110.00	\$110.00
Between \$5,001 & \$50,000.	\$170, plus an additional \$3.00 for each \$1,000 (or part of \$1,000) of the estimated cost	\$170, plus an additional \$3.00 for each \$1,000 (or part of \$1,000) of the estimated cost
Between \$50,001 & \$250,000.	\$352, plus an additional \$3.64 for each \$1,000 (or part of \$1,000) by which the estimated cost exceeds \$50,000	\$352, plus an additional \$3.64 for each \$1,000 (or part of \$1,000) by which the estimated cost exceeds \$50,000
Between \$250,001 & \$500,000.	\$1,160, plus an additional \$2.34 for each \$1,000 (or part of \$1,000) by which the estimated cost exceeds \$250,000	\$1,160, plus an additional \$2.34 for each \$1,000 (or part of \$1,000) by which the estimated cost exceeds \$250,000

Development & Regulation		
Fee Details	Fee For 2004/2005	Fee For 2005/2006
Between \$500,001 & \$1,000,000.	\$1,745, plus an additional \$1.44 for each \$1,000 (or part of \$1,000) by which the estimated cost exceeds \$500,000	\$1,745, plus an additional \$1.44 for each \$1,000 (or part of \$1,000) by which the estimated cost exceeds \$500,000
Between \$1,000,001 & \$10,000,000.	\$2,615, plus an additional \$1.44 for each \$1,000 (or part of \$1,000) by which the estimated cost exceeds \$1,000,000	\$2,615, plus an additional \$1.44 for each \$1,000 (or part of \$1,000) by which the estimated cost exceeds \$1,000,000
\$10,000,001 & Over.	\$15,875, plus an additional \$1.19 for each \$1,000 (or part of \$1,000) by which the estimated cost exceeds \$10,000,000	\$15,875, plus an additional \$1.19 for each \$1,000 (or part of \$1,000) by which the estimated cost exceeds \$10,000,000
Consent authorities fee for integrated development.	\$110.00	\$110.00
DA Notification Fees		
DA Notification Fee (For DA's, Section 96 and amended plans before determination).	\$70.00	\$70.00
Extension of Development Consents		
Application to extend consent period for a development consent (application must be submitted before consent expires).	\$110.00	\$110.00
Other Development		
<i>Note: Development not involving the erection of a building, the carrying out of work or subdivision of land.</i>		
DA fees	\$220.00	\$220.00
Section 82A Reviews		
Development with a value up to \$5,000.	\$55.00	\$55.00
Residential flat development SEPP65 Review panel fee.	\$600.00	\$600.00
Development with a value between \$5,001 to \$250,000.	\$85, plus an additional \$1.50 for each \$1,000 (or part of \$1,000) of estimated costs	\$85, plus an additional \$1.50 for each \$1,000 (or part of \$1,000) of estimated costs
Development with a value between \$250,001 and \$500,000.	\$500, plus an additional \$0.85 for each \$1,000 (or part of \$1,000) by which the estimated costs exceeds \$250,000	\$500, plus an additional \$0.85 for each \$1,000 (or part of \$1,000) by which the estimated costs exceeds \$250,000
Development with a value between \$500,001 and \$1,000,000.	\$712, plus an additional \$0.50 for each \$1,000 (or part of \$1,000) by which the estimated costs exceeds \$500,000	\$712, plus an additional \$0.50 for each \$1,000 (or part of \$1,000) by which the estimated costs exceeds \$500,000

Development & Regulation		
Fee Details	Fee For 2004/2005	Fee For 2005/2006
Development with a value between \$1,000,001 and \$10,000,000	\$987, plus an additional \$0.40 for each \$1,000 (or part of \$1,000) by which the estimated costs exceeds \$1,000,000	\$987, plus an additional \$0.40 for each \$1,000 (or part of \$1,000) by which the estimated costs exceeds \$1,000,000
Development with a value more than \$10,000,000	\$4,737, plus an additional \$0.27 for each \$1,000 (or part of \$1,000) by which the estimated costs exceeds \$10,000,000	\$4,737, plus an additional \$0.27 for each \$1,000 (or part of \$1,000) by which the estimated costs exceeds \$10,000,000
<p><i>Note: The maximum fee for a request for a review of a determination under Section 82A (3) of the Act is:</i></p> <p><i>(a) in the case of a request with respect to a development application that does not involve the erection of a building, the carrying out of work or the demolition of a work or building, 50 per cent of the fee for the original development application, and</i></p> <p><i>(b) in the case of a request with respect to a development application that involves the erection of a dwelling-house with an estimated cost of construction of \$100,000 or less, \$150, and</i></p> <p><i>(c) in the case of a request with respect to any other development application, as set out above to this clause, plus an additional amount of not more than \$500 if notice of the application is required to be given under section 82A of the Act.</i></p>		
Section 96		
Section 96(1) Modifications to rectify minor errors, incorrect descriptions or calculations.	\$55.00	\$55.00
Section 96(1A) modifications involving nil to minimal, environmental impact of a very minor nature.	\$150.00	\$150.00
Section 96(1A) Modifications involving limited environmental impact. Maximum fee charged is \$500.00 or 50% of the fee for the original DA, whichever is less).	Refer to Note*	Refer to Note*
Section 96(2) Modifications of Development Consent - in all other cases if original fee was \$100 or more will be charged at \$100 or 50% of the original fee which is greater.	Refer to Note*	Refer to Note*
Section 96(2) Other modification that require the consent or concurrence of another approval body or the Minister. Charged at \$100 or 50% of the original fee or whichever is greater. (See note.)	Refer to Note*	Refer to Note*
<p><i>Note: Development Application modification of consent under Section 96 EPA and Regulation 105 EPA. If the original fee was less than \$100, then 50% of that fee, otherwise 50% of the fee or \$500 which ever is the lesser, plus re-advertising Fees.</i></p>		
Subdivision		
Strata	\$250 plus \$50 per additional lot	\$250 plus \$50 per additional lot
New road	\$500 plus \$50 per additional lot	\$500 plus \$50 per additional lot
No new road	\$250 plus \$40 per additional lot	\$250 plus \$40 per additional lot
<p><i>Note: Subdivisions including strata subdivisions (Reg 96 EPA). The fee payable for development involving the subdivision of land is calculated in accordance with this.</i></p>		

Development & Regulation		
Fee Details	Fee For 2004/2005	Fee For 2005/2006
Development - DA Referrals		
<i>Note: In addition to any fee specified in general fees, the fees for referral and provision of advice in respect to the general terms of approval to be granted by an approval body specified in sections 91,91a and 92 of the Act.</i>		
DA Fees - referral and advice fee - integrated development (REG 100 EPA Regulations).	\$250.00	\$250.00
Development - Engineering		
Infrastructure Restoration		
For residential development activity - minor building activity up to \$10,000.	Nil	Nil
For residential development activity - \$10,001 to \$20,000.	\$65.00	\$65.00
For residential development activity - over \$20,001.	\$65.00 plus 0.15% of building value.	\$65.00 plus 0.15% of building value.
Commercial demolitions	\$770.00	\$770.00
Residential demolitions	\$275.00	\$275.00
All commercial development activities.	\$65.00 plus 0.25% of building value.	\$65.00 plus 0.25% of building value.
Miscellaneous Engineering Assessment Fees		
Flood/Stormwater Study (per hour - minimum 1 hour).	\$110.00	\$110.00
Onsite Stormwater Detention Plan (reassessment fee).	\$110.00	\$110.00
Plan Assessment & Inspection Fee		
Engineering plan assessment and works inspection fees (external to site) footpaths per metre (minimum \$85).	\$11.00	\$11.00
Engineering assessment and works inspection fees (on-site) special structures (per structure).	\$165.00	\$165.00
Traffic management plan (DA's) assessment fee.	\$165.00	\$165.00
Engineering plan assessment and works inspection fees. Detention structures and special facilities 50 m2 of storage.	\$165.00	\$165.00
Engineering plan assessment and works inspection fees (works external to site). Drainage pipelines per metre (minimum \$85.00).	\$22.00	\$22.00
Engineering plan assessment and works inspection fees. Interallotment drainage per metre (minimum \$85.00).	\$22.00	\$22.00
Engineering plan assessment and works inspection fees. Part road construction per metre (minimum \$85.00) (ie; road shoulder/kerb and gutter).	\$22.00	\$22.00
Engineering plan assessment and works inspection fees. Drainage structures (ie; pits etc) each.	\$94.00	\$94.00
Engineering plan assessment and works inspection fees. New road construction per metre (minimum \$550.00).	\$55.00	\$55.00

Development & Regulation		
Fee Details	Fee For 2004/2005	Fee For 2005/2006
Engineering plan assessment and works inspection fees. Submission of engineering plans per A1 plan sheet (re-submission 20% extra).	\$190.00	\$190.00
Engineering plan assessment and works inspection fees. Common driveways per metre (minimum \$85.00).	\$9.00	\$9.00
<i>Note: Engineering plan and works inspection fees for roadworks or drainage associated with development.</i>		
Development - Legal Documents/Bonds		
Execution of or endorsement of legal documents related to development including Section 88E, positive covenants, and restrictions on use. (Plus \$440.00 where Council seal is required).	\$110.00	\$110.00
Application fee for release or variation of easements, covenants, restrictions etc.	\$330.00	\$330.00
Development – Other (section 68 Local Government Act)		
Install or operate amusement devices.*	\$75.00	\$75.00
Hoist goods over roadway.	\$75.00	\$75.00
Install fuel heaters.*	\$75.00	\$75.00
Notification to Council of development under SEPP 4.***	\$50.00	\$50.00
Outdoor eating / Goods on footpath- application fee.	\$250.00 plus annual fee \$100.00 per sq mtr occupied footpath	\$250.00 plus annual fee \$100.00 per sq mtr occupied footpath
Review of determination (S.100 Review LGA).**	\$180.00	\$180.00
Other local approval fee under Section 68 of Local Government Act 1993 unless otherwise specified.*	\$75.00	\$75.00
<i>Notes: *local approvals applications - Section 68 Local Government Act 1993. **Section 100 Review - Local Government Act 1993 Section 68 Applications. ***Under State Environmental Planning Policy No 4. ****All fees for Applications involving demolition are in the general scale of fees for Development Applications as set out in Development - Applications (DA Fees) - based on cost of demolition.</i>		
Development - Plans & Specifications		
Certification of additional copies of documents (Reg 108) - certified copy of documents.	\$50.00	\$50.00
Certification of additional copies of plans – per sheet.	\$20.00	\$20.00
Development - Subdivisions		
Compliance certificates for subdivisions - plus \$30.00 for each allotment.	\$165.00	\$165.00
Subdivision bond administration fee.	\$330.00	\$330.00
Subdivision bond reinspection fee (per inspection).	\$110.00	\$110.00
Engineering		
Amended plan of subdivision.	\$110.00	\$110.00

Development & Regulation		
Fee Details	Fee For 2004/2005	Fee For 2005/2006
Amended Section 88B instrument.	\$55.00	\$55.00
Fines Statute		
Charges set by NSW Government Agencies.	Various Charges Apply	Various Charges Apply
Animal Control		
NOTE Animal Impounding (Payable to Council's service provider).		
Impounding release fee (dogs and cats).	\$27.50	\$27.50
Dogs maintenance for first day or part thereof.	\$40.00	\$40.00
Dogs maintenance for subsequent days or part thereof.	\$27.50	\$27.50
Dog Surrender fee.	\$49.50	\$49.50
Cats maintenance for first day or part thereof.	\$27.50	\$27.50
Cats maintenance for subsequent days or part thereof.	\$20.00	\$20.00
Cat surrender fee	\$27.50	\$27.50
Food premise registration fee		
NSW Department of Health - per premise.	\$50.00	\$50.00
Food Education		
Training School - per participant.	\$35.00	\$35.00
Impounding Fees		
Illuminated advertising signs (includes unilluminated real estate signs).	\$150.00	\$150.00
Impounded advertising signage (plus any additional costs incurred by Council).	\$75.00	\$75.00
Shopping Trolleys (Impounding Act 1993).	\$80.00	\$80.00
A-Frame Signs.	\$80.00	\$80.00
Banners - Community Organisations.	\$50.00	\$50.00
Banners - Commercial Organisations.	\$75.00	\$75.00
General Articles.	\$50.00	\$50.00
Inspection Fees		
Hairdressers, barber shops and beauty salons plus \$100 per hour after the first hour (per inspection).	\$110.00	\$110.00
Food Premises plus \$100 per hour after the first hour (per inspection).	\$110.00	\$110.00
Boarding Houses plus \$100 per hour after the first hour.	\$110.00	\$110.00
Noise level reading.	\$110.00	\$110.00
Noise Level Reading – after hours.	\$165.00	\$165.00

Development & Regulation			
	Fee Details	Fee For 2004/2005	Fee For 2005/2006
	Mobile food vendors - per day.	\$25.00	\$25.00
	Mobile food vendors – per year.	\$110.00	\$110.00
	Stall Food Vendor - per day.	\$25.00	\$25.00
	Stall Food Vendor - per year.	\$110.00	\$110.00
	Skin penetration (Public Health Act and Brothels).	\$110.00	\$110.00
	School canteens (per inspection).	\$80.00	\$80.00
	Non profit Community Group Food Outlet (per inspection).	\$30.00	\$30.00
	Regulated systems	\$130.00	\$130.00
	Information		
	Confirmation of an inspection.	\$65.00	\$65.00
	Letters regarding results of building inspection except where the application is made by the owner under the Freedom of Information Act.	\$65.00	\$65.00
	File Plan search Application (non refundable).	\$120.00	\$120.00
	per plan or sheet copy requested.	\$7.50	\$7.50
	Supply information relating to neighbourhood development (properties must be nominated by applicant).	\$110.00	\$110.00
	Supply of statistical information.	\$75 plus \$55 per half hour after first half hour	\$75 plus \$55 per half hour after first half hour
	Impact statements		
	Copies supplied by applicant.	\$30.00	\$30.00
	Copies of development consent.	\$75.00	\$75.00
	Written enquires involving research of Council's Records, other than personal enquires under the Freedom of Information Act.	\$70.00	\$70.00
	Parking		
	Culworth Avenue Car Park - per day.	\$4.00	\$4.00
	Public Entertainment		
	Premises owned and/or operated by Incorporated not for profit group.	\$50.00	\$50.00
	Licensed capacity of 1 - 250 people.	\$385.00	\$385.00
	Licensed capacity of 251 - 500 people.	\$495.00	\$495.00
	Licensed capacity over 500 people.	\$525.00	\$525.00
	Survey per property plus \$100 per hour after the first hour.	\$110.00	\$110.00
	Tent bond	\$550.00	\$550.00

Development & Regulation			
	Fee Details	Fee For 2004/2005	Fee For 2005/2006
	Fee for permission to erect a tent of any size for public entertainment, where a charge is made for admission.	\$110.00	\$110.00

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APPLICATION FOR SPECIAL VARIATION TO GENERAL INCOME 2005 - 2006

(Section 508(2) of the Local Government Act 1993)

Councils must complete all sections of this application and return it to the Department of Local Government, attention Finance Management Branch as soon as possible. **Incomplete forms will cause delay in consideration.** If there is insufficient space please attach additional detail(s).

1. **COUNCIL NAME:** Ku-ring-gai Council
2. **CONTACT OFFICER:** John McKee
3. **TELEPHONE No:** (02) 9424-0702 4. **FAX No:** (02) 9424-0870
5. **VARIATION:**

Briefly describe the variation sought stating purpose of the application (ie. why council needs the additional revenue).

Council's decision to support an application for a special rate variation is to enable the implementation of a range of environmental programmes. These have been identified in the 2004/08 Management Plan and are consistent with a number of key regional strategies including the Catchment Blue Prints for Sydney Harbour and the Lower Hawkesbury/Nepean, the Hornsby Ku-ring-gai District Fire Management Plan and the Metropolitan Water Plan.

A 5 percent Special Rate Variation is proposed within the 2005/09 Management Plan commencing in 2005/06 financial year for seven years. This will provide \$1.76 million in the first year representing 2.5 per cent of the expected revenue for Council in the 2005/06 budget and rise to \$2.16 million by 2011/12.

The special rate variation will provide the necessary income to build additional social, environmental and financial capital. Specifically, it will improve the condition of bushland, waterways and parks, increase opportunities for recreation, help protect against flooding and fire and involve the community in decision making and onground works.

The key drivers for a special rate variation are:

Financial

1. Rising costs to maintain Council assets to meet community needs and safety standards. These assets include buildings, infrastructure and recreation facilities;
2. Increasing employment costs that are rising above rate pegging thresholds;
3. Increasing insurance costs and associated workers compensation;
4. Continuing commitment to reducing Council's level of debt.

Environmental

1. Increasing responsibilities associated to manage the recovery of threatened species and

endangered ecologically communities;

2. Needing to address the direct and indirect impacts on bushland, creeks and other natural systems as a result of development;
3. Needing to manage the use of water as a critical resource for Ku-ring-gai's community.

Social

1. Managing fire risk
2. Providing a diversity of recreational opportunities
3. Managing the streetscape and tree canopy, a key defining characteristic of this region
4. Bring local communities closer
5. Reinvigorating Ku-ring-gai's town centres.

The programme that is proposed seeks to implement a range of projects over and above the organisation's capacity to deliver through its recurrent operations budget and current capital works funds. The specific projects address:

- immediate issues - such as managing bushfire risk;
- medium term needs - including reducing our reliance on potable water;
- issues of strategic importance - restoration of bushland and reducing the spread of noxious weeds to environmentally significant areas.

Without the proposed funding the opportunity cost for Ku-ring-gai residents will be significantly higher as a result of:

- continuing environmental degradation and exponential cost to remediate or restore degraded systems in the future;
- increasing community expectations for service delivery; and
- changes in policy and direction by State Government that seek improved resource efficiency, asset management and environmental protection.

THIS SCENARIO IS WITH THE VARIATION

6. HOW WAS THE PERCENTAGE INCREASE CALCULATED?

(NB: This section cannot be completed until points 8 through 11 have been completed)
--

2005/06 NET Notional General Income Yield	\$ 40,188,607	<u>refer point 8(vi)</u>
--	---------------	--------------------------

<u>Less</u> 2004/05 Notional General Income	\$ 37,043,299	<u>refer point 9(iv)</u>
(Note: <u>not</u> permissible income)		

Increase on 2004/05 Notional General Income	<table border="1"><tr><td>\$ 3,145,308</td></tr></table>	\$ 3,145,308
\$ 3,145,308		

Percentage increase over 2004/05 NOTIONAL GENERAL INCOME (round to 2 decimal places)	<table border="1"><tr><td>8.49</td></tr></table> %	8.49
8.49		

THIS SCENARIO IS WITHOUT THE VARIATION

6. HOW WAS THE PERCENTAGE INCREASE CALCULATED?

(NB: This section cannot be completed until points 8 through 11 have been completed)

2005/06 **NET** Notional General Income Yield \$ 38,301,297 refer point 8(vi)

Less 2004/05 Notional General Income \$ 37,043,299 refer point 9(iv)
 (Note: **not** permissible income)

Increase on 2004/05 Notional General Income \$ 1,257,998

Percentage increase over 2004/05
NOTIONAL GENERAL INCOME 3.40 %
 (round to 2 decimal places)

7. WHY IS THE VARIATION NECESSARY?

Please comment on each of the following:

A. How is the additional revenue from the Increase to be applied? - Council MUST SPECIFY the expenditure for each item that the additional revenue (excluding any income adjustment) is to be applied to. **PROPOSED EXPENDITURE MUST EQUAL ADDITIONAL REVENUE SOUGHT.**

Council is seeking a 5 per cent special rate increase for a period of seven years, commencing 1 July 2005. This 5 per cent increase would be subject to annual rate peg increases, which have been estimated at 3.5 per cent in Council's 10 Year Financial Model.

Based on a 5 per cent increase approximately \$1,760,000 (\$1,887.310 less pensioner rebates of \$127,310) would be generated in 2005/2006 with subsequent increases as projected in Council's 10 year financial model. This figure is based on 37,224 rate assessments less 3,675 pensioner rebates. *Table 1* shows the annual amount to be generated by the Environmental Levy:

Table 1 Expected yield generated from a 5 per cent rate increase

Year	05/06	06/07	07/08	08/09	09/10	10/11	11/12	TOTAL
\$'000	1,760	1,822	1,885	1,951	2,020	2,090	2,163	13,693

The special rate will be in addition to the rate pegging allowance of 3.5 per cent (as forecast) during the period for ordinary rates and annual charges.

During the course of the seven year programme, Council will continue to evaluate community needs and environmental pressures. Whilst there will be ongoing need for Council commitment to maintain and preserve initiatives of this programme, the amounts currently required are significantly smaller than the costs of delaying the initial outlays required, representing substantial savings over delaying the investment. Council will report annually to the community and to the Minister for Local Government in regards to its progress in achieving the outcomes sought from this proposal.

Attachment 1 provides a discussion on how transparency and accountability will be achieved throughout the delivery of the programme. This relies on the involvement of the community to provide advice on programme direction.

Environmental Management Programme

The additional revenue from the variation will be applied solely to the projects identified in the Environmental Management Programme. The programme has been developed to address five objectives, as supported by various state, regional and local strategies, the key strategies as identified in italics.

1. Protection and enhancement of biodiversity - *Catchment Blueprints for Hawkesbury Nepean and Sydney Harbour 2004 and various Recovery Plans for Threatened Species and vegetation communities*
2. Support and promote urban communities through sustainable design and development - *Sydney Metropolitan Strategy 2004*
3. Manage water and catchments incorporating a total catchment perspective - *Meeting the*

challenge - securing Sydney's water future (Metropolitan Water Plan 2004)

4. Managing fire risk - *Hornsby Ku-ring-gai Bushfire Management Strategy – ongoing*
5. Promote community partnership and participation - *Catchment Blue Prints, Education for Sustainability Strategy 2002*

To achieve this, ten programme areas with their own specific projects have been identified:

- *Water sensitive urban design* – Council using stormwater to irrigate ovals, parks and gardens;
- *Sustainable town centre design* - Reducing the dependence of water and energy in new town centre projects;
- *Biodiversity* - Regenerating bushland; controlling feral animals and noxious weeds; planting more trees in public areas;
- *Water and catchments* - Improving the condition of streams and creeks; reducing flooding risks and improving the quality of runoff; collecting rubbish and litter from stormwater drains;
- *Community partnerships* - Supporting Council community based environmental volunteer groups; funding community based local environmental projects through a small grants scheme;
- *Recreation* - Creating more walking tracks and improving access to natural areas;
- *Fire management* - Constructing new fire trails to assist in fire control; mapping fire prone land; creating new fire breaks between residential housing and bushland;
- *Regulation and enforcement* – Control of dumping and encroachment into bushland and noxious weed control education;
- *Monitoring and evaluation* - Monitoring environmental change to evaluate the impacts of development and projects;
- *Communication* – Newsletters, general promotion and ongoing consultation.

The total expenditure on the Environmental Management Programme accumulated over the seven year period is shown in *Table 2*.

Table 2 Total accumulated special rate variation expenditure for Programme 2005/06 – 2111/21

Financial year	2005/06	2006/07	2007/08	2008/09	2009/10	2010/11	2111/12	TOTAL
Programme Total (\$,000)	1,760	1,822	1,885	1,951	2,020	2,090	2,163	13,693

Environmental Management Programme – Itemised projects and expenditure

Details of the programme areas, specific projects, cumulative expenditure against programmes, and a cumulative total across seven years are provided in this section. While the specific projects have been determined as part of the consultation, implementation will need flexibility to enable co-ordination with other capital works programmes, national, state and regional grants and the activities of other land managers, such as the Rural Fire Service, Department of Infrastructure, Planning & Natural Resources and Department of Environment & Conservation.

Water Sensitive Urban Design

The aim of *water sensitive urban design* (WSUD) is to design urban landscapes within water cycle management guidelines. This approach provides more economical and environmentally appropriate ways of watering public spaces, while at the same time using the stormwater that would normally cause flooding, erosion or carry pollution into our waterways.

WSUD can achieve a number of objectives by integrating many aspects of the water cycle from re-use, collection, storage, treatment and disposal. Properly managing the quality and quantity of stormwater also improves the environmental, cultural and social quality of Ku-ring-gai, while simultaneously conserving water through stormwater collection and landscape design. This is particularly critical as Ku-ring-gai drains to three National Parks: Lane Cove, Garigal and Ku-ring-gai.

The *water sensitive urban design* programmes areas include:

- Stormwater collection to irrigate sports fields and gardens;
- Management of stormwater quality and quantity through the construction of buffer strips, vegetated swales (grass-lined channels for carrying runoff from roads and other hard surfaces) and bioretention systems (a stormwater treatment technique that uses filtration to treat stormwater runoff);
- Combining our street tree planting and urban biodiversity programmes to treat and use stormwater runoff to irrigate street verges and street trees.

Table 3 below itemises each project in this programme.

Table 3 Proposed WSUD activities and projects

Special rate variation identified projects (\$,000)									
Program me	Projects	Financial year ending:							TOTAL
		2005/ 06	2006/ 07	2007/ 08	2008/ 09	2009/ 10	2010/ 11	2111/ 12	
Water sensitive urban design	<i>Stormwater harvesting</i>								
	Lindfield Soldiers Oval			207	57	7	7	7	285
	The Glade	50	153	3	3	3	3	3	218
	Cliff Oval			20	163	3	3	3	192
	Edenborough Oval				43	190	3	3	239
	Comenarra playing field					67	153	3	223
	Lofburg Oval						270	3	273
	Allan Small				30	123	3	3	159
	Swain Garden		150	54	4	4	4	4	220
	Kent Oval		30	100	123	3	3	3	262
	Aluba Oval							230	230
	St Ives Village Green			200	50				250
	Wahroonga Park							170	170
	<i>Integrated drainage project</i>								
	Stormwater quality and quantity projects		80	80	80	100	100		440
	Swales and bioretention	100	65	70	75	100	105	110	625
	Integrated side entry and street tree pits	20	22	24	26	28	30	32	182
Sub total (\$,000)		170	500	758	654	628	684	574	3968

Water and Catchments

Most of the urban bushland areas throughout Ku-ring-gai surround local creeks and rivers. Much of the water entering these waterways is delivered by engineered stormwater drainage systems that bring pollutants and carry much larger quantities of water than would naturally occur. These changes in quality and quantity dramatically affect the stability and ecology of the riparian environments.

To reduce the impacts from stormwater, the *Water and Catchments* programme combines water sensitive urban design with the active management, restoration and rehabilitation of important waterways. The programme also supplements Council's current maintenance of gross pollution traps and works alongside existing regeneration programmes. *Table 4* provides details of the projects.

This programme is supported by the *Riparian Policy* (adopted by Council in December 2004), *Development Control Plan 47 Water Management*, the *Middle Harbour, Cowan Creek and Lane Cove River Local Catchment Plans* and at a regional level by the *Catchment Blueprints* for Sydney Harbour and lower Hawkesbury Nepean Rivers.

Table 4 Water and Catchment me proposed activities and projects

Special rate variation identified projects (\$,000)									
Programme	Projects	Financial year ending:							TOTAL
		2005/ 06	2006/ 07	2007/ 08	2008/ 09	2009/ 10	2010/ 11	2111/ 12	
Water and Catchment s	<i>Creeks and streams</i>								
	Creek maintenance	50	50	10	20	80	80	80	370
	<i>Creek restoration</i>								
	Coups Creek (The Glade)	80	21	1	1	1	1	1	106
	Stoney Creek (Richmond Park)	50	1	101	1	1	1	1	156
	Gordon Creek (Swain Garden)		83	1	1	1	1	1	88
	Little Blue Gum (Paddy Pallin)				80	1	1	1	83
	Coups Creek (around San Hospital)					100	1		101
	<i>Bushland outlet protection</i>								
	Middle Harbour	35	35	20	20	25	35	35	205
	Cowan Creek	35	35	20	20	25	35	35	205
	Lane Cove	35	35	20	20	25	35	35	205
Sub total (\$,000)		285	260	173	163	259	190	189	1519
Water and Catchment s	<i>Gross pollution control maintenance</i>								
	Blackbutt Creek	10	12	14	16	18	18	18	106
	Du Faur Street wetland	20	5	5	2	2	2	2	38
	RTA enviropods					10	10	10	30
	General sites	25	25	25	25	25	25	25	175
Sub total (\$,000)		55	42	44	43	55	55	55	349

Town Centre projects

As part of the renewal of our town centres, Council is in the process of preparing integrated plans

for the town centres at St Ives, Turramurra, Pymble, Gordon and Roseville. These plans will provide the direction for the upgrade of these centres, which will be realised through funding from developer contributions (Section 94 contributions). 'Sustainability' will be a core element of the redevelopment of these centres and it is envisaged that funding from the environment levy will enable the implementation and demonstration of best practice design as examples for residents and developers to follow. It is envisaged that the redevelopment of St Ives, Gordon and Turramurra will occur within the time period of this levy and prior to other centres; however, this will be dependent upon development and Section 94 contribution income. *Table 5* details funding allocation for the first three town centre projects in this programme.

Table 5 Town Centre programme's proposed activities

Special rate variation identified projects (\$,000)									
Program me	Projects	Financial year ending:							
		2005/ 06	2006/ 07	2007/ 08	2008/ 09	2009/ 10	2010/ 11	2111/ 12	TOTAL
Town centre projects	<i>St Ives</i>			5	105	5	5	305	425
	<i>Gordon</i>					300	5	5	310
	<i>Turramurra</i>						300	55	355
Sub total (\$,000)		0	0	5	105	305	310	365	1090

Biodiversity

The biodiversity programmes are designed to improve the quality and quantity of native fauna and flora within bushland, parks, reserves, residential areas and town centres. The projects take into account the fact that Ku-ring-gai is connected to three National Parks (Garigal, Ku-ring-gai Chase, and Lane Cove) and that the community continues to show a strong desire for habitat protection and biodiversity management (see *Environmental Levy Consultation Report*, Attachment 3).

The core areas of the programme are to:

- supplement Council's current regeneration and revegetation programmes at key bushland sites containing rare or threatened species or vegetation communities;
- promote wildlife within bushland and residential areas through programmes such as Backyard Buddies;
- add to Council's existing canopy replenishment programme and expand this to include mid and ground storey vegetation; and
- increase the control of feral animals and noxious weeds.

The projects proposed to address these areas are itemised in *Table 6*.

Council is preparing a Biodiversity Strategy due for completion in June 2005. It is envisaged that this will support these programmes, being consistent with Council's Open Space Strategy; People Parks and Bushland (2005). These strategies recognise the value and function of backyards, streets and parks in addition to bushland areas as essential elements for the enhancement and protection of biodiversity.

Table 6 Biodiversity programme's proposed activities and projects

Special rate variation identified projects (\$,000)

Programme	Projects	Financial year ending:							TOTAL
		2005/ 06	2006/ 07	2007/ 08	2008/ 09	2009/ 10	2010/ 11	2111/ 12	
Biodiversity	<i>Regeneration and revegetation Sites:</i>								
	Sheldon Forest	30	20	15	10	10	10	10	105
	Browns Field and surrounds	40	30	15	10	10	10	10	125
	* Browns Forest (BGH)	20	20	10	10	10	10	10	90
	* St Ives Showground (Duffy's Forest)	30	20	15	10	10	10	10	105
	Aluba Oval and surrounds	20	15	10					45
	The Glade	15	5	5	5	5	5	5	45
	* Maddison (BGH)	30	20	15	10	10	10	10	105
	Acron Oval	20	20	5	5	5	5	5	65
	* Turiban Reserve (BGH)	25	20	15	5	5	5	5	80
Sub total (\$,000)		230	170	105	65	65	65	65	765
Biodiversity	<i>Urban biodiversity</i>								
	Wildlife promotion and management	10	10	10	10	10	10	10	70
	Feral animal / noxious weed control	15	15	15	15	15	15	15	105
Sub total (\$,000)		25	25	25	25	25	25	25	175

* Note: Blue Gum High Forest (BGH) and Duffy's Forest are recognised as threatened vegetation communities under the NSW Threatened Species Conservation Act 1997.

Community Partnerships

Building stronger links with our community is an important element to this programme. This will be achieved through:

1. increasing support for the existing volunteer based environmental programmes; and
2. establishing a community Environmental Grants Programme.

Volunteer programmes

A recent assessment of Ku-ring-gai's Bushcare programme in 2003 demonstrated that for every dollar invested by Council in Bushcare, the community contributes another three dollars via in-kind labour and support. Current funding to Bushcare is around \$160,000 per annum. The addition of \$60,000 will in turn benefit Council a further \$660,000 each year.

Council has recently introduced the *Tree Nurturers Programme*, *Backyard Buddies* and *Community Firewise* programmes. These draw a greater number of our community to assist in the management of Council/Community assets. In many cases, these programmes are still running as 'pilots' and require additional resources to grow across the Ku-ring-gai area. The projects and related funding are shown in *Table 7*.

Table 7 The Community volunteer programme proposed activities and projects

Special rate variation identified projects (\$,000)									
Programme	Projects	Financial year ending:							TOTAL
		2005/ 06	2006/ 07	2007 / 08	2008 / 09	2009/ 10	2010/ 11	2111/ 12	
Community partnerships	<i>Community volunteer programmes</i>								
	Bushcare site improvements	45	58	50	50	50	36	21	310
	Bushcare	15	8	8	8	8	8	8	65
	Urban Landcare	10	8	8	8	8	8	8	58
	Community Firewise	10	8	8	8	8	8	8	58

	Tree Nurturers	10	8	8	8	8	8	8	58
	Parkcare	10	8	8	8	8	8	8	58
Sub total (\$,000)		100	98	90	90	90	76	61	607

Community Environmental Grants Programme

The community grants programme is designed to assist the Ku-ring-gai community to fund small community based environmental projects at the neighbourhood level. The grants will generally be less than \$5,000, with funding to be only given to those projects that have direct benefit within the Ku-ring-gai Local Government Area.

The model for this grant funding will draw from similar successful schemes, such as the Blue Mountains Urban Runoff Control Programme. The terms of the grants will be developed in partnership with the community through consultation (refer to Attachment 1). *Table 7* shows the projected community grants projects funding from 2005/06 – 2011/12 including the costs of administration and promotion.

Projects likely to receive funding might include street planting to protect wildlife and local bushfire regeneration. These grants would also help community groups draw additional grant funds, such as Natural Heritage Trust Grants, so further increasing the value of this programme.

Table 7 Community grants projects funding from 2005/06 – 2011/12

Special rate variation identified projects (\$,000)									
Programme	Projects	Financial year ending:							TOTAL
		2005/ 06	2006/ 07	2007/ 08	2008/ 09	2009/ 10	2010/ 11	2011/ 12	
Community partnerships	<i>Community grants</i>								
	Small grant projects	80	80	80	80	80	80	80	560
	Promotions and initiatives	20	20	20	20	20	20	20	140
Sub total (\$,000)		100	100	100	100	100	100	100	700

Recreation

The recreational programme is focused on the construction and improvement of a number of important walking tracks itemised in *Table 8* that will:

- Offer walkers access to a range of bushland environments;
- Promote local and neighbourhood recreation, identified as a need through the *Open Space Strategy – People, Parks & Bushland*;
- Provide more environmental education opportunities, such as signs and guided walks;
- Assist with the development and implementation of the bushfire hazard reduction programme through improved access to natural areas; and
- Augment links to the major regional trails, including the *Great North Walk* and *Harbour to Hawkesbury Walk*, a key focus of a current Department of Infrastructure, Planning and Natural Resources (DIPNR) plan for the *Metropolitan Trails Strategy*.

The walking trails funded under this programme will complement the new tracks identified for funding under the Section 94 contributions plan and create links to the existing trail network. While all the tracks can be used by recreational walkers, many tracks will also expand the networks for mountain bike users, a growing sport that appeals to a wide range of people.

Table 8 Proposed walking track sites funded from the recreation programme.

Special rate variation identified projects (\$,000)									
Programme	Projects	Financial year ending:							TOTAL
		2005/ 06	2006/ 07	2007/ 08	2008/ 09	2009/ 10	2010/ 11	2111/ 12	
Recreation	<i>Walking track Sites</i>								
	Aluba linking to LC NP			21	1	1	1	1	25
	AGAL land	20	1	1	1	1	1	1	27
	Seven Little Australians	40	1	1	1	1	1	1	47
	Sheldon Forest to Mimosa	40		1	1	1	1	1	45
	Rothwell to Comenara		25	6	1	1	1	1	35
	Paddy Pallin				21	1	1	1	24
	Little Blue Gum Creek to GNW				20	11	1	1	33
	Wildflower Gardens (including bike tracks)				20	21	1	1	43
	Richmond to Craig Street						20	1	21
Sub total (\$,000)		100	27	30	66	38	28	9	300

Fire Management

Ku-ring-gai Council has a major responsibility for managing the area's bushfire risk. Community concern, State Government pressures, more frequent fires and the predictions of a hotter and dryer climate are increasing the pressures and interest in this role. The fire management programme, detailed in *Table 9*, includes a number of elements:

- Identification and mapping of properties subject to the bushfire risk;
- Construction of new fire trails in the Cowan Catchment ;
- Construction of new fire breaks to improve access for emergency service personnel behind private property;
- Revision of the Bushfire Prone Lands Map;

These activities build on the works programmes funded from the recurrent budget as undertaken by Council's Natural Environment Team.

Table 9 Proposed activities and projects to be funded under the fire management programme.

Special rate variation identified projects (\$,000)									
Programme	Projects	Financial year ending:							TOTAL
		2005/ 06	2006/ 07	2007/ 08	2008/ 09	2009/ 10	2010/ 11	2111/ 12	
Fire Management	<i>Fire management</i>								
	Ground truth bushfire prone lands (LEP)	80	15						95
	<i>Fire breaks</i>								
	Sheldon Forest			50	65	65	5	5	190
	Warrimoo Avenue		60	5	5	5	5	5	85
	Blackbutt			40	45	45	45	5	180
	Valley Park Crescent North (Turramurra)						60	65	125
	Craige Street (St Ives)							45	45
	<i>Fire trails</i>								
	Golden Jubilee fire trail	100	100				50		250
	Samuel King to Guyder	100	50						150

	Lister Street	50		150	150				350
	Rosedale Rd to Eastern Arterial (easement)					10	57		67
Sub total (\$,000)		330	225	245	265	125	222	125	1537

Monitoring and evaluation

The monitoring and evaluation programme will quantify and clearly demonstrate that the various programmes are achieving their long-term objectives. As shown in *Table 10*, this programme will draw from existing monitoring programmes, such as the macro-invertebrate monitoring in streams, weed mapping within bushland reserves, canopy mapping across residential areas, the Community Environment Survey (2004) and the Town Centre consultations (in progress). The proposed programmes focus on sustainability and will measure and evaluate changes to both the physical and social environment. This will help Council and the community determine whether the various environmental, social and financial strategies and programmes are effective and meet the expectations of the residents of Ku-ring-gai.

Table 10 Proposed activities and projects to monitor and evaluate the environmental management programmes.

Special rate variation identified projects (\$,000)									
Programme	Projects	Financial year ending:							
		2005/06	2006/07	2007/08	2008/09	2009/10	2010/11	2111/12	TOTAL
Monitoring and evaluation	Biodiversity (macro-invertebrate, flora, fauna, aquatic)	20	20	20	20	25	25	25	155
	Aerial/satellite canopy mapping	35	40		60			60	195
	Community survey	20		20	20	20		40	120
	Social research	20	20	20	20	20	20	40	160
	Programme evaluation	20	20	20	20	20	20	120	240
	Fire - fuel loads and moisture monitoring	10	10	10		10	10	10	60
	Weed inspectorial (weed condition)	10	35	10	25	10	35	10	135
Sub total (\$,000)		135	145	100	165	105	110	305	1065

Regulation and enforcement

The regulatory and enforcement programme will support the positive benefits of the various projects and associated education programmes. This programme will focus on the urban-bushland interface to manage the problems of dumping rubbish, spreading noxious weeds and illegally clearing nearby bushland. Present resources are insufficient to manage these problems that in turn prevent the success of many of Council's initiatives. This programme will be used to fund two rangers to provide site-specific education and, if necessary, use their regulatory powers for enforcement. *Table 11* sets out the proposed funding for the three main areas between 2005/06 and 2111/12.

Table 11 Proposed projects to be run under the regulation and enforcement programme.

Special rate variation identified projects (\$,000)									
Programme	Projects	Financial year ending:							
		2005/06	2006/07	2007/08	2008/09	2009/10	2010/11	2111/12	TOTAL

Regulation and enforcement	Dumping	50	50	50	50	55	55	60	370
	Encroachment	50	50	50	50	55	55	60	370
	Noxious weed control	50	50	50	50	55	55	60	370
Sub total (\$,000)		150	150	150	150	165	165	180	1110

Communication

The communication programme is to make sure the Ku-ring-gai community is regularly and comprehensively informed about the progress of the projects funded by the levy. This programme also gives all members and groups in the Community the information necessary to apply for funding from the small grants scheme. This opportunity for community participation in developing local environmental projects is ongoing, and its success will depend on programme information being readily available with frequent updates and feedback.

Table 12 Proposed activities funded from the communication programme.

Special rate variation identified projects (\$,000)									
Programme	Projects	Financial year ending:							TOTAL
		2005/ 06	2006/ 07	2007/ 08	2008/ 09	2009/ 10	2010/ 11	2111/ 12	
Communication	Quarterly newsletters	40	40	40	40	40	40	40	280
	General promotion	40	40	20	20	20	20	70	230
Sub total (\$,000)		80	80	60	60	60	60	110	510

B. Will the proposed variation (or part of it) have a once only or limited impact or will it be ongoing (ie. permanent addition to general income)?

Council is seeking a 5 per cent special rate increase for a period of seven years, commencing 1 July 2005. This 5 per cent increase would be subject to annual rate peg increases, which have been estimated at 3.5 per cent in Council's 10 year financial model.

Programmes and projects outlined in this proposal address generally long-term issues. Many of the initiatives are drawn from Catchment Blueprints, which are in themselves 10 year plans and the recently completed local catchment plans (the second generation stormwater management plans for Ku-ring-gai). Council strongly believes that the funds applied should be specifically restricted to those programme areas. Limiting the period of the variation to seven years and outlining the specific purpose are important components of transparency and accountability for Council.

C. What benefits does the Council expect will flow from this variation proposal?

The Environmental Management programme described in detail in Section 7A consists of plans for a

range of projects that build and complement existing programmes funded from Council's operational budgets, capital works programmes, grants and developer contributions. The programme areas and benefits include:

- ***Water sensitive urban design***

Water sensitive urban design projects include stormwater harvesting to irrigate 10 ovals and 2 gardens, integration and expansion of existing drainage and street tree capital works programme and implementation of the recently completed local catchment plans (a second generation stormwater management plan and updated flood risk and stormwater infrastructure management plan). It is expected that Council's ability to use potable water to irrigate sports fields will be significantly reduced under the Government's water demand management strategy. Consequently this initiative to find alternative water to manage key community assets is a priority.

- ***Waters and Catchments***

Under its existing budget, Council has not been able to address the degradation of local natural creeks, maintain pollution control devices at the necessary frequency, nor manage stormwater flows from drainage outlets at the bushland interface. To identify current pressures, Council mapped all its creeks in 2004, rating their condition against a rapid riparian assessment methodology developed in conjunction with Macquarie University. Through a grant funded project it also was able to assess the pollutant load and type that is generated from our urban catchment and what this means in terms of the maintenance requirements. These studies identified the generally poor condition of local creeks, albeit recognising their urban context (particularly in the upper reaches closer to urban development) and the effect high load gross pollutants have on overall stream health. The projects in this water and catchment programme will strengthen the ongoing management of our urban catchment and assist in the repairing our natural streams.

- ***Town Centres***

One of the positive impacts of the increase in development arising from Local Environment Plan 194 (permitting greater densities of development in parts of the council area) will be the revitalisation and construction of new town centres. While much of this activity will be funded from developer contributions, the special rate variation seeks to raise additional income from expected government grants to implement best practice sustainable urban design. The benefits of this programme will be the demonstration of state-of-the-art sustainability technology and architecture to serve as a lead for surrounding residential development.

- ***Biodiversity***

Within the Ku-ring-gai Local Government Area there are three endangered ecological communities as listed under the *Threatened Species Conservation Act 1997*. The location of each of these areas is significantly influenced by urban development particularly from nutrient rich stormwater, weed propagules, dumping and encroachment. Under Council's current regeneration programme, only 18 bushland sites are worked, comprising less than 50 ha of a total of 1,100 ha of bushland in the LGA. The impact of this prioritisation is that the majority of bushland is left to "self-manage" with occasional reactive weed treatment. Even for the sites that are fortunate to receive resources, there is still insufficient resources to significantly improve their long term condition and viability.

The identified programme aims to increase resources at nine sites over a seven year period. This will supplement the existing regeneration efforts, enabling the sites to move from a 'secondary regeneration phase' to a maintenance programme, effectively reducing the number of hours and resources required at the sites each year. In the long term, this will enable other sites to have a greater amount of resources in turn improving the overall condition and sustainability of

bushland.

- ***Community Partnerships***

Council has over 750 active volunteers as part of its Bushcare programme operating at over 80 sites. This is a highly successful programme that demonstrates the strong community interest towards the environment and desire to partner with Council to assist local environs. Beyond Bushcare, there is interest in Council supporting additional programmes that assist in the management of other sites and assets. Parkcare, Landcare and Firewise are three examples of programmes that would come into effect as resources become available. The special rate would support these initiatives.

A community small grants programme is proposed to enable community groups to better manage their sites, thereby forming financial as well as social partnerships. In the Ku-ring-gai Community Environment Survey conducted by Ku-ring-gai Council in association with Monash University and the University of NSW in April 2004, a key initiative raised by participants was the idea of small community grants scheme that should be funded if a special rate was introduced; support has also been echoed in the responses to the Environmental Levy Survey (Attachment 3) accompanying this application for a special rate variation. In essence this scheme would enable groups of resident's access to Council funding to improve their local environment and use these funds to leverage other small community grants that would be otherwise unsustainable to the community or Council.

- ***Recreation***

Within Ku-ring-gai's bushland areas, there are hundreds of kilometres of walking trails, the majority being informal connecting tracks linking to the 'recognised' formal system. Nationally significant trails including the Great North Walk, Harbour to Hawkesbury Walk, and many regional and local tracks constructed by Council, National Parks, community groups and others, transect the LGA. Anecdotal evidence and community surveying suggests there has been a significant increase in the use of these tracks for walking and more recently mountain bike riding.

Under the proposed programme, nine tracks will be substantially improved to cater for the increased use and to address long standing erosion and degradation. Works under this programme will integrate with current recreation trail management undertaken by Council's bushland access team and works expected to occur from section 94 contributions to link new development sites with our existing track network. Supporting the intent behind this programme is Council's *Open Space Strategy – People Parks and Bushland*, that recognise the need to increase recreational opportunities and facilities particularly for walking that caters for youth, families and our high number of retirees and a Recreational Trail Guide (in preparation) that will set maintenance and construction standards for various categories of walking tracks.

- ***Fire Management***

Bushland covers approximately one third of the Local Government Area and while this provides valuable ecological and recreational functions, it also presents a significant fire risk. Across the Hornsby-Ku-ring-gai fire district there have been four significant fires (1939, 1944, 1957 and 1965). More recently, 11 fires have occurred during the past three decades, (1968, 1971, 1976, 1981, 1983, 1989, 1990, 1994, 1997, 2001/02 and 2002/03). This greater frequency and risk, due to continued development at the urban bushland interface, threaten lives and assets and has the potential to change the bushland ecology.

Fire Management is now coordinated by the Hornsby Ku-ring-gai District Fire Management Committee. A key strategy used by this Committee to manage wildfire and allow safe hazard reduction burns is to have a well established system of fire trails, walking tracks and fire breaks (also known as asset protection zones) along the bushland interface. Under the programme, 5 new fire breaks will be constructed and four major capital upgrades to the fire trail network will be

undertaken. These are intended to bring these assets up to the revised standard required by the NSW Rural Fire Service. The programme will also update the bushfire prone lands map, required by legislation to be revised by December 2007.

○ ***Regulation and Enforcement***

The programme proposes to employ two rangers to investigate, enforce and inform residents at the bushland interface on the continued problems of rubbish dumping, encroachment onto public land, and the control of noxious weeds. At present existing regulatory staff are fully committed to other areas, such as parking, management of building sites and water and noise pollution. The creation of two dedicated personnel to assist in the management of bushland issues will greatly assist in managing the condition of bushland from weeds, particularly the control of noxious weeds from backyards, and the construction and maintenance of fire breaks. With around 6,000 properties adjoining a bushland interface of some 90 kilometres, this programme will enable Council to provide the necessary face to face interaction and allow for an effective education and regulatory role.

○ ***Monitoring, Evaluation and Communication***

Monitoring and evaluation of the programme and publication of the results is an essential element to demonstrate accountability, transparency, and programme effectiveness while simultaneously providing ratepayers and residents with information on the specific programmes being funded and their progress. The mapping and survey elements of this programme will also enable Council to better understand how Ku-ring-gai's bushland and community are changing, and adapt accordingly.

D. Provide detail (ie. quantification or costings) of:

(i) Any recent productivity improvements and expenditure reductions (savings and efficiencies in \$) relating to the whole of Council's budget.

Introduction

In recent years Ku-ring-gai Council has improved its financial position and implemented productivity reforms to increase service delivery and improve the management of our assets. The four areas of financial management, capital works and asset management, organisational efficiencies and application of technology, underpin both the current position and future direction for Ku-ring-gai.

This has principally involved:

- Improving the sustainability of Council's financial position;
- Pursuing a systematic review of its operations and functions;
- Better aligning day to day operations and capacity with strategic priorities for Ku-ring-gai;
- Implementing changes to the organisation's management structure where required to assist in the above and;
- Skilling of the workforce;

These processes have achieved significant productivity improvement and efficiency gains through:

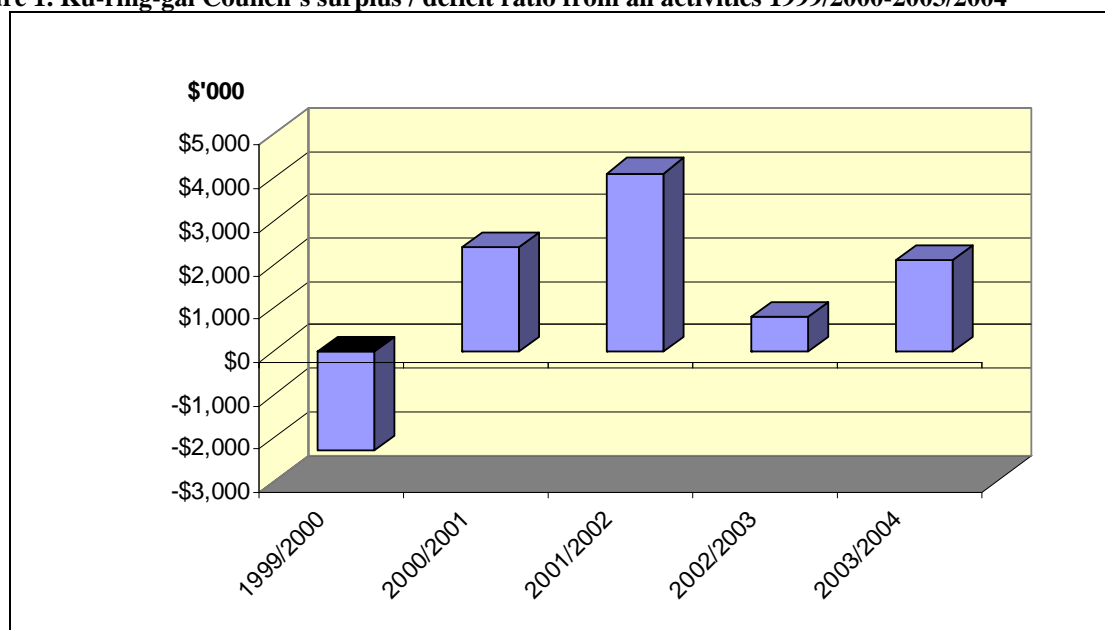
- Introduction of more efficient work practices;
- Introduction of more effective systems, procedures and work practices to support work outputs;
- Absorption of increased non-discretionary costs;
- Absorption of costs of services devolved from other levels of government;
- Establishing / negotiating alternative means of achieving sought outcomes and;

- Implementation of medium to long term financial strategies to increase income and reduce expenditure.

Council's financial strategies are governed by its Ten Year Financial Model, which aims to increase the organisation's commitment to asset renewal, while simultaneously reducing debt. The Model was developed out of the need to establish principles to ensure the long term financial sustainability of Council whilst ensuring it would continue to provide existing levels of service to the community. Key to driving these strategies is a transfer of all savings into internally restricted reserves for reallocation as capital works or asset management Programmes.

Aside from the long term financial model, Council's financial position has improved steadily over the past 4 years. This is illustrated in the following graph which shows Council's surplus / deficit from all activities 1999/2000-2003/2004.

Figure 1. Ku-ring-gai Council's surplus / deficit ratio from all activities 1999/2000-2003/2004



Asset Management and Capital Works Programmes to both maintain the existing serviceability of assets and improve them to meet the future needs of our community have been increased significantly as a result of Council initiatives over the last 4 years. The majority of savings that have been identified have been transferred from Council's working fund to its Capital Works Reserves fund in order to better manage assets and systems in the longer term.

Under the Ten Year Financial Model and the creation of Works of Direct Community Benefit restricted reserve and capital works reserves, a prioritisation process has been adopted to govern various programmes. This has enabled a strategic rather than reactive basis for the selection and investment in works across the 12 categories of capital works (stormwater drainage, paved paths, kerb and gutter, road rehabilitation, traffic facilities, cycle ways, council buildings, playgrounds, indigenous tree canopy tree planting, open space amenities, sports fields and tennis courts). In each of these categories, an assessment and weighting system has been developed to score and thus prioritise works according to available funding.

Complementary to the prioritisation process for the capital works programmes, a review of the maintenance (repairs to existing fixtures and fittings) and refurbishment (minor improvements) funding has been undertaken on the broad range of Council assets. These include buildings, roads, footpaths and cycle ways, drains, traffic facilities, street signs, fencing, car parks, passenger fleet and

operational fleet. This process has been driven by the lack of funding to bring assets up to a satisfactory standard. The seven year rolling programme, as adopted by Council, will address this shortfall in order to balance the current depreciation with the need to ensure our assets comply with legislation. While not all assets will meet the desirable standards as set in the process due to the high replacement value and estimated cost to bring to a satisfactory standards, the process nevertheless enables a more equitable and strategic approach to managing resources.

Further, in the past 3 years, there have been reviews across each department of Council to improve the operational efficiency of service delivery. The outcomes of these reviews have identified savings through a reduction in staff numbers, revision of operational procedures, increasing the accountability of staff and managers to deliver services within set time periods, and standards and the application of new technology. The key driver of this programme has been to absorb costs increases whilst maintaining existing service levels and where possible freeing up resources for the provision of new services. For example creation of new positions including the Internal Ombudsman, Corporate Lawyer and improvements to the development assessment process.

Introduction of more efficient work practices

Ku-ring-gai is continually reviewing, refining and implementing work practices that improve productivity and efficiency. Skill development, multi-skilling, retraining, effective recruitment and the application of new technology are all tools that Council is utilising in this regard. Council's sought outcome has been to at least maintain, if not improve the quality, quantity and range of services offered within a budgeting framework that does not increase in real terms and where possible is reduced.

Some examples over the last 4 years include:

- Higher frequency visitation and improved services to parks and sporting fields following a review of maintenance in 2002/03. This resulted in the creation of larger multi-skilled and geographically based teams with a reduction of 4 positions.
- Development of a business case and subsequent acquisition of a "Forest Mulcher" which has dramatically increased the frequency in maintenance of fire trails and fire breaks from a three year cycle to at least twice a year. Ku-ring-gai has significant areas of high fire risk and this \$100,000 initiative has been funded by not replacing a labourer vacancy for 2 years. The machine has an effective life of approximately 5 years.
- Through improved processes, a specialist tennis court booking officer's duties have been absorbed into existing staff and that position not replaced.
- The alignment of management structure within the Open Space and Planning Departments allowed a reduction in manager positions by one, which represented a saving of approximately \$70,000 for the organisation and also a reduction in service duplication.
- Implementation of a computerised Customer Request System to both provide improved service to customers, accountability for staff and efficiencies through improved management of workflow across various areas of Council. Initially utilised for waste and tree requests, the system is now utilised for all internal and external service functions.
- Reduction in outstanding Development Applications – In October 2003, Council had approximately 1,000 outstanding applications. Following a complete restructure and reorganisation of work this has now reduced to 550. This provides a twofold benefit to Council, both in terms of reducing Council's exposure to unnecessary legal costs and provision of quality customer service to applicants.
- The completion of a review of plant utilisation and cost comparison of short term hire versus purchase for plant items. As an outcome the organisation now has a plant replacement

programme that allows for planned replacement for all of Council's plant which, whilst not providing direct savings will prevent erosion in the value of Council's plant thus ensuring machinery capable of meeting Council's requirements. Purchase of specialist broad acre mowing equipment that has increased service levels whilst reducing labour input is a specific example.

- Council has developed a procedure for managing aspects of risk and liability by allocating funding to various asset areas on a priority basis. This has followed the eradication of the ruling of non-feasance by the High Court and the introduction of the Civil Liability (responsibility) Act 2002 relating to the awarding of damages relating to the death or injury. The new prioritised approach to asset management has been in place since May 2003, in the road maintenance and repair programme
- A review of the street cleaning and drainage maintenance operations in 2003 identified saving of \$50,000, mainly attributed to a reduction in external plant hire. These savings have since been reinvested into the drainage reserve to allow for the installation of new drainage works and gross pollution control traps in future budgets.

In overall terms, during the period 2001/02 to 2004/05 the total number of employees in Council has been reduced from 455 to 451. This has been achieved, despite the requirement for additional resources across key areas of Council including:

- The appointment of an Internal Ombudsman to ensure increased transparency of Council processes and decision making.
- The appointment of a Corporate Lawyer to increase rigour in the case management of Land and Environment Court appeals.
- An increase in the number of assessment officers and particularly having the required skills to address the high number of outstanding development applications and the increasing complexity of medium and higher density applications.
- An increase in the number of strategic planners and the required skill sets has also been necessary to meet the requirements of the Minister assisting the Minister for Planning in relation to progression of Council's Residential Housing Strategy and in particular meeting specified deadlines for planning for Council's town centres.

Absorption of increased costs and increased services

Council has over the last four years absorbed significant increases in non-discretionary costs which have been funded and addressed whilst still maintaining existing service levels and programmes, and in many areas increasing the services provided to our community. Examples since the commencement of the 2001/2002 year include

I.T. System

Council had no choice but to implement new corporate software systems as the previous Stowe AS400 system was no longer supported. Council originally joined a project syndicate with six other councils still using the "Stowe" system. The project was called "Councils on line". It became apparent that forecast cost estimates were well beyond Council's capacity to fund and accordingly, it was necessary for Ku-ring-gai to obtain an alternative solution, one that had to be achieved without the support and partnership of other Councils.

Subsequently, a full suite of systems has been implemented for \$1.5 million. Systems include:

- Trim Electronic Document Management System
- Finance One

- Proclaim
- Chris 21 Payroll
- Spydus Library System

These systems have all been implemented successfully. Council has process-mapped many of its functions in conjunction with this implementation, to maximise structural/operational efficiency. Improvements include:

- More detailed and meaningful asset data collection and reporting.
- Streamlined financial ledgers and reporting
- Electronic document management system which has removed the need for physical file maintenance.
- Development of electronic database for all applications, which allows for accurate tracking and reporting of applications. This will be further progressed over the next twelve months to enable remote tracking of applications by Council's constituents.
- Processing of creditors by Electronic Funds Transfer (EFT).

The challenge for Council over the coming twelve months will involve tightening the interaction between systems, developing a centralised booking system and continuing enhancement of asset reporting capability

Obligations under The Threatened Species Conservation Act 1997 require the preparation and implementation of recovery plans for threatened species and endangered ecological communities. These requirements have direct impacts on planning, operational and regulatory activities at Council. Most recently this is evidenced by the approval of the darwinia Biflora recovery plan affecting significant areas of Council bushland.

- Activity associated with the implementation of Internet and Web based technologies to service community demand for access to information.
- Increasing focus on risk management in response to legislative requirements, cost of insurance and litigation and changes required by the amendments to the Occupational Health & Safety Act.
- The introduction within our Library Services of an indigenous collection and a specialist technical library service for Council staff to assist in overall organisational service delivery.
- Continuing growth and sophistication in consultative mechanisms used throughout Council ..

Establishing / Negotiating Alternative means of Achieving sought Outcomes

Ku-ring-gai Council has sought opportunities to use alternate methods to achieve the desired service and operational standards.

Examples of changes to service delivery include:

- Increases to the use of landscape contractors for the construction of Open Space embellishments.
- Complementing work teams with casual or external suppliers to meet seasonal spikes or labour demand on specific projects. This has produced a multiple benefit of allowing work teams to continue a focus on programmed work schedules with additional costs being incurred only when specific tasks or projects are required to be undertaken.
- Recruitment of specialist contractors within our trade and fleet areas to address specialist programme needs.
- Council has established a taskforce to identify ways to use the Web and technology to more

effectively service our community. One of the first initiatives has been to provide the community with the ability to provide feedback and complete surveys directly onto the web. Given the substantial costs involved in information provision and consultation due to increasing requirements of the community to be involved in decision making, this is already providing returns to Council.

Business plans and associated marketing strategies have been or are in preparation for, key recreation assets including West Pymble Swimming pool, Turramurra and Gordon Golf Courses and our 71 tennis courts in order to improve patronage and their financial return to Council. The golf courses and tennis courts provide an income source to Council hence the long term viability of these facilities as recreational facilities and commercial ventures and income producing assets is critical.

*(ii) **Other funding options** Council has considered in lieu of this special variation application **and reasons for not pursuing these (eg. borrowings)**.*

The development of the 2005/09 Management Plan and 2005/06 budget is predicated on the following principles:

- Maintenance and improvement to existing levels of service provision to the community
- Continuing improvement in Council's overall financial performance including the efficiency of Councils operations
- Continued commitment towards the maintenance and renewal of the community's assets
- Respond to community demand for enhanced environmental management and repair of degraded natural systems
- Analyse the need for new community facilities to meet community expectation.

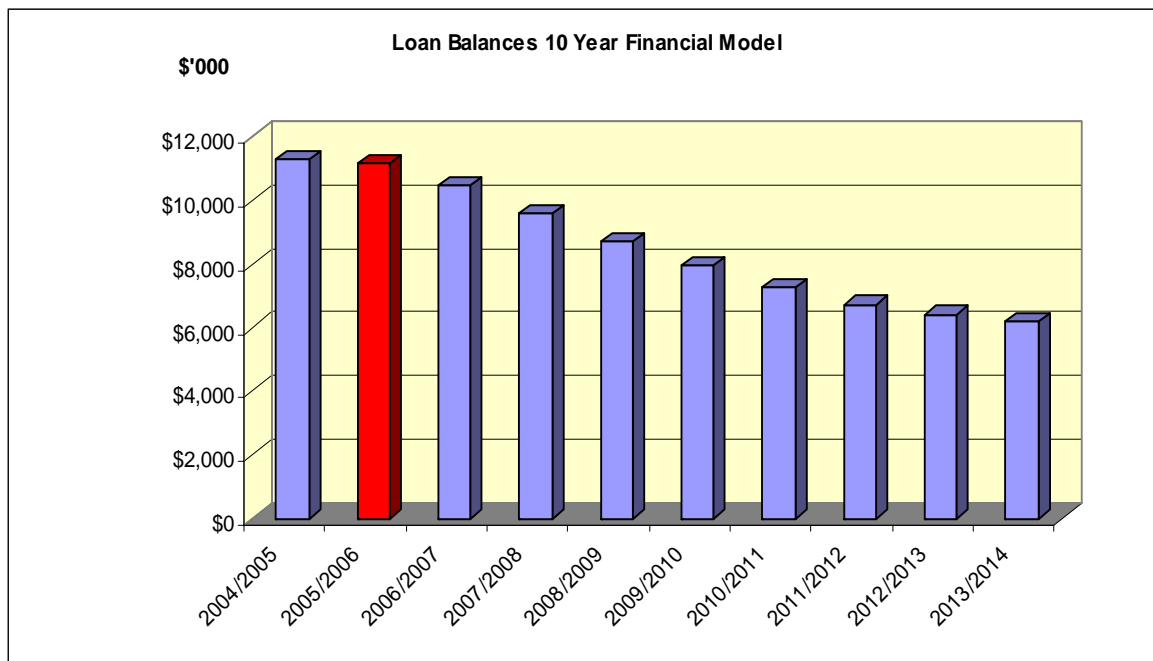
Financing these priorities is closely linked to Council's adopted Ten Year Financial Model and has been the subject of extensive review of all available funding options.

The ten year financial model requires that any savings in principal and interest repayments will be transferred to works of direct community benefit which include parks bushland, footpaths recreational facilities etc (refer to the capital works list above). This is a primary strategy for increasing the amounts of money that can be sustainably applied to the renewal and management of community assets.

Loan Borrowings

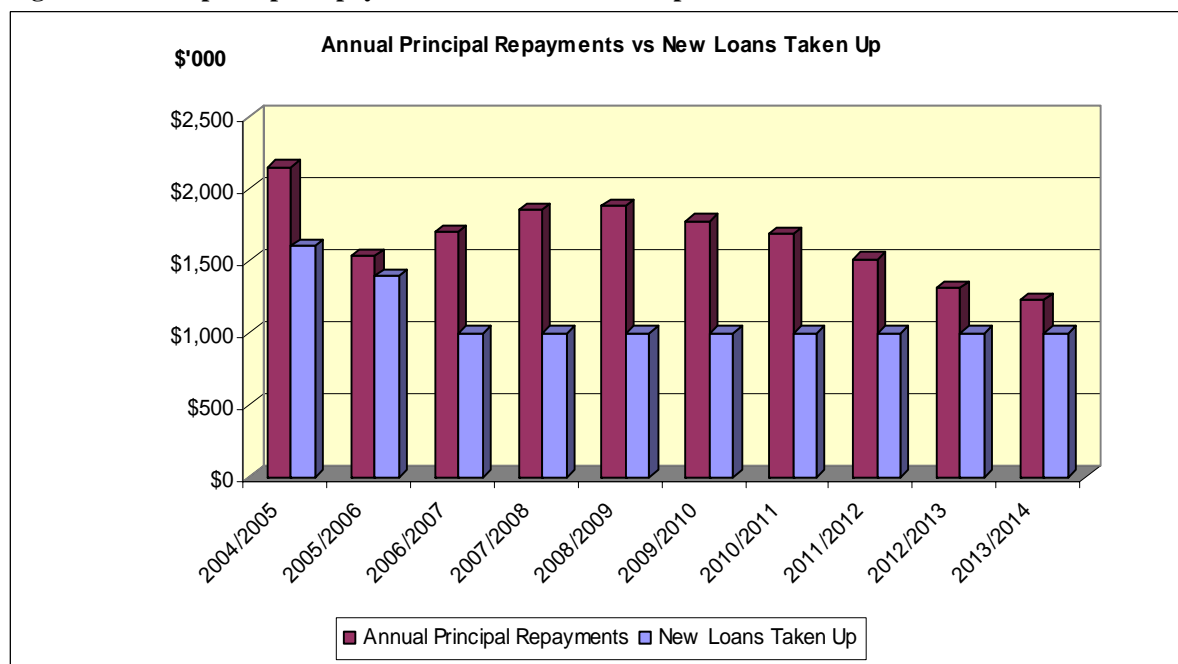
In line with Council's debt reduction strategy, Council's loan liability will reduce from \$11.3 million at the end of the 2004/2005 financial year to \$6.2 million at the end of the 2013/2014 financial year. The reduction in Council's debt liability is shown in *Figure 2*.

Figure 2 Ten Year Financial Model loan balance



Debt repayments for the period 2004/2005 – 2013/2014 total \$16.7 million, while new loans taken up are only \$11 million, resulting in a net debt repayment of \$5.7 million. *Figure 3* illustrates the relationship between annual principal repayments versus new loans taken up for the period 2004/2005 – 2013/2014.

Figure 3 Annual principal repayment and new loan take-up



Council is committed to repaying net debt each year. That is principal repayments will be greater than new borrowings taken up. A summary showing annual net debt repayments is shown in *Table 14*.

Table 14 Net debt repayments 2004/05 to 2013/14

	04/05	05/06	06/07	07/08	08/09	09/10	10/11	11/12	12/13	13/14	Total
--	-------	-------	-------	-------	-------	-------	-------	-------	-------	-------	-------

	\$'00 0	\$'00 0	\$'00 0	\$'00 0	\$'00 0	\$'00 0	\$'00 0	\$'00 0	\$'00 0	\$'00 0	\$'000
Principal Repayments	2,154	1,538	1,706	1,857	1,877	1,779	1,690	1,514	1,315	1,224	16,654
New Loans Taken Up	1,600	1,400	1,000	1,000	1,000	1,000	1,000	1,000	1,000	1,000	11,000
Net Debt Repayment	554	138	706	857	877	779	690	514	315	224	5,654

The debt service ratio assesses the degree to which operating revenues are committed to the repayment of debt. It is reported in the Annual Financial Statements and is calculated by:

$$\frac{\text{interest plus principal repayments}}{\text{total revenue less specific purpose grants}}$$

Council's debt service ratio will reduce from 5.6 per cent in 2003/2004 to 1.9 per cent at the end of 2013/2014. The reduction in debt service ratio is a result of Council's strategy to reduce new borrowings during the life of the Model.

The Ten Year Financial Model also includes an initiative to restrict any reductions achieved in debt servicing costs to go towards works of direct community benefit. The base year for this initiative is 2001/2002.

Debt servicing costs in the base year 2001/2002 was \$4.4 million. In the following years, the difference between the base year 2001/2002 and each subsequent year's debt servicing costs are allocated to works of direct community benefit. In 2005/2006 \$2,177,000 will be restricted to works of direct community benefit.

Between 2002/2003 and 2013/2014, \$23.3 million will be allocated to works of direct community benefit as a result of this initiative. This strategy aims to increase the amounts of money that can be sustainably applied to the renewal and management of community assets.

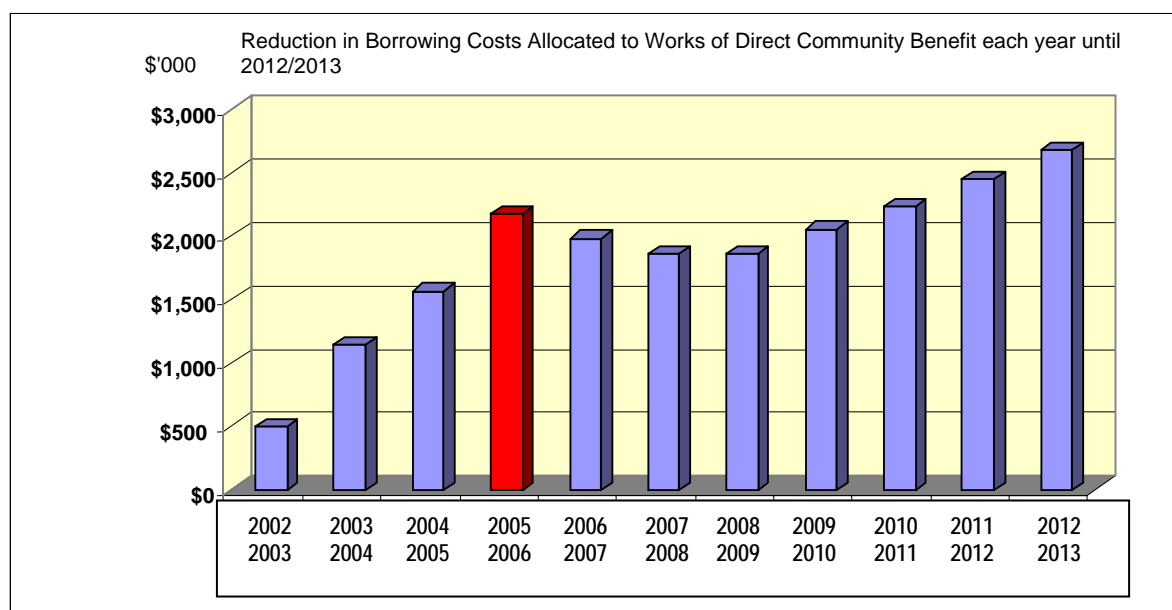
Table 15 shows the calculation of the reductions in borrowing costs and the amounts that are to be restricted on an annual basis.

Table 15 Reduction in borrowing and transfer to works of direct community benefits (WDCB) restricted asset fund.

	01/02	02/03	03/04	04/05	05/06	06/07	07/08	08/09	09/10	10/11	11/12	12/13	13/14	Total
	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000
Interest Expense	1,001	817	729	694	698	725	694	676	583	491	454	427	413	8,402
Principal Repayments	3,412	2,780	2,543	2,153	1,538	1706	1857	1,877	1,779	1,690	1,514	1,315	1,224	25,389
Total Repayments	4,413	3,597	3,272	2,847	2,236	2,431	2,551	2,553	2,362	2,181	1,968	1,742	1,637	33,791
Difference from Base Year (01/02). Restricted to W.D.C.B	Nil	500	1,141	1,566	2,177	1,982	1,863	1,860	2,051	2,232	2,446	2,671	2,776	23,265

Figure 16 shows the annual amounts that will be allocated to works of direct community benefit as a result of this initiative.

Figure 16 Additional funding transferred to the works of direct community benefit arising from reductions in borrowings



If Council was to undertake additional borrowings to assist in the delivery of works identified in this application, funding for capital works programmes/projects currently funded under the framework of the organisation's 10 year financial model will be adversely affected.

As stated above, during the period 2001/02 to 2013/14, Council will transfer a total of \$23,265,000, being reductions in principal and interest loan repayments to capital works programmes and projects. This amount is based on restricting 100% of accumulated principal and interest loan repayment reductions from the base year of 2001/02.

Any decision to increase loans as a means of funding the environmental works identified in this application will increase required principal and interest repayments in future years and hence, reduce the commitment to associated programmes which are currently funded.

On the basis that works identified in this application will not generate any recurrent income stream to Council, the organisations ability to fund capital programmes will actually be reduced in real terms to the extent of interest repayments required in association with undertaking additional borrowings.

Section 94 Income

For the 2005/2006 Financial Year Council's Capital Works Programme will not be funded by any Section 94 income.

Council has adopted a new Section 94 Plan, associated with recent gazettal of LEP 194. In future years these funds will be applied to the following projects/programmes:

Construction of a Childcare Centre	\$3,500,000
Multipurpose Community Centre	\$5,800,000
Library Books	\$286,000
Park Acquisitions/Embellishments	\$30,000,000

Sportsgrounds Works	\$6,500,000
Aquatic Centre	\$135,000
Traffic/Pedestrian/Cycleway Networks	\$145,000
Public Domain Study	\$250,000

Whilst this plan will generate additional revenue for Council and reduce rates and charges as a proportion of total income, this plan will in no way assist in funding works associated with this application for the following reasons:

- The initiatives requiring funding under the auspices of this application are current. As such, no nexus can be drawn to the levying of Section 94 charges against future development to assist in funding.
- The population of the Council is anticipated to increase by 16,000 people over the next 10 – 20 years. This will act to intensify pressures/effects on the natural environment, making it critical that issues identified in this application are addressed as soon as possible.

Commercial opportunities for Funding

With a high reliance on revenue from general rate sources, Council is investigating opportunities for greater commercial returns on its assets and other commercial opportunities with relatively low levels of risk to the community. Council has recently entered into arrangements for the display of advertising on bus shelters and is looking at other similar initiatives for its golf courses and seeking reputable offers for further and new, commercially focussed opportunities within our open space network.

Similarly, Council is initiating a review of its property portfolio, particularly within town centres that are subject to requirements for increased housing density. There is an expectation that where the community supports such redevelopment, additional resources will be required to be reinvested in these areas over and above that which can be achieved through Section 94 funds and for compensatory purchases of land or facilities elsewhere. Accordingly, works undertaken to upgrade community facilities in Council's town centres have the potential to create an additional impost on Council's short term cash reserves.

Reliance on external grants to fund the extent and scope of works identified is not realistic or feasible. Although there is State and Federal Government funding available to assist in the implementation of projects, the terms and conditions of most of these grants rely on Councils matching funding, typically on a 1:1 basis or greater. A key benefit in the obtaining the special rate variation will allow Council greater capacity to apply for this funding to supplement the benefits of the identified projects. In recent years, Council has not been successful in attracting large infrastructure or restoration grants of the type identified in the proposed programme. However, with the expansion of the capital works programme through applying saving towards works of direct community benefit, it was able to leverage \$87,000 from the State Government's Envirofund to assist in the regeneration of bushland adjacent to an oval in St Ives that is part of the sports field and catchment management capital works fund. This is nevertheless a sole example and given the extent of the environmental issues facing Ku-ring-gai, a multiple funding strategy is necessary.

8. **PROPOSED RATES AND ANNUAL CHARGES STRUCTURE - 2005/2006 WITH VARIATION** including any income adjustment and any valuation objection income proposed to be recouped. (NOTE: A separate line is required to show respective details for minimum rates)

(i) Ordinary Rates	# of Assessments	Minimum Rate(M)/Base Amount(B) \$	¢ in \$	Valuation (1 July 2005)	Notional Yield \$
Farmland (Name)					
Sub-Total					
Residential (Name)	35403	366	.20321	16,557,727,910	34,208,185
Sub-Total	35403			16,557,727,910	34,208,185
Mining (Name)					
Sub-Total					
Business (Name)	889	366	.544321	426,754,413	2,343,638
Sub-Total	889			426,754,413	2,343,634
TOTAL	36292		TOTAL	16,984,482,323	36,551,823

- (ii) **Special Rates** (excluding water and sewerage) - 2005/2006

PURPOSE	# of Assessments	Minimum Rate(M)/Base Amount(B) \$	¢ in \$	Valuation (1 July 2005)	Notional Yield \$
Infrastructure Levy	36292		.010402	16,991,668,536	1,767,474
Environmental Levy	36292		.011107	As above	1,887,310
Total	36292			16,991,668,536	
TOTAL					\$3,654,784

- (iii) **Annual Charges (s501) - 2005/06** (including drainage, *excluding* water, sewerage and all waste management services)

Purpose	# of Assessments	\$ Annual Charge	\$ Notional Yield
TOTAL			\$ NIL

- (iv) **TOTAL 2005/06 NOTIONAL GENERAL INCOME YIELD**

{ Sum of Notional Yield totals in (i), (ii) and (iii) }.

- (v) **LESS VALUATION OBJECTION INCOME proposed to be recouped in 2005/06.**

\$40,206,607

(\$18,000)

(vi) **NET 2005/2006 NOTIONAL GENERAL INCOME YIELD**

\$40,188,607

{ iv less v }

8A **PROPOSED RATES AND ANNUAL CHARGES STRUCTURE - 2005/2006 (WITHOUT VARIATION)** including any **income adjustment** and any **valuation objection income proposed to be recouped**. (NOTE: A separate line is required to show respective details for minimum rates)

(i) Ordinary Rates	# of Assessments	Minimum Rate(M)/Base Amount(B) \$	¢ in \$	Valuation (1 July 2005)	Notional Yield \$
Farmland (Name)					
Sub-Total					
Residential (Name)	35403	366	.20321	16,557,727,910	34,208,185
Sub-Total	35403			16,557,727,910	34,208,185
Mining (Name)					
Sub-Total					
Business (Name)	889	366	.544321	426,754,413	2,343,638
Sub-Total	889			426,754,413	2,343,638
TOTAL	36292		TOTAL	16,984,482,323	36,551,823

(ii) **Special Rates** (excluding water and sewerage) - **2005/2006**

PURPOSE	# of Assessments	Minimum Rate(M)/Base Amount(B) \$	¢ in \$	Valuation (1 July 2005)	Notional Yield \$
Infrastructure Levy	36292		.010402	16,991,668,536	1,767,474
Total				16,991,668,536	
TOTAL					\$1,767,474

(iii) **Annual Charges (s501) - 2005/06** (including drainage, *excluding* water, sewerage and all waste management services)

Purpose	# of Assessments	\$ Annual Charge	\$ Notional Yield
TOTAL			\$ NIL

(iv) **TOTAL 2005/06 NOTIONAL GENERAL INCOME YIELD**

{ Sum of Notional Yield totals in (i), (ii) and (iii) }.

\$381,319,297

(v) **LESS VALUATION OBJECTION INCOME proposed to be** (\$18,000)
recouped in 2005/06.

(vi) **NET 2005/2006 NOTIONAL GENERAL INCOME YIELD**
 { iv less v }

\$38,301,297

9. **NOTIONAL GENERAL INCOME (RATES AND ANNUAL CHARGES STRUCTURE) 2004/05**

***Note:** Valuations listed here are to be taken from Council's Valuation list on 1 July 2004 and are to include supplementaries having the same base date and furnished to Council during 2004/05 and estimates of increase in valuations provided to the Council under section 513.

(i) Ordinary Rates	# of Assessments	Base Amount(B)/ Minimum(M) \$	¢ in \$	Valuation *(see note above)	Notional Income \$
Farmland (Name)					
Sub-Total					
Residential (Name)	35,426	354 (M)	.19635	16,527,877,868	33,037,361
Sub-Total	35,426			16,527,877,868	33,037,361
Mining (Name)					
Sub-Total					
Business (Name)	883	354 (M)	.5259	422,931,809	2,244,324
Sub-Total	883			422,931,809	2,244,324
TOTAL	#36309		TOTAL	\$16,950,809,677	\$35,281,685

(ii) **Special Rates (excluding water and sewerage) – 2004/05**

PURPOSE	# of Assessments	Base Amount(B)/ Minimum(M) \$	¢ in \$	Total Valuation *(see note above)	Notional Income \$
Infrastructure Levy	37063		.01005	17,528,495,834	1,761,614
Total					
				TOTAL	\$1,761,614

(iii) **Annual Charges (s501) - 2004/05 (including drainage, excluding water, sewerage and all waste management services)**

Purpose	# of Assessments	\$ *Annual Charge	\$ Notional Income

TOTAL			\$

*NB: Each element of the annual charge to be separated into its own Notional Yield calculation

(iv) **2004/05 NOTIONAL GENERAL INCOME**

\$37,043,299

{Sum of Notional Income totals in (i), (ii) and (iii)}

10. **2005/06 PERMISSIBLE GENERAL INCOME**

2004/05 Notional General Income (point 9(iv))

37,043,299

#Less Decrease from expiry of a prior special variation

Adjusted 2004/05 Notional General Income

37,043,299

#Plus Increase from announced variation

A+B # {Plus/(Minus) Adjustment for prior catch-up(s)/(excess)

C # {Minus Valuation objections}

TOTAL \$37,043,299

As per Departmental written advice: (A, B & C – for all councils) and regarding expiry of a previously approved special variation for a specific period only (applicable councils advised).

11. **IS A SPECIAL VARIATION REQUIRED?**

*2005/06 Notional General Income Yield (point 8(iv))

*38,319,297

Less Valuation Objection income to be recouped (pt. 8(v))

(18,000)

Less Permissible General Income (point 10 total)

37,043,299

TOTAL (Difference) \$1,257,998

*Includes Crown Land Income Adjustment “NIL” (amount or Nil)

12. (i) **2005/06 REVENUE FOR DOMESTIC WASTE MANAGEMENT SERVICES ANNUAL CHARGE(S) - \$496 AND USER PAYS \$502 – List each charge separately.**

*NB: Each element of the annual charge to be separated into its own Notional Yield calculation

Purpose	# of Assessments	\$ *Annual Charge	\$ User Pays	\$ Notional Yield
Base service with green waste service	28689	250.00		7,274,750.00
Base service without green waste service	296	190.00		61,180.00
Flat, home unit	4123	230.00		977,040.00
Provision additional green waste bin per container per year	640	80.00		52,720.00
240 litre waste container with green	2134	350.00		746,900.00

waste				
Provision additional 120 litre waste container per container per year	56	120.00		6,720.00
Vacant Land	255	100.00		25,500.00
240 litre waste container without green waste	21	270.00		5,670.00
240 litre waste - Flat, home unit	2	350.00		700.00
TOTAL				\$9,151,180

(ii) **2004/05 REVENUE FOR DOMESTIC WASTE MANAGEMENT SERVICES ANNUAL CHARGE(S) - \$496 AND USER PAYS \$502**

Purpose	# of Assessments	\$ *Annual Charge	\$ User Pays	\$ Notional Yield
Base service with green waste service	29,898	230.00		6,876,540
Base service without green waste service	352	170.00		59,840.00
Flat, home unit	3957	210.00		830,970.00
Provision additional green waste bin per container per year	144	80.00		11,520.00
240 litre waste container with green waste	1610	330.00		531,330.00
Provision additional 120 litre waste container per container per year	0	100.00		0.00
Vacant Land	299	80.00		23,920.00
TOTAL				\$8,334,090

13. **2005/06 REVENUE FOR ANNUAL (NON-DOMESTIC) WASTE CHARGE(S) – \$501**

Purpose	# of Assessments	\$ *Annual Charge	\$ Notional Yield

2004/05 REVENUE FOR ANNUAL (NON-DOMESTIC) WASTE CHARGE(S) – \$501

Purpose	# of Assessments	\$ *Annual Charge	\$ Notional Yield
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14. **CURRENT FINANCIAL INFORMATION (General Purpose only ie. excluding Water and Sewerage)**
Provide comments on (1 & 2):

- 1) 2002/03 and 2003/04 Audited financial results
- 2) 2004/05 year to date financial results and estimates for 2005/2006.

Complete or provide a copy of each of the following (3, 4a, 4b, & 5):

- 3) **ATTACH** A SUMMARY OF ITS ESTIMATES OF INCOME AND EXPENDITURE (PREPARED ON AN ACCRUAL BASIS) FOR AT LEAST THE NEXT 3 YEARS, AS REQUIRED TO BE INCLUDED IN COUNCIL'S DRAFT MANAGEMENT PLAN.

4a)

	30/6/03 Actuals \$'000	30/6/04 Actuals \$'000	30/6/05 Estimated Results \$'000	30/6/2006 Estimates \$'000
Current Assets less all External Restrictions	14857	14249	14553	
Current Liabilities less Specific Purpose Liabilities	8229	8526	8387	

Cash and Investments				
Externally Restricted Assets	4154	2552	3158	
Internally Restricted Assets	10077	9401	6843	7527
Unrestricted Cash and Investments	710	1744	1999	1999
Total Cash and Investments (as at 30/6)	14941	13697	12000	13000

*4b) Please provide a list of internally restricted assets estimated at (i) 30/6/05 and (ii) 30/6/06.

See attached list for 30-06-05
See attached list for 30-06-06

- 5) **Statement of Performance Indicators (General Purpose only excluding Water and Sewerage)***

	30/6/03	30/6/04	30/6/05 Estimated Results	30/6/06 Estimates
Unrestricted Current Ratio				
Rates & Annual Charges Outstanding %				
Debt Service Ratio				

Note: *The financial information included above must be consistent with the definitions and calculations in section 5.14 and Example Note 13 of the Code of Accounting Practice (according to most recent update).*

Externally Restricted Assets	Budgeted Balances 2004/2005					
Asset	Opening Balance	Transfers In	Interest	Transfers Out	Closing Balance	2005/06
Employee Leave Entitlements	-\$870,000.00				-\$870,000.00	-\$957,000.00
Election	\$3,688.00	-\$50,000.00			-\$46,312.00	-\$50,943.20
Kindergarten	-\$7,000.00				-\$7,000.00	-\$7,700.00
Garbage	-\$480,820.00				-\$480,820.00	-\$528,902.00
Plant Replacement	-\$215,811.00	-\$327,800.00		\$350,000.00	-\$193,611.00	-\$212,972.10
Library	-\$9,000.00				-\$9,000.00	-\$9,900.00
Property	-\$2,021,883.00		-\$94,200.00	\$2,116,083.00	\$0.00	\$0.00
Gordon Parking Fund	-\$225,578.00				-\$225,578.00	-\$248,135.80
Wahroonga Parking Fund	-\$168,239.00				-\$168,239.00	-\$185,062.90
Ryde Road Parking Fund	-\$300,000.00				-\$300,000.00	-\$330,000.00
Roseville Parking Fund	-\$44,786.00				-\$44,786.00	-\$49,264.60
Lindfield Parking Fund	-\$26,709.00				-\$26,709.00	-\$29,379.90
Insurance	-\$10,000.00	-\$45,200.00			-\$55,200.00	-\$60,720.00
Information Technology	-\$25,000.00	-\$380,000.00	-\$9,700.00	\$405,000.00	-\$9,700.00	-\$10,670.00
Depreciation Reserve				\$0.00	\$0.00	\$0.00
Road Rehabilitation	-\$624,000.00	-\$260,000.00	-\$44,966.67		-\$928,966.67	-\$1,021,863.33
Drainage	-\$560,340.00	-\$200,000.00	-\$22,833.33	\$523,917.00	-\$259,256.33	-\$285,181.97
Building Replacement Reserve	-\$697,541.00	-\$410,000.00	-\$34,866.67	\$367,000.00	-\$775,407.67	-\$852,948.43
Footpath	-\$268,504.00	-\$200,000.00	-\$15,733.33	\$417,000.00	-\$67,237.33	-\$73,961.07
Contribution To Works	-\$250,232.00				-\$250,232.00	-\$275,255.20
Golf Course Levy	-\$267,262.00	-\$250,000.00		\$250,000.00	-\$267,262.00	-\$293,988.20
Golf Course Upgrade	-\$35,000.00				-\$35,000.00	-\$38,500.00
Infrastructure Restoration	-\$230,561.00	-\$340,000.00		\$530,000.00	-\$40,561.00	-\$44,617.10
Sportsfield Improvement	-\$140,000.00			\$72,000.00	-\$68,000.00	-\$74,800.00
Playground	-\$50,642.00				-\$50,642.00	-\$55,706.20
Tree Planting	-\$35,000.00				-\$35,000.00	-\$38,500.00
Natural Environment Reserve	-\$40,000.00			\$5,000.00	-\$35,000.00	-\$38,500.00
Swimming Pool Reserve	-\$30,000.00				-\$30,000.00	-\$33,000.00
Parks	-\$25,000.00				-\$25,000.00	-\$27,500.00
Reductions in Borrowings	-\$312,172.00	-\$1,566,200.00	-\$76,000.00	\$1,799,200.00	-\$155,172.00	-\$170,689.20
Superannuation Reserve	-\$740,000.00	-\$185,000.00			-\$925,000.00	-\$1,017,500.00
DA Reserve	-\$181,400.00			\$181,400.00	\$0.00	\$0.00
Bond	-\$200,000.00				-\$200,000.00	-\$220,000.00
Contingency	-\$236,679.00	-\$100,000.00		\$61,000.00	-\$275,679.00	-\$303,246.90

St Ives Showground (Environmental Remediation)	-\$23,843.00				-\$23,843.00	-\$26,227.30
St Ives Showground	-\$31,569.00				-\$31,569.00	-\$34,725.90
Revolving Energy Fund	-\$20,519.00				-\$20,519.00	-\$22,570.90
Total Internally Restricted Assets	- \$9,401,402.00	- \$4,314,200.00	- \$298,300.00	\$7,077,600.00	- \$6,936,302.00	- \$7,629,932.20

15. **IMPACT ON RATEPAYERS**

(i) Provide details of the impact of the proposed and general variations on **all rates and charges including water and sewerage, domestic waste and/or special rates.**

A	B	C	D	E
Rate/Charge Description	No. of Assessments	Average Rate/Charge with 2004/05 Rates structure \$	Average Rate/Charge with 2005/06 proposed Special Variation \$	Average Change (Difference between Columns C and D) \$
Rates				
Residential	35,403	\$933.67	\$966.25	\$32.58
Business	889	\$2,547.11	\$2,636.26	\$89.15
Infrastructure Levy	36,292	\$47.02	\$48.67	\$1.65
Environmental Levy	36,292	\$0.00	\$51.97	\$51.97
Charges				
Residential 120L Bin	28,689	\$230.00	\$250.00	\$20.00
Residential 240L Bin	2,134	\$330.00	\$350.00	\$20.00
Availability Charge	255	\$80.00	\$100.00	\$20.00
Additional 120L Bin	56	\$100.00	\$120.00	\$20.00
120L Bin with No Green Waste	296	\$170.00	\$190.00	\$20.00
240L Bin with No Green Waste	21	\$270.00	\$270.00	\$0.00
Unit Charge 120L Bin	4,123	\$210.00	\$230.00	\$20.00
Unit charge 240L Bin	2	\$330.00	\$350.00	\$20.00
Additional Green Bins	640	\$80.00	\$80.00	\$0.00
Non-Residential Waste	896	\$190.00	\$195.00	\$5.00

(ii) What financial impact will the proposed increase, including any concurrent changes to rating and charging policies have on ratepayers and particularly pensioners?

Based on a 5% increase, approximately \$1,760,000 (\$1,887,310 less pensioner rebates of \$127,310) would be generated in 2005/2006 with subsequent increases as projected in Council's 10 year financial model. This figure is based on 36,292 rate assessments less 3,290 pensioner rebates. This additional income represents 1.9 per cent of the expected revenue for Council in the 2005/06 budget.

Given that there are currently 36,292 rate assessments, this would equate to an average cost per household of \$52.00. It should be noted that this figure is an indicative average only and will vary between rate assessments in line with differences in rateable land values.

Council will grant eligible pensioners a full rebate on this levy. Council currently has approximately 3,290 assessments that are subject to a pensioner rebate, therefore the anticipated cost to Council in granting this rebate would be approximately \$127,310 per annum.

(iii) Additional comments including range of increases

16. PUBLICITY

A. (1) What additional publicity has been given to the Council's proposal to seek this variation apart from the draft management plan (DMP)?

(2) Provide a copy of the relevant inclusion in the DMP including both rating and charging structures (ie. with and without special variation application); and

(3) State exhibition dates of DMP.

- A. (1) In addition to the Draft Management Plan, Ku-ring-gai Council has ensured contact across the community through media and extensive community consultation. Council has prepared summary and detailed documents available on the Internet, and distributed through public facilities, as well as a media release for the press. Formal publicity on the environmental levy commenced on February 18th 2005 through the announcement in the Mayoral Column in The North Shore Times, with details posted concurrently on Council's website the same day. Attachment 3 provides a detailed summary of the consultation to date.

Newspapers

Council has made concerted efforts to have material published in local and metropolitan newspapers, including using its own column in the North Shore Times. Specific reports through newspapers to date (4th April, 2005) include (see **Attachments 4 for articles**):

- Ku-ring-gai Council media release 'Community views sought on environmental levy' – sent out March 11, 2005
- North Shore Times, *Mayoral Column*, 16th Feb 2005;
- Daily Telegraph – "Councils' rates on the up and up" article, page 9, Monday 14th March

2005

- North Shore Times Editorial '*Levy will be a winner if used correctly,*' Friday March 18th, 2005
- North Shore Times - "*Council ponders green fee*" Article, page 3 Friday March 18th, 2005

Council Newsletters

Through its newsletters Council has provided summarised information about the levy and access points for more detailed information. These include the article, "Environmental levy for Ku-ring-gai?" in the *Bushcare News*, the Ku-ring-gai Bushcare Community Volunteer Newsletter, Issue 46, Summer 2004/05 sent out in early February 2005. The Open Space quarterly newsletter "Out in the Open" will provide updated levy information including results of resident feedback in the next edition due out in June, 2005, as will Council's newsletter that is forwarded to every property.

Ku-ring-gai Council Website

Detailed information has been available on [Ku-ring-gai Council's website](http://www.kmc.nsw.gov.au/) (<http://www.kmc.nsw.gov.au/>) since 18th February 2005. Specifically, the site explains reasons for the proposal, and its legislative basis (Local Government Act 1993, S508(2)). It also describes the amount and form of the proposed levy, Council's financial position (2000-2012), specific programme areas and projects to be funded, accountability, transparency and review mechanisms, communication methods, and consultation and participation processes. These are linked electronically to all relevant Council reports and sites.

Mail Out Survey

During march 2005, three thousand mail out surveys were sent to residents with summarised information on the proposal accompanying the survey. A return rate of over 30% was achieved with this survey.

B. (1) What was the public reaction to the proposal? Include summary of responses received before, during and after the exhibition of the Management Plan with respect to proposed rates and charges.

(2) Give an indication of the number of responses (including number for and number against proposal) and council's response, if any.

Council Advisory Committees

The Open Space Advisory Committees comprising the *Parks, Sport & Recreation Reference Group* and *Bushland, Catchments and Natural Areas Reference Group* have been directly involved in levy discussions, providing input into the development of the levy proposal, and providing feedback on issues. These groups have been overwhelmingly favourable in support for the levy as proposed, and have reinforced the strong need for these programmes in maintaining, preserving and improving our environment.

Community Responses

Throughout the consultation process before, during and after the exhibition of the Management Plan, the public reaction to the proposal for the rate variation has been continually monitored and analysed, with the feedback being incorporated into the final proposal and Management Plan.

Pre Management Plan

As part of the pre Management Plan consultation, a two-stage process was developed. The first was a broad community environment survey administered in April 2003 that sought information on residents' values, perceptions and knowledge of the environment. To determine willingness to pay, the survey asked respondents to indicate their level of agreement to the statement:

"I would agree to an increase in rates if the extra money would be used to fix environmental problems."

From the 1143 responses, 40 % indicated a willingness to pay for environmental improvements, a further 20% indicated a neutral stance on their willingness to pay. The main issues for the 20 % that were neutral and 40% that disagreed identified in follow-up group interviews and focus groups were:

1. The need to provide information on what the money would be specifically spent, timeframes and funding limits;
2. How a levy would be accounted;
3. How transparency in decision-making and auditing would be established; and
4. How residents would be involved in the delivery of the programmes.

Interestingly however, income and stated environmental behaviours and attitudes had very little bearing on respondents' willingness to pay.

The second phase of consultation involved administering the same survey instrument, titled '*Environmental Levy Survey*' (**Attachment 3**) through a variety of means to maximise community reach. The survey was specifically designed to determine the level of community support for the environmental levy and the priority of the various programmes as nominated. The process involved:

1. 3,000 postal surveys distributed across the LGA covering each suburb proportionally. To ensure possible variations between location were captured, areas selected were close to shopping precincts or bushland, as follows:

Suburb	Population	Number of surveys	Area type
Warrawee/ Wahroonga	22,008	600	shops
Turramurra	19,141	500	bush
Pymble	13,038	350	shops
St Ives	17,372	450	bush
Gordon	6,104	150	shops
Lindfield	10,723	300	bush
Killara	11,109	300	shops
Roseville	12,866	350	bush
Totals	112,361	3000	

2. Posting the survey on Council's website with links to the relevant information regarding the levy process, administration and programmes.
3. Distributing hard copies of the survey distributed to Council facilities, such as libraries, the Administrative Centre, and through functions including the Youth Council to obtain

relative priorities of projects from the under 20 year olds who are often under-represented in consultation.

Responses from these surveys were:

- Postal survey (19th April, 2005) 852 responses 58% yes 42% no
- Internet survey (19th April 2005) 193 responses - 58% yes 42% no
- Hard copy survey (19th April 2005) 82 responses - 52% yes 48% no)
- Youth Survey (results available for analysis after 24 April for inclusion in Council's final submission)

In addition to the surveys three focus groups involving 20 people were held to discuss details of the proposed programme, communication, participation, accountability and transparency. A summary of the outcomes of these meeting is included as *Attachment D*. At the conclusion of the meetings, participants were asked if they supported the proposed special rate variation or not and if they had any particular provisors or conditions as to funding. Ninety-five (95%) agreed so long as Council ensures:

- full collaboration with local communities in their local projects' planning, design, implementation, running, monitoring, evaluation and review;
- levy budgeting allows for continued maintenance of new environmental programmes and does not detract from the existing environmental budget;
- the levy is totally dedicated to specific and clearly identifiable projects;
- inclusion of a 'sunset clause' in the application with a defined timeframe;
- continuing and effective communication of the progress and outcomes of each project, with opportunities for community feedback and regular review;
- the proposed Advisory Committee mechanism designed to guarantee transparency and accountability in programme development, auditing, and in the small grants programme remains, and is neither diminished nor undermined.

A detailed analysis of the results of the community consultation are included as Attachment 3 to this submission.

During the Draft Management Plan development

A public meeting to discuss the environmental levy will be held within the period of exhibition of the draft Management Plan.

The purpose of the public meeting is to provide the community access to information on the proposed levy and planned activities. The reason for the public meeting being held during the exhibition of the draft management plan and after the collection of the other consultative processes is to provide documented evidence of community opinion reflecting willingness to pay, priorities and other issues of concern.

Further details including the number of ratepayers attending the public meeting and the numbers for and against proposal, accompanied by community attitudes and concerns arising will be reported in the final application.

Post Management Plan

C. (1) Provide details of any public meeting(s) held to discuss the proposal. (2) State the number of ratepayers that attended and (3) the numbers for/against proposal. (4) Any comment?

17. LOCAL MEMBERS VIEWS

Please state Member's Name and corresponding view regarding proposal, if known.

Hon Barry O'Farrell

To be undertaken during the period of public exhibition of the Management Plan.

18.

STATUTORY LIMIT		
YEAR	%	APPROVED GENERAL INCOME INCREASE %
2002/03	3.3	3.3
2003/04	3.6	3.6
2004/05	3.5	3.5
2005/06		3.5

19. TRAVEL EXPENSES

Details of Expenditure Incurred or Proposed on Overseas and Interstate Travel for Elected Members and/or Staff.

	2004/05 \$	2005/06 \$
Elected Members	\$1,000	Nil Budget
Staff	\$1,250	Nil Budget

Comments

20. OTHER

Include any other comment the Council might wish to make in support of its application.

22. CERTIFICATION

I certify that to the best of my knowledge the information provided in this application is

correct and complete.

DATE

GENERAL MANAGER

DATE

**RESPONSIBLE ACCOUNTING
OFFICER**

MEMORANDUM FOR ACTION

EXECUTIVE SUMMARY

PURPOSE OF REPORT:	To report to Council on Councillor Malicki's Notice of Motion.
BACKGROUND:	Council at its meeting held on 22 March 2005 resolved to adopt Councillor Malicki's Notice of Motion concerning the "Memorandum of Action" system of reporting matters requiring attention.
COMMENTS:	Councillors & Staff now have access to more modern and effective communication tools.
RECOMMENDATION:	That the report on the Notice of Motion be received and noted.

PURPOSE OF REPORT

To report to Council on Councillor Malicki's Notice of Motion.

BACKGROUND

Council at its meeting of 22 March 2005 resolved as follows:

Minute No 94

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

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

I move:

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

Resolved:

(Moved: Councillors Malicki/Andrew)

That the above Notice of Motion as printed be adopted.

COMMENTS

The "Memorandum for Action" forms would be useful, however, Councillors and Staff have been provided with modern and effective electronic communication tools.

Councillors are able to e-mail Directors or simply contact them on their mobile phones to report any matters requiring more urgent attention. Both methods are more immediate than a form which has to be delivered to the appropriate Council Department for actioning.

Staff also have access to the Customer Request System to report any matters where action is needed, such as potholes, overgrown/damaged street trees. Councillors can also advise the Councillors' Secretary of any matter requiring action and it will be entered into the Customer Request System.

Item 4

S02943
5 April 2005

The process of reporting matters requiring attention continues but in a different way.

CONSULTATION

Not applicable.

FINANCIAL CONSIDERATIONS

Not applicable.

CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

Not applicable.

SUMMARY

Not applicable.

RECOMMENDATION

That the report on the Notice of Motion be received and noted.

Geoff O'Rourke
Senior Governance Officer

Brian Bell
General Manager

INVESTMENT CASH FLOW & LOAN LIABILITY AS AT 31ST MARCH 2005

EXECUTIVE SUMMARY

PURPOSE OF REPORT:	To present to Council the investment allocation and the performance of investment funds, monthly cash flow and details of loan liability for March 2005.
BACKGROUND:	Council's investments are made in accordance with the Local Government Act (1993), the Local Government (Financial Management) Regulation (1999) and Council's Investment Policy which was adopted by Council on 12 December 2004 (Minute No.480).
COMMENTS:	The Reserve Bank of Australia (RBA) increased the official cash rate by 0.25% during March to 5.50%.
RECOMMENDATION:	That the summary of investments, daily cash flows and loan liability for March 2005 be received and noted.

PURPOSE OF REPORT

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

BACKGROUND

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

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

COMMENTS

During the month of March Council's cash increased by \$2,850,000 and gross capital appreciation on Council's investments was \$93,200.

Council's total investment portfolio at the end of March 2005 is \$19,478,100. This compares to an opening balance of \$17,271,200 as at 1 July 2004.

Council's General Fund interest on investments for March year-to-date is \$760,400. This compares favorably to the year-to-date budget of \$640,000.

Council's total debt as at 31 March 2005 is \$10,385,900. This compares to a total debt of \$11,850,000 as at 1 July 2004.

PERFORMANCE MEASUREMENT

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

- **Management of General Fund Bank Balance**

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

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

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

- **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%.

Item 5

S02722
1 April 2005

Summary of Borrowings

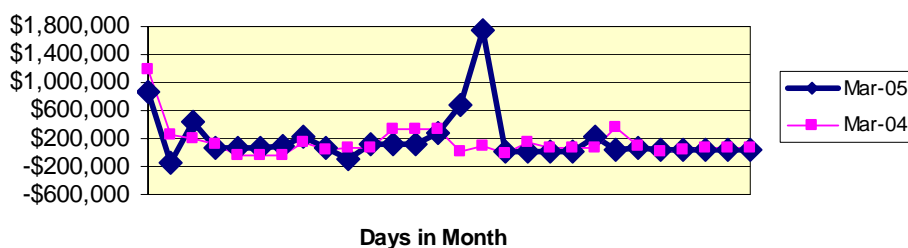
This is a summary of Council's borrowings. It lists each of Council's loans, original amounts borrowed, principal repayments made, outstanding balances, interest rates and maturity dates.

March 2005

Management of General Fund Bank Balance

During March Council had an inflow of funds of \$2,850,000. During the month of March funds were received from the third rate installment which fell due on 28 February 2005, and Section 94 contributions, totaling \$1,768,800.

Management of General Fund Bank Balance



Funds Performance against the UBS Bank Bill Index

The weighted average return for the total portfolio of managed funds during March was 6.25% compared to the benchmark of the UBS Bank Bill Index of 5.67%.

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	\$1,650,380	(\$50,000)	\$8,155	\$1,608,535	5.69%
Deutsche Income Fund	At Call	\$3,508,876	\$1,150,000	\$20,160	\$4,679,037	6.05%
Macquarie Income Plus Fund	At Call	\$3,829,729	\$850,000	\$21,617	\$4,701,345	6.60%
Perpetual Credit Enhanced Cash	At Call	\$4,463,108	\$900,000	\$26,028	\$5,389,138	6.66%
Turramurra Community Bank	Term Deposit	\$500,000	-	\$2,358	\$500,000	5.66%
CBA Loan Offset No 1	Offset	\$1,170,000	-	\$5,125	\$1,170,000	5.39%
CBA Loan Offset No 2	Offset	\$1,430,000	-	\$6,264	\$1,430,000	5.39%
TOTALS		\$16,552,093	\$2,850,000	\$89,707	\$19,478,055	

Item 5

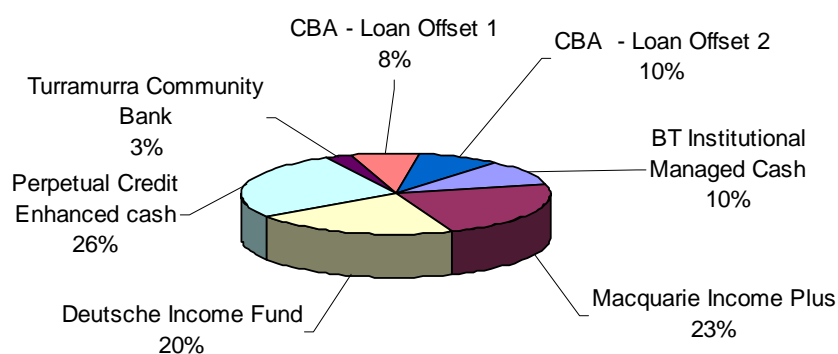
S02722
1 April 2005**Year-to-date Funds Performance against the UBS Bank Bill Index**

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 –March 2005	UBS Bank Bill Index Annualised for July 2004 –March 2005
BT Institutional Managed Cash	5.65%	5.54%
Deutsche Income Fund	6.42%	
Macquarie Income Plus Fund	6.55%	
Perpetual Credit Enhanced Cash	6.57%	
Turramurra Community Bank	5.66%	
CBA Offset No.1	5.57%	
CBA Offset No.2	5.57%	

Allocation of Surplus Funds:

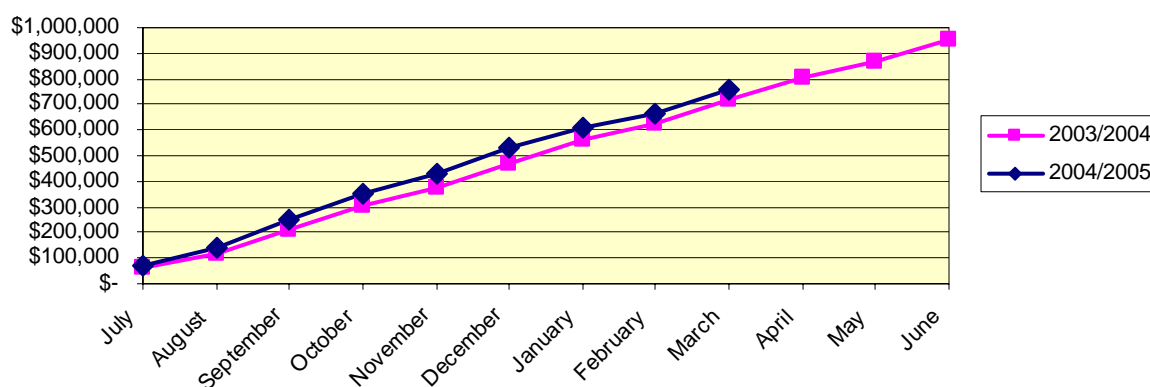
Council's funds during March were allocated as follows:

Portfolio Allocation of Surplus Funds

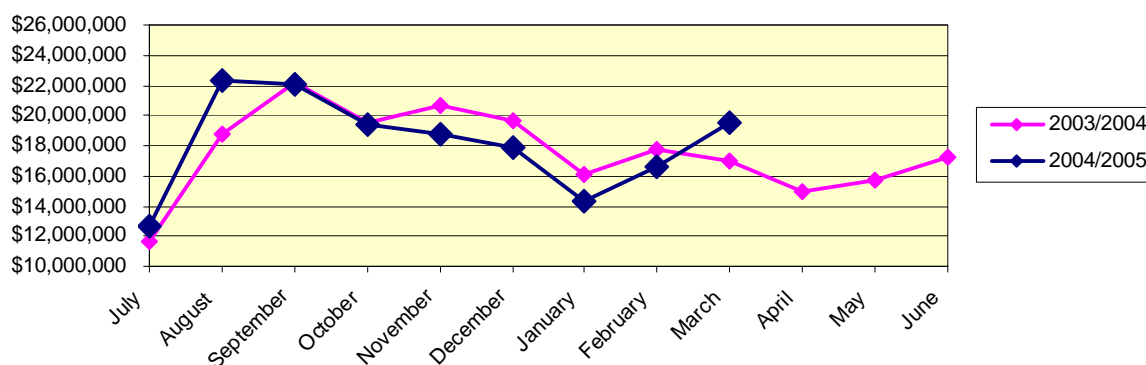
Item 5

S02722
1 April 20052003/2004 versus 2004/2005**Accumulative Interest**

The following graph compares the interest earned on an accumulative monthly basis for financial years 2003/2004 and 2004/2005. As at the end of March 2005, year to date interest earnings totaled \$760,400. This compares to \$717,500 at the same time last year, an increase of \$42,900.

Accumulative Interest 2003/2004 v's 2004/2005**Total Investment Portfolio**

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

Total Investment Portfolio 2003/2004 v's 2004/2005

During March 2005 Council's investment portfolio increased by \$2,850,000. In comparison, during March 2004 Council's investments decreased by \$750,000.

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1 April 2005

Council's closing investment portfolio of \$19,478,100 in March 2005 is \$2,439,100 higher than the March 2004 closing balance of \$17,039,000.

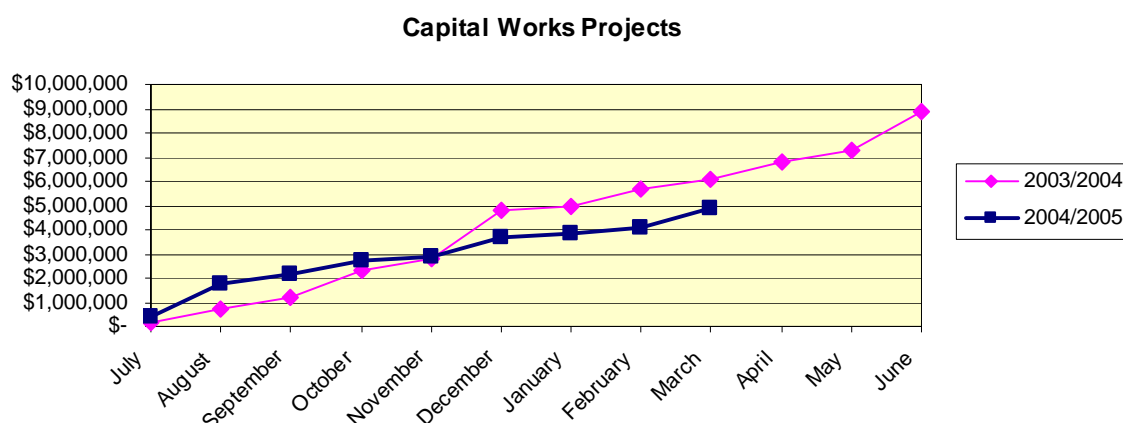
Capital Works Projects

As at the end of March 2005 Council has expended \$4,896,700 on capital works, which is \$1,205,000 lower than at the same time last year when \$6,101,700 had been expended.

During March 2005 Council expended \$379,300 on capital works, which compares to \$410,600 during March 2004, a decrease of \$31,300.

Council's 2004/2005 total budget for capital works (excluding fleet replacement and purchase of the property at 48 St Johns Avenue, Gordon) is \$9,891,900 which leaves funds of \$4,995,200 unspent at the end of March.

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



Portfolio Performance Average Return 2003/2004 versus 2004/2005

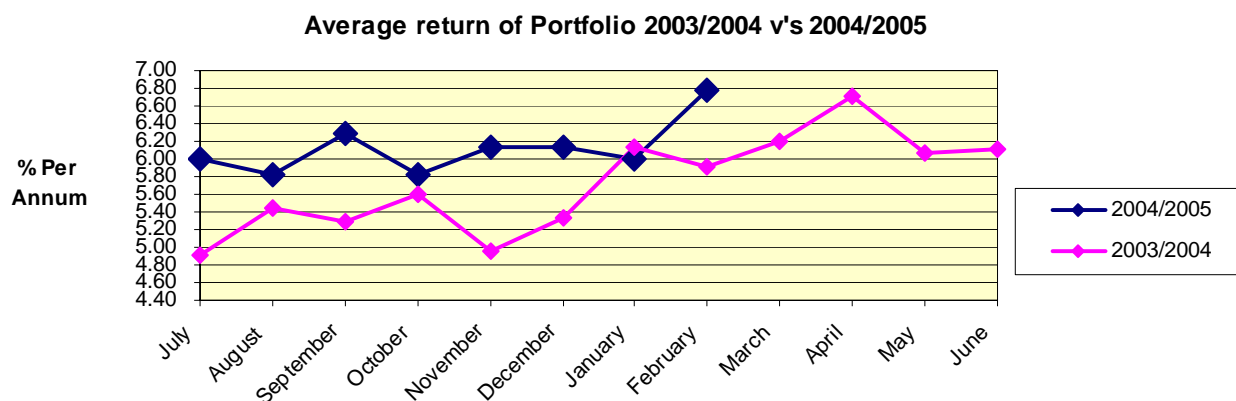
The following graph compares the monthly returns on Council's portfolio for the financial years 2003/2004 and 2004/2005.

In March 2005 earnings before fees were 6.25%, this compares to 6.20% in March 2004.

For the period July 2004 – March 2005 Council's average earnings before fees were 6.14%. This compares to 5.53% for the same period last financial year.

Item 5

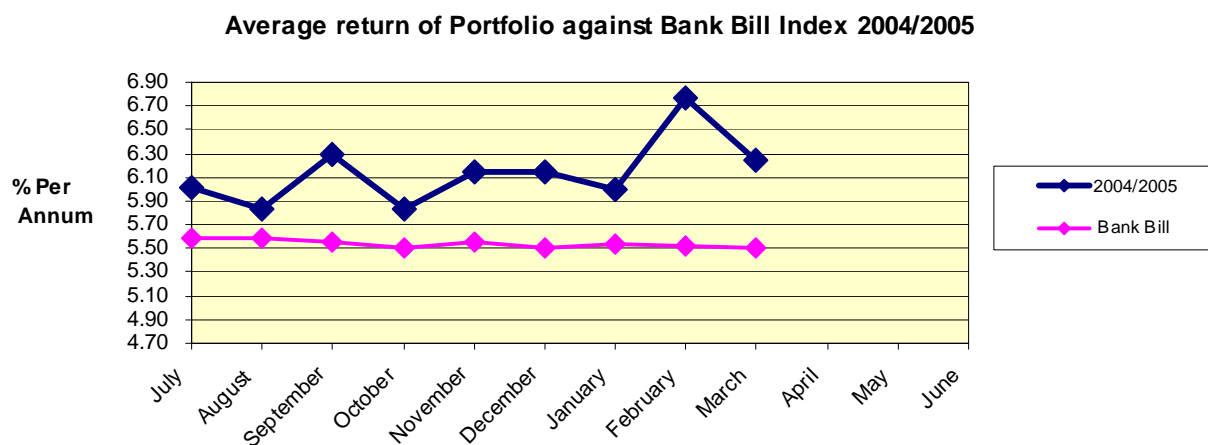
S02722
1 April 2005



2004/2005 Portfolio Performance against the UBS Bank Bill Index

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

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



Item 5

S02722
1 April 2005**Summary of Borrowings**

There were no loan repayments made in March, leaving the total level of debt at month end to \$10,385,900. This compares to a total debt at 1 July 2004 of \$11,850,000.

Lender	Loan Number	Original Principal	Principal Repayments	Balance Outstanding	Interest Rate	Draw Down Date	Maturity Date
Westpac	127	\$1,000,000	\$577,558	\$422,442	6.32%	29-Jun-98	29-Jun-08
CBA Offset No 1	128	\$2,600,000	\$1,430,000	\$1,170,000	5.39%	29-Jun-99	13-Jun-09
CBA Offset No 2	129	\$2,600,000	\$1,170,000	\$1,430,000	5.39%	13-Jun-00	14-Jun-10
CBA	130	\$2,600,000	\$732,979	\$1,867,021	6.32%	26-Jun-01	28-Jun-11
NAB	131	\$2,600,000	\$495,310	\$2,104,690	6.85%	27-Jun-02	27-Jun-12
Westpac	132	\$1,882,000	\$224,562	\$1,657,438	5.16%	27-Jun-03	27-Jun-13
CBA	133	\$1,800,000	\$65,647	\$1,734,353	6.36%	23-Jun-04	23-Jun-14
TOTAL		\$15,082,000	\$4,696,056	\$10,385,944			

CONSULTATION

Not applicable

FINANCIAL CONSIDERATIONS

The Reserve Bank of Australia (RBA) increased the official cash rate by 0.25% during March to 5.50%.

CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

Not applicable.

SUMMARY

As at 31 March 2005:

- Council's total investment portfolio is \$19,478,100. This compares to an opening balance of \$17,271,200 as at 1 July 2004.
- Council's General Fund interest on investments totals \$760,400. This compares favorably to the year-to-date budget of \$640,000.
- Council's total debt is \$10,385,900. This compares to a total debt of \$11,850,000 as at 1 July 2004.

RECOMMENDATION

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

John McKee
Director Finance and Business

TRAFFIC ACCESS TO MEMORIAL AVENUE, MONA VALE AND LINK ROADS

EXECUTIVE SUMMARY

PURPOSE OF REPORT:

The purpose of this report is to advise Council on the options and issues associated with access to the area bounded by Memorial Avenue, Mona Vale and Link Roads associated with the proposed future development under LEP 194.

BACKGROUND:

Associated with the proposed development of the land bounded by Memorial Avenue, Mona Vale and Link Roads is the need to determine the preferred traffic access arrangements. This will be dependant on the land ownership and the outcome from the traffic study for St Ives.

COMMENTS:

Associated with the submissions on DCP 55 Council resolved to seek further advice on the traffic access from the land bounded by Mona Vale Road, Link Road and Memorial Avenue.

Whilst access in and out of the site through a new proposed connection with Stanley Street may have some benefit on traffic grounds, there are implications associated with property acquisition and a development application currently being assessed by Council.

RECOMMENDATION:

That the preferred access arrangements be further assessed following completion of the traffic study for the St Ives area and taking into consideration assessment of likely traffic generation from any development application proposals lodged with Council.

PURPOSE OF REPORT

The purpose of this report is to advise Council on the options and issues associated with access to the area bounded by Memorial Avenue, Mona Vale and Link Roads associated with the proposed future development under LEP 194.

BACKGROUND

At Council's meeting of 14 December 2004, Council considered a report on the adoption of Kur-ring-gai Multi-Unit Housing Development Control Plan No. 55 – Pacific Highway/Railway Corridor and St Ives Centre.

As part of the report, a proposed traffic access into and out of the site bounded by Memorial Avenue, Mona Vale and Link Roads known as the "St Ives triangle" is to be considered:

Council resolved that:

"Traffic access to the Memorial Avenue, Link and Mona Vale Roads triangle be reviewed in March 2005 to assess the feasibility of an access point adjacent to Stanley Street. A report to come to Council on the feasibility of this option taking into account patterns of land ownership at that time and legal advice on the options available to Council for acquisition of land under the Roads Act."

At the time of finalising the Masterplan for the site, the proposed access into and out of the site was based on known property ownerships and likely lot amalgamations. Also, access into the site from Mona Vale Road would be subject to the requirements of the Roads and Traffic Authority as this road is a State Arterial Road and under its care and control. The likely situation being that the RTA would only allow access into the site but would not allow egress unless it was controlled through a signalised arrangement.

With the land ownership details known at the time and the need to have a minimal impact on the current property owners, the preferred traffic arrangement as indicated in DCP 55 was to provide for access off Mona Vale Road through Sturt Place and egress into Memorial Avenue. The proposed road is likely to follow the known property boundaries and lot amalgamations. Whilst this may have had an impact on some properties, it was determined that this would have the least amount impact on property ownerships.

An alternative option, as proposed by the St Ives Progress Association, was to connect Stanley Street to an internal road within the "St Ives triangle".

Current traffic volumes around the site are shown in the table below:

Street	Daily Volumes (Dates)	Peak Hourly Volumes (am/pm)
Memorial Avenue	9,240 (1996)	678am/755pm
Link Road	21,280 (1998)	NK
Mona Vale Road	44,000 (2002)	3910am/3700pm

Item 6

S03730
12 April 2005

The environmental capacity for peak hourly volumes per lane should not exceed 1000 vehicles per hour to avoid excessive traffic delays. This needs to be considered in association with the performance of the intersections in terms of the Level of Service. The levels of service for the various signalised intersections around the site are as shown:

Intersection	Level of Service
Mona Vale Road/Memorial Avenue	C (am) and F (pm)
Link Road/ Memorial Avenue	C (am) and C (pm)
Mona Vale Road/Link Road	C (am) and D (pm)
Mona Vale Road/Stanley Street	A (am) and B (pm)

Below is a table describing the various Levels of Service for a signalised intersection:

Level of Service	Description
A	Good with no delays
B	Good with acceptable and spare capacity
C	Satisfactory
D	Operating at near capacity
E	At capacity with delays
F	Unsatisfactory and requires additional capacity or control mode.

COMMENTS

Whilst traffic access is one important aspect, consideration also needs to be given to property ownership and the processes associated with the possible creation and closure of roads.

New internal roads can be created by either developer agreement or planning powers such as consent conditions. If it can be established that the road could provide benefit to all parties by providing access to existing roads and determined to be the most efficient access, then the road could be dedicated to Council. Alternatively, if the proposed developer is not in favour of dedication of a new road, then Council may need to proceed with acquisition and creation.

Attached, as **Attachment A**, is a copy of an internal traffic report on the likely traffic generation from redevelopment of the area under LEP 194. As can be seen in the report, the likely peak hourly traffic generation would be around 250 vehicles per hour. If this traffic were to access Memorial Avenue then it would place added pressure on the intersection of Memorial Avenue and Mona Vale Road. Consequently, some measures may be required to improve the capacity of this intersection.

If the traffic access were to be directed in and out of Stanley Street, this would impact on Mona Vale Road because an additional phase would need to be included at this intersection. Hence, it would need to be demonstrated to the Roads and Traffic Authority, that the flow on Mona Vale Road would not be adversely affected.

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12 April 2005

Associated with the proposed Stage 2 residential strategy, Council has engaged a traffic consultant to undertake modeling of the entire St Ives area based on the likely future development. This study will examine a number of options to improve traffic flow through the area given the existing traffic issues and likely future demands. This study is to be concluded by early June 2005.

If access into and out of the area bounded by Memorial Avenue, Link and Mona Vale Roads is to be provided through a new intersection at Stanley Street, Council would then need to consider how this access road could be created. At present there are a number of different property ownerships affected by this proposal and it is possible that the creation of the new road would need to be obtained through property acquisition. It is likely that Council would need to fund this acquisition and therefore require significant funding for this purpose. Alternatively, an amended Section 94 plan may need to be prepared but the time constraints associated with this option would need to be considered.

At this stage, properties are owned by a number of different owners but negotiations are continuing between various parties. Meriton Apartments Pty Ltd has since lodged a development application for a portion of the site that uses Mona Vale Road for access to the site and Memorial Avenue for both access and egress of the site. This development application will be assessed in accordance with the current statutory planning controls and policy controls set out in DCP No. 55.

Attached, as **Attachment B**, is a copy of legal advice obtained by Council on the processes of acquisition of land for this purpose. This matter was discussed at Council's Planning Committee meeting in March 2005.

Given that Council is soon required to prepare a new LEP for the St Ives village centre and a traffic consultant has been engaged to undertake traffic modeling of the area, it is considered that access and egress from the site should not be considered in isolation. It is considered appropriate to await the outcome of the traffic study to determine the preferred traffic arrangements for the village centre which will also include likely traffic generation from this area.

CONSULTATION

Consultation on this matter was undertaken as part of the exhibition process associated with Development Control Plan No. 55.

FINANCIAL CONSIDERATIONS

The financial considerations would need to be further examined depending on Council's preferred option for access and egress to the site. However, this may now be irrelevant given that Council has received a development application for a large portion of the "St Ives triangle" and traffic analysis will now need to be considered as part of the assessment process for this development.

CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

Both Technical Services and Planning and Environment Departments have consulted in the preparation of this report.

SUMMARY

Whilst traffic access is one important aspect, consideration also needs to be given to property ownership and the processes associated with the possible creation and closure of roads.

Associated with the proposed Stage 2 residential strategy, Council has engaged a traffic consultant to undertake modeling of the entire St Ives village centre area based on the likely future development. This study will examine a number of options to improve traffic flow through the area given the existing traffic issues and likely future demands. This study is to be concluded by early May 2005.

Given that Council is soon required to prepare a new LEP for the St Ives village centre and a traffic consultant has been engaged to undertake traffic modeling of the area, it is considered that access and egress from the site should not be considered in isolation. The traffic impacts associated with the redevelopment of the site will be included in the traffic study report which is expected to be finalised in May 2005.

RECOMMENDATION

That the preferred access arrangements be further assessed following completion of the traffic study for the St Ives area and taking into consideration assessment of likely traffic generation from any development application proposals lodged with Council.

Greg Piconi
Director Technical Services

Attachments: **Attachment A - Internal Traffic Report**
 Attachment B - Legal Advice-Confidential

8 WEST STREET, PYMBLE - RELOCATION OF COUNCIL DRAINAGE EASEMENT AND STORMWATER PIPELINE

EXECUTIVE SUMMARY

PURPOSE OF REPORT:	For Council to consider granting approval for the relocation of a council stormwater pipeline and drainage easement to the applicant for 8 West Street, Pymble.
BACKGROUND:	<p>Development Application No. 1572/03 for a two storey commercial development and associated car parking at 8 West Street, Pymble, was approved by Commissioner Hussey in the Land and Environment Court on 14 October 2004.</p> <p>Granting of the development was subject to the conditions in Annexure 'A' of four deferred commencement provisions.</p>
COMMENTS:	Works involve relocating the easement predominately along the southern boundary of the site and a new 1200mm pipeline installed to replace the existing 1050mm pipeline. Relocation and extinguishment of the existing easement results in a redundant pipeline along the northern boundary..
RECOMMENDATION:	That Council grant approval for the relocation of the stormwater pipeline and easement in 8 West Street, Pymble subject to terms and conditions of this report.

PURPOSE OF REPORT

For Council to consider granting approval for the relocation of a council stormwater pipeline and drainage easement to the applicant for 8 West Street, Pymble.

BACKGROUND

The applicant, Reece Pty Ltd, submitted a Development Application (DA No.1572/03) to Council for a two storey commercial development and associated car parking at 8 West Street, Pymble. The development is to be used for the wholesale trade of plumbing supplies. As a consequence of Land and Environment Court proceedings No.10379 of 2004, the development was approved by Commissioner R Hussey on 14 October 2004.

Granting of the development was subject to the conditions in Annexure 'A' of the proceedings, shown in **Attachment 1**, comprising four deferred commencement provisions:

- Obtaining approval by council by formal request
- Formalise the drainage works proposed in No.8 West Street by submission of design plans to Council for approval.
- Approval for any portion of works on a public road.
- Submission of an Environmental Management Plan for approval by Council.

The applicant has submitted revised civil plans for stormwater drainage, drawings C1-C7 Revision A, dated 16 February 2005, as well as structural drawings S1-S18, Revision A dated 18 November 2004, prepared by Appleyard Forrest Consulting Engineers Pty Ltd. The structural plans are relevant to assess the location and depth of the piers and pad footings beside the pipe easement.

COMMENTS

Current situation

The site is currently traversed by a 1050mm diameter Council stormwater pipeline and easement along the north western boundary. Stormwater runoff from Suakin, Bridge and West Streets, converge into a road pit on the north eastern boundary of No.8 West Street which is then conveyed downstream, discharging into a natural gully within the adjoining property at the rear, as shown on drainage layout plan, **Attachment 2**.

The property is vulnerable to overflows in excess of the public drainage system or due to blockages, as the drainage pit fronting the site is located in the road sag. Overland flows drain in a south westerly direction over the gully coinciding with the pipe.

Proposal

Drawings detail measures to address conditions 2(a) and 2(b) in Annexure 'A'. Proposed modifications to the council drainage system comprise:

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12 April 2005

- i. Installation of four new pits to divert flow from the trunk drainage around the southern boundary and conveyed by a 1200 mm diameter pipe of 72 metres in total length.
- ii. Provision of removable panels to enable continued access for maintenance that are located over the pipeline and used as the access to the building.
- iii. Removal of the redundant 1050mm diameter pipe within the site.
- iv. Provision of an overflow route across the site over the relocated pipeline to convey surface flows, requiring terms for Restriction on Use.
- v. Extinguishment of the existing easement and creation of a new drainage easement 2.2m in width for the pipe and variable to accommodate the pit sizes.

Attached are drawing C2 as **Attachment 3** showing the trunk drainage relocation plan and drawing C3 showing the trunk drainage long section as **Attachment 4**.

Extinguishment and creation of new easement to drain water

The site is burdened by an existing drainage easement, indicated as LD 2565 on the drainage layout plan, **Attachment 2**. An identification survey for the site revealed the pipe location was on a different alignment to the easement. In addition, terms in these documents benefit the Council only by allowing surface and stormwaters from the road.

Of mutual benefit, is the requirement to extinguish the existing easement and create a new easement pursuant to Section 88B of the Conveyancing Act 1919 which is to address:

- A 2.2 metre wide and variable easement over the 1200mm diameter pipeline and pits.
- Benefit for the discharge of private stormwater into the pipeline.
- Restriction on Use for the overland flow path.

Consents were not necessary from the downstream owner for the reason the property has no easement over the pipe system and the pipeline terminates into an existing natural gully.

Assessment of proposed stormwater drainage

Drainage details submitted to support the application were assessed and overall are considered satisfactory. The key points are:

- i. The pipeline is sized to convey the 1 in 20 year ARI design flow of 3.5m³/s and is accordance with DCP47 requirements.
- ii. Provision of overland flow route that is designed to convey the flow of 3.4m³/s from a 5 year ARI design storm event and is accordance with DCP47 requirements.

The completed work will involve making the existing 1050mm diameter pipeline redundant. This pipeline will need to be removed after construction of the new 1200mm diameter pipeline.

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Whilst the integrity of the pipeline should be protected by restricting the area over the pipeline from heavy construction machinery during construction of the building, it is impractical in this instance. Following completion of the building, it would be prudent to undertake an inspection of the pipeline by CCTV with a copy supplied to council for verification prior to issue of Occupation Certificate.

If approval is given, the relocation works and removal of the existing pipeline must be completed prior to commencement of the building. Registration of the necessary documentation for the extinguishment and creation and associated restrictions must be carried out prior to issue of Occupation Certificate.

Approval for works on public road

The conditions outline requirements with regard to any portion of the pipeline relocation within the road reserve. As works associated with the relocated stormwater drainage pipeline are contained on site, approval from Council for works on a public road is not applicable, nor is erosion control requirement and traffic management requirements.

Submission of the Environmental Management Plan

The conditions also require submission of an Environmental Management Plan (EMP) for excavation, removal and disposal of fill from the site, noting that the EMP is to be approved by Council prior to the operation of the consent.

Approval of the EMP is obtained from Development and Regulatory section rather than by a resolution of the Council. In terms of the process, the matter is usually referred to the Environmental Planning & Projects Officer for assessment and comment.

CONSULTATION

Technical Services has consulted with the engineering consultant in relation to relocation and access of the stormwater pipeline.

FINANCIAL CONSIDERATIONS

All costs associated with construction, survey and legal matters for the relocation are to be borne by the applicant, Reece Pty Ltd benefiting from this work.

CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

Technical Services has consulted with the Engineering Assessment Unit in Development and Regulatory in matters relating to the location of pipework and flooding over the subject property.

SUMMARY

Reece Pty Ltd submitted a DA No.1572/03 for a two storey commercial development and associated car parking at 8 West Street, Pymble that was approved by Commissioner Hussey in the Land and Environment Court on 14 October 2004, with four deferred commencement provisions:

Revised stormwater plans and details, drawings C1-C7 Revision A, dated 16 February 2005, as well as structural drawings S1-S18, Revision A dated 18 November 2004, prepared by Appleyard Forrest Consulting Engineers Pty Ltd was submitted. Overall, the design was found to be in accordance with DCP 47 requirements and is considered satisfactory.

By virtue of the requirement to locate the building to the western boundary situated over the current drainage system comprising a 1050mm diameter pipeline and easement, substantial infrastructure is required for the relocation. Works involve an installation of an upsized pipe line to 1200mm diameter, provision of bolt pit lids to prevent surcharging due to a pressured pipeline, benching in pits, as well as provision of removal slab panel to allow continued access for maintenance. The redundant 1050mm pipeline within No.8 is to be removed and the trench backfilled.

The property is vulnerable to overflows from a sag drainage pit fronting the site which collects stormwater runoff from Suakin, Bridge and West Streets. An overland flow route is designed to convey the flow in accordance with DCP47 requirements, with the provisional hazard rating although high, does not pose risk to the public given the flowpath inaccessibility. Flows are controlled through the site by the use of dwarf masonry walls and are considered satisfactory.

To support the elevated access ramps into the building, several bored piers adjoin the easement, but are not considered to pose any future risk of loading in the zone of influence for the pipe with the piers being founded on naturally occurring sandstone.

It is considered of mutual benefit, that extinguishment and creation of a new easement be pursuant to Section 88B of the Conveyancing Act 1919 and address, a 2.2 metre wide and variable easement over the 1200mm diameter pipeline and pits, benefit for discharge of private stormwater into the pipeline, Restriction on Use for the overland flow path including terms in the easement to place maintenance cost arising from the adjacent structure onto the property owner. All necessary documentation must be carried out prior to issue of Occupation Certificate.

It is impractical in this instance to restrict the area over the pipeline from heavy construction machinery during construction. Following completion of the building, the applicant should undertake an inspection of the pipeline by CCTV with a copy supplied to council for verification prior to issue of Occupation Certificate.

If approval is given, the relocation works and removal of the existing pipeline must be completed prior to commencement of the building.

RECOMMENDATION

- A. That Council grant approval for the extinguishment of the existing easement and creation of a new drainage easement 2.2metres wide and variable over Lot A2 in DP 361723, known as 8 West Street, Pymble.
- B. That authority be given to affix the common Seal of the Council to the instrument for release and creation of new easements and Restriction on Use of Land.
- C. That a positive covenant be created to include additional maintenance costs arising from the removal panels be placed onto the property owner and successors in title.
- D. That altering the terms of said Easements for drainage including release and creation including Council's legal costs and disbursements be borne by the applicant.
- E. That Council approve the proposal to modify the stormwater drainage pipelines in accordance with revised stormwater plans and details, drawings C1-C7 Revision A, prepared by Appleyard Forrest Consulting Engineers Pty Ltd and subject to the following conditions:
 - 1. The carrying out of all drainage works in accordance with the plans and specifications approved by Council at no cost to Council.
 - 2. The works are subject to inspections. The Applicant or their engineer is to give Council at least 24 hours notice (to allow inspections) at the following stages:
 - i. After completion of excavation and prior to pipe laying commencing.
 - ii. After completion of pipe laying prior to backfilling,
 - iii. On completion of pipeline installation
 - 3. That prior to construction of the dwelling, fencing or suitable alternative be installed around the easement perimeter to prevent loading by heavy construction machinery on the area directly above the pipelines at no cost to Council.
- F. That after the dwelling is completed, an inspection of the pipeline by Closed Circuit TV or suitable alternative be undertaken to verify the structural integrity of pipelines at no cost to Council, prior to the issue of Occupation Certificate.

Ian Taylor
Manager Support Services

Greg Piconi
Director Technical Services

Attachments:

- 1. Annexure A of LEC proceedings**
- 2. Existing drainage layout**
- 3. Trunk drainage relocation plan, C2**
- 4. Trunk drainage long section, C3**

15 PEARSON AVENUE GORDON - RELOCATION OF DRAINAGE EASEMENT AND STORMWATER PIPELINE

EXECUTIVE SUMMARY

PURPOSE OF REPORT:

To consider a request for the proposed relocation of a Council stormwater drainage pipeline and easement located within No 15 Pearson Avenue, Gordon.

BACKGROUND:

Development Application No. 177/03 for a dual occupancy development at 15 Pearson Avenue Gordon, was approved by Commissioner Bly in the Land and Environment Court on 16 March 2004.

Granting of the development was subject to the conditions in Annexure 'A' of three stormwater drainage pre-commencement conditions.

COMMENTS:

Works involve the easement to be relocated along the western boundary of the site and a new 600mm pipeline installed to replace the existing 450mm pipeline.

Relocation and extinguishment of the existing easement will result in a redundant stormwater pipeline.

RECOMMENDATION:

That the proposal be approved subject to the conditions under recommendations 1- 5 of this report in relation to costs, design, construction and engineering supervision.

PURPOSE OF REPORT

To consider a request for the proposed relocation of a Council stormwater drainage pipeline and easement located within No 15 Pearson Avenue, Gordon.

BACKGROUND

The applicant, Quirante Holdings Pty Ltd, submitted a Development Application (DA No.177/03) to Council for a dual occupancy development at 15 Pearson Avenue Gordon. As a consequence of the Land and Environment Court proceedings No.11324 of 2003, the development was approved by Commissioner Bly on 16 March 2004.

Granting of the development was subject to the conditions in Annexure 'A' of the proceedings (**Attachment 1**) comprising three stormwater drainage pre-commencement conditions:

- Requirement to vary the terms of the easement in No.17 Pearson, downstream.
- Formalise the drainage works proposed in No.15 Pearson Avenue by submission of design plans
- Requirement for Road Opening application for works in Burgoyne Street.

The applicant has submitted revised stormwater plans and details, drawings GD 2.1 and GD 2.2, Revision C dated February 2003, and GD 2.4 Revision C dated June 2003, GD 2.5 and GD 2.6 Revision C dated August 2004, prepared by K.R Stubbs & Associates Pty Ltd.

COMMENTS

Current situation

Stormwater runoff from Burgoyne Street and Pearson Avenue converge in road pits on the southern boundary of No.15 which is then conveyed downstream by a 450mm diameter pipe. The pipe travels near the eastern boundary across No.15 into No.17, discharging into a natural gully about 6 metres before the northern boundary of No.17, as shown on drainage layout plan, **Attachment 2**.

Pits near the southern boundary of No.15 are located in the road sag of Burgoyne Street. As such, overflows in excess of the public drainage system, overtop the kerb and runoff overland across No.15 in a northerly direction over the gully coinciding with the pipe.

Proposal

The stormwater plans and detail drawings prepared by K.R Stubbs and Associates was reviewed and seeks to modify the drainage system by:

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- i. Provision of a 600mm diameter pipe relocated along the eastern boundary and to abandon the existing 450mm diameter pipe. The pipeline is sized to cater for the calculated 1 in 20 year ARI design flow of 860 L/s.
- ii. Installation of a new grated pit at the common boundary of No.15 and 17 to reconnect into the existing 450mm diameter pipe that will remain in No.17 downstream.
- iii. Provision of a relief overflow route over the relocated pipeline to convey surface flows in excess of the road pit capacity, requiring terms for Restriction on Use varying in width.
- iv. Provision of additional road drainage pits and pipe work on the northern side of Burgoyne Street as a consequence of a new driveway access to the proposed development.
- v. Provision of an increased Easement to drain water 1.6m in width which complies with DCP 47.

Variation to Terms of easement

Both properties at No.15 & No.17 Pearson Avenue are burdened by a 1.22 metre wide drainage easement, indicated on the drainage layout plan as **Attachment 2**, as LD 932 and LD 944 respectively. In these documents, the terms benefit the Council only, allowing surface and stormwaters from Burgoyne Street and Pearson Avenue, with specific reference for conveyance of the stormwater by a 450mm diameter pipe.

Both LD 932 and 944 are required to be extinguished with a new easement created pursuant to Section 88B of the Conveyancing Act 1919. Documentation is required to address:

- The upsized pipe,
- restriction on use for the overland flow path, and
- consent from No.17 for the discharge of private stormwater across their land from No.15.

The applicant has submitted a Section 88B instrument and linen plan for execution which is signed by both owners of No.15 and No.17 which appears to address the above requirements satisfactorily.

Downstream of No.17, the stormwater is conveyed across another four properties until the public system in Mt William Street. However, consents were not required as the four properties do not have easements and the 450mm pipeline terminates into an existing natural gully within No.17.

Assessment of proposed stormwater drainage

Attached are reduced scale plans of drawing GD 2.1 as **Attachment 3** showing the Stormwater management, and partial drawing GD 2.4 showing the relief overflow path as **Attachment 4**.

Drainage details submitted to support the application were assessed and are considered satisfactory. The following critical issues are noted:

- i. Any up welling of stormwater at the transition pit (pit 10) between the upsized pipe (600mm) into the existing pipe (450mm) is considered indifferent as the magnitude of overflows across No.17 is unchanged. The origin of overflow may either occur from overtopping of the kerb or from the internal pit (pit 10) within No.15. Intermediate pits (pit 10, 12 & 13) in the property,

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incorporate benching to improve hydraulics in the stormwater system that reduces the occurrence of up welling.

- ii. Provision of overland flow route is designed to convey the flow (of 607 L/s) from a 5 year ARI design storm event and is accordance with DCP47 requirements. The flow route at its critical section operates as a weir that accommodates the full 5 year ARI design flow without overtopping the driveway.
- iii. To ensure there is a low risk of flooding into the garage due to the proximity of the relief overflow route to the driveway off Burgoyne Street, measures include:
 - Replacement of 7metres of 150mm high kerb with a 4 metre shallow sloping vee section gutter 75mm in height with transitions on both sides, such that excess gutter flows are facilitated into the overland overflow route. The sloped vee section is not considered to interfere with parked cars.
 - A transitioned flowpath route is proposed across the nature strip which is depressed below the driveway level by 90mm at the layback and 250mm at the boundary. Revised drawings GD2.1, GD2.4 and GD2.7 Revision D were submitted to include amended levels of the driveway layback.
 - Barrier for the gutter flows likely to occur on both sides of the relief route by use of the driveway layback and 150mm high kerb.
 - Larger than standard trench grate (TD1) fronting the garage designed 400mm wide by 300mm deep with a 225 diameter outlet pipe conveyed to the downstream pit.
- iv. Drainage Works proposed in Burgoyne Street comprise two modified and two new road pits with 2.5 metres of 375mm pipeline. The proposed road pits and grates were assessed and provide equivalent inlet capacity as existing with account made for the reduced ponding depth.
- v. Structural capacity of the 600mm pipe to withstand construction loads. Class 2 pipes are typically at risk during construction when loaded by heavy equipment. Based on the long section, adequate cover (of 0.9 - 2.4 metres) is provided with the nature strip but not considered adequate within the property with the depth ranging 0.5 – 0.9 metres.

The abandoned 450mm pipeline within No.15 is to be sand filled and is considered satisfactory.

Integrity of the pipeline should be protected by restricting the area over the pipeline from heavy construction machinery during construction of the dual occupancy. Temporary fencing on the easement in this instance would be appropriate as a measure that Council can condition, and following completion of the dwelling, it would be prudent to undertake an inspection of the pipeline by CCTV with a copy supplied to council for verification prior to issue of occupation certificate.

Road Opening Application

Drawing GD 2.6 submitted shows and describes the Traffic Management Plan as well as the sediment and erosion control measures per condition 3 of the pre-commencement conditions.

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A permit from the Roads and Traffic Authority (RTA) is not required, given it is not an RTA road nor within 100metres of traffic light controlled intersection. A road opening permit from Council and payment will be required in accordance with council's fees and charges. The consultant has certified that the traffic management plan has been prepared in accordance with RTA – Traffic Control at Worksites Manual Version 3.0 (2003).

Erosion control measures are described textually only on the plan in terms of type, location and maintenance that appear adequate, however their location are not shown spatially on the plan, such that these can be verified by inspection for compliance purposes. To avoid any misinterpretation, this requirement can be covered by conditions.

Overall the applicant has complied with condition 3 of the pre-commencement condition.

CONSULTATION

Meetings were held with the consultant and applicant regarding the flow path and driveway.

FINANCIAL CONSIDERATIONS

Drainage works associated with the relocation of the pipeline and easement benefit the applicant only and as such all costs for any survey, legal and construction should be borne by the applicant.

CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

Technical Services have consulted with the Engineering Assessment Unit from Environment and Regulatory Services.

SUMMARY

The applicant's DA No.177/03 for a dual occupancy development at 15 Pearson Avenue Gordon was approved by Commissioner Bly in the Land and Environment Court on 16 March 2004, with three stormwater drainage pre-commencement conditions imposed.

The applicant has submitted a Section 88B instrument and Linen plan for execution which is signed by both owners of No.15 and No.17. The documentation addresses the extinguishment and creation of a new 1.6 metre wide easement, upsized pipe and restriction on use for the overland flow path.

Stormwater plans and details, drawings GD 2.1, GD 2.2, GD 2.4, GD 2.5 and GD 2.6, prepared by K.R Stubbs & Associates Pty Ltd were submitted and the drainage details assessed. Revised drawings, GD 2.1, GD 2.4 and GD 2.7 Revision D, was submitted showing amended levels to

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satisfy concerns regarding overland flows entering the garage via the driveway. Overall, the design was found to be in accordance with DCP 47 requirements and is considered satisfactory.

Integrity of the pipeline should be protected from loading by heavy machinery during construction given the low depth of cover. Council should restrict the area from heavy construction machinery by use of temporary fencing surrounding the easement, with inspection by CCTV upon completion of the dwelling to verify the pipeline condition prior to issue of occupation certificate.

Erosion control measures are described by notes only and need to be shown on plans indicating their location and extent to avoid misinterpretation, and monitoring for compliance.

RECOMMENDATION

- A. That Council approves the granting of the proposed drainage easement described in the instrument setting out the terms of easement intended to be created and released pursuant to section 88B Conveyancing Act 1919. These terms specify the release of Easement and Restrictive Covenant 1.22 metres wide over 15 Pearson Avenue and creation of a new Easement to Drain Water 1.22 wide over 17 Pearson Avenue and creation of a new Easement 1.6 wide and variable and Restriction on Use of Land over 15 Pearson Avenue, Gordon.
- B. That authority be given to affix the common Seal of the Council to the instrument for release and creation of new easements and Restriction on Use of Land.
- C. That altering the terms of said Easements for drainage including release and being conditional on payment to Council of Council's legal costs and disbursements.
- D. That Council approves the proposal to modify the stormwater drainage pipelines in accordance with revised stormwater plans and details, drawings GD 2.1, GD 2.4 and GD 2.7 Revision D, along with GD 2.2, GD 2.5 and GD 2.6 Revision C, prepared by K.R Stubbs & Associates Pty Ltd and subject to the following conditions:
 1. The carrying out of all drainage works in accordance with the plans and specifications approved by Council at no cost to Council.
 2. The works are subject to inspections. The Applicant or their engineer is to give Council at least 24 hours notice (to allow inspections) at the following stages:
 - i. After completion of excavation and prior to pipe laying commencing.
 - ii. After completion of pipe laying prior to backfilling,
 - iii. On completion of pipeline installation
 4. That prior to construction of the dwelling, fencing or suitable alternative be installed around the easement perimeter to prevent loading by heavy construction machinery on the area directly above the pipelines at no cost to Council.

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5. That after the dwelling is completed, an inspection of the pipeline by Closed Circuit TV or suitable alternative be undertaken to verify the structural integrity of pipelines at no cost to Council, prior to the issue of Occupation Certificate.
6. That Erosion control measures described by notes on drawing GD 2.6 be amended to detail and show the location and extent of the layout on the plan.

Ian Taylor
Manager Support Services

Greg Piconi
Director Technical Services

Attachments:

- 1. Annexure A showing pre-commencement conditions.**
- 2. Existing Drainage Layout Plan**
- 3. Partial drawing plan GD2.1 showing drainage layout**
- 4. Partial drawing plan GD2.4 showing relief overland path**

1580 TO 1596 PACIFIC HIGHWAY - CONNECTION AND DISCHARGE OF PROPERTY STORMWATER TO COUNCIL DRAINAGE PIPELINE BETWEEN MUNDERAH STREET AND GILDA AVENUE WAHROONGA

EXECUTIVE SUMMARY

PURPOSE OF REPORT:

To consider a request by the Applicant for 1580-1596 Pacific Highway Wahroonga to alter the terms of a Council drainage easement over five downstream properties to permit connection and discharge into a Council pipeline.

BACKGROUND:

The applicant, Meriton Apartments Pty Ltd submitted a Development Application (DA1081/04) in October 2004 for the redevelopment of seven residential buildings, containing 157 apartments.

Meriton seek to connect to the council pipeline contained in an easement draining through five properties downstream to Gilda Avenue. A stormwater report No X04389-01 dated December 2004 prepared by Brown Consulting (NWS) Pty Ltd was submitted to address stormwater management issues.

COMMENTS:

All five letters of consent from affected owners downstream (5, 7 and 9 Rhonda Close and 17 and 19 Gilda Avenue) were obtained to alter the terms of the easement.

The Stormwater report describes the performance of the measures based upon development of the proposed multi-unit apartments. Measures on-site are considered to satisfactorily address discharge and flooding issues to downstream properties.

RECOMMENDATION:

That Council grants approval to alter the terms of Drainage Easement to the Applicant subject to the terms and conditions of this report.

PURPOSE OF REPORT

To consider a request by the Applicant for 1580-1596 Pacific Highway Wahroonga to alter the terms of a Council drainage easement over five downstream properties to permit connection and discharge into a Council pipeline.

BACKGROUND

The applicant, Meriton Apartments Pty Ltd has submitted a Development Application (DA1081/04) for the redevelopment of seven residential buildings, containing 157 apartments.

The development is located at 1580-1596 Pacific Highway situated at the corner of Munderah Street, Wahroonga. This site comprises the following lands, Lot B in DP301211, Lots 1 and 2 in DP 614137, Lots 1 and 2 in DP 228983, Lot X in DP 401889, Lot B in DP 390737 and Lot B in DP 334713.

The disposal of stormwater from the site requires connection into the Council pipeline that is contained within two consecutive drainage easements, impacting on the five downstream properties. Stormwater off Munderah Road and Pacific Highway upstream is conveyed by a 450mm diameter pipe across the subject property. It then increases to a 525mm across No's 5, 7 and 9 Rhonda Close, and to a 675mm diameter across No's 17 and 19 Gilda Avenue downstream before reaching Gilda Avenue. A location plan of the drainage and easement is shown on **Attachment 1**.

Existing terms of the easement permit surface and stormwaters from the Pacific Highway, Munderah and Rhonda Close only. In order to permit the connection and disposal of stormwater from the applicant's property, the terms of the easement need to be altered, requiring letters of consent from all five affected downstream owners.

Since October 2004, Meriton has negotiated with downstream owners and consulted with Council regarding easements in order to advance the timing for the development, rather than postpone until Council determination on the lodged DA1081/04 with pre-commencement conditions.

The applicant has submitted a Stormwater plan report No X04389-01 dated December 2004, prepared by Brown Consulting (NSW) Pty Ltd to address stormwater management on the site and downstream flooding.

COMMENTS

Of the five properties affected downstream, there are two dedicated Council easements:

- LD2328, 1.83 metres wide, burdening No's 5, 7 and 9 Rhonda Close.
- LD 772 1.83 metres wide burdening No's 17 and 19 Gilda Avenue.

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Meriton has approached each of affected owners requesting their consent to extinguish the stormwater easements on their title and replaced with a new easement permitting the discharge of stormwater from lands in the public roadway as well as Meriton.

Council has requested creation of the new easement under Section 88B of the *Conveyancing Act 1919*.

Of the five properties, Meriton has obtained a total of four written consents by:

- A letter from 5, 7 and 9 Rhonda Close, and
- A Deed of Agreement from 17 Gilda Avenue.

The remaining fifth consent from 19 Gilda Avenue was initially sought by commencing proceedings in the Supreme Court pursuant to Section 88K of the *Conveyancing Act 1919*, however the owner has given written consent prior to the hearing.

Meriton has prepared the necessary documents for execution by the owners who have consented, and submitted these to Council for comment. The extinguishment of the existing easement was sought using Section 88B of the *Conveyancing Act 1919*, and is considered satisfactory. However, as the creation (for a Transfer granting easement) was sought using the *Real Property Act 1900*, Meriton were requested to liaise with Fox & Staniland acting on Council's behalf. Fox & Staniland have amended the proposed wording by Meriton who have agreed, such that it remains a Council easement.

Assessment of property stormwater discharge into Council pipelines

An assessment was made of the stormwater report and plans prepared by Brown Consulting (NSW) Pty Ltd and are considered satisfactory. Design of the stormwater requirements was undertaken in accordance with the Council's Water Management Development Control Plan No 47. A reduced plan of the stormwater management measures and layout is shown on **Attachment 2**.

Key devices of the internal stormwater management system comprise;

- A series of rainwater tanks totalling 185m³ (supplying water for internal use) and stormwater tanks totalling 286 m³ (supplying water for irrigation);
- Detention basins for on-site storage totalling 613 m³; and
- Two bioretention basins to reduce water borne pollutants. One is placed before each of the two discharge points into the Council stormwater pipeline.

The net result of these devices for stormwater does not adversely impact on downstream properties or the pipe system. Specifically, these achieve:

- Reduced peak flow of 0.32m³/s leaving the site compared to 0.9m³/s for existing conditions from a 100 year ARI design storm event.
- At Gilda Avenue, a reduced total flow from 5.7 to 5.0m³/s, and reduced peak surface flow from 4.9m³/s to 4.1m³/s.

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- Reduced surface overflows at Gilda Avenue for the developed system, for the 5 and 100 year storms for all eight durations considered. This demonstrates the benefit of the arrangement of storages to reduce downstream flows in major storms.

A review of the critical performance considerations was also undertaken of which the results above depend upon and the following noted:

- Tanks yield an annual harvest of water of 46% of the rainfall falling on the site.
- In modelling storage, reuse volume was assumed to be 50% full at the commencement of storms, based upon recommendations in the *Water Sensitive Planning guide for the Sydney Region*. From the report, the distribution of storages shows tanks are below 50% full for at least 76% of the time. Adopting 50% therefore considers the likely worst case during a storm by limiting the benefit of storages and maximises runoff onto detention basin.

CONSULTATION

Technical Services has consulted with managers and legal advisers of Meriton Apartments as well as Council's legal advisers Fox & Staniland in relation to the creation of the easement and terms. Meetings were held with the owners of 7 Rhonda Close, and their legal advisers were provided information on stormwater measures.

FINANCIAL CONSIDERATIONS

No community benefit results in the approval to alter the terms of the easement and as such costs for survey, legal as well as council's costs for checking of documentation should be at the applicants' expense.

CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

Technical Services has consulted with the Engineering Assessment Unit in Development and Regulatory in matters relating to the Stormwater plan report covering the subject property

SUMMARY

Meriton Apartments Pty Ltd submitted a Development Application (DA1081/04) for the redevelopment of seven residential buildings, containing 157 apartments, located at 1580-1596 Pacific Highway situated at the corner of Munderah Street, Wahroonga.

The disposal of stormwater requires connection into the Council pipeline that is contained within two drainage easements, impacting on the five properties of 5, 7 and 9 Rhonda Close, and 17 and 19 Gilda Avenue downstream before reaching Gilda Avenue. All five properties have granted consent to the connection and altering terms of the easement, which currently permit surface and stormwaters from the road carriageway only.

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24 March 2005

Documents for execution by the owners and Council have been reviewed by Fox & Staniland acting on Council's behalf. Both the extinguishment of the existing easement and creation is to be sought using Section 88B of the *Conveyancing Act 1919*, which is considered satisfactory. The terms under this Instrument are favoured such that it remains a Council easement.

The stormwater plan report No X04389-01 dated December 2004, prepared by Brown Consulting (NWS) Pty Ltd has addressed stormwater management on the site that reduces flooding impacts on downstream properties. For both 5 and 100 year ARI's and for all storm durations, the developed system produces lower flow rates due to the proposed arrangement of rainwater tanks, stormwater tanks and OSD storages. Design of the stormwater requirements was undertaken in accordance with the Council's Water Management Development Control Plan No 47.

The consultant has proposed two connections into the Council pipeline which is considered satisfactory.

RECOMMENDATION

- A. That Council grants approval to alter the terms of the Council easements burdening 5, 7 and 9 Rhonda Close as well as 17 and 19 Gilda Avenue to allow the surface, roof and stormwaters from, Lot B in DP301211, Lots 1 and 2 in DP 614137, Lots 1 and 2 in DP 228983, Lot X in DP 401889, Lot B in DP 390737 and Lot B in DP 334713, known as 1580 - 1596 Pacific Highway into the Council pipeline.
- B. The two connections be formalised by the creation of easements 1.83 metres wide to drain water pursuant to Section 88B of the *Conveyancing Act 1919* over 5, 7 and 9 Rhonda Close as well as 17 and 19 Gilda Avenue, Wahroonga at the applicant's cost.
- C. That authority be given to affix the common Seal of the Council to appropriate instrument for the release and creation of the easement.
- D. That altering the terms of the easements be carried out by the applicant's solicitors and the payment of council's legal costs and disbursements be paid by the applicant.
- E. That the direct connections to the council pipeline be undertaken in accordance with Council plan No 82-024.

Ian Taylor
Manager Support Services

Greg Piconi
Director Technical Services

Attachments: **1. Location plan for drainage and easement.**
 2. Plan of Stormwater management measures

2005 TO 2006 RTA ROAD REPAIR PROGRAM

EXECUTIVE SUMMARY

PURPOSE OF REPORT: To advise Council of the Roads and Traffic Authority's offer of funding for the 2005/2006 REPAIR Program.

BACKGROUND: The RTA has offered Council a funding allocation of \$103,200 for the 2005/2006 REPAIR Program. The funding is conditional upon Council matching these funds on a dollar for dollar basis and completing the work by 30 June 2006.

The funds are for the Pavement Rehabilitation of Eastern Road from Brentwood Avenue to Hastings Road at an estimated cost of \$206,400.

COMMENTS: It is evident that the section of Eastern Road between Brentwood Avenue and Hastings Road is badly cracked and is already failing. Council has been repairing the road by heavy patching Eastern Road for the last two financial years with the block grant funds.

RECOMMENDATION: That Council accepts the 2005/2006 REPAIR Program grants from the Roads and Traffic Authority, funds its equal contribution of \$103,200 from the proposed 2005/2006 Road rehabilitation Program and seek a review of Ku-ring-gai's REPAIR Grant allocation.

PURPOSE OF REPORT

To advise Council of the Roads and Traffic Authority's offer of funding for the 2005/2006 REPAIR Program.

BACKGROUND

By letter dated 9 March 2005, the RTA advised Council of the following funding offer for the 2005/2006 REPAIR Program:

	Location	Description	Project Cost	RTA Contribution
Rehabilitation Project	Eastern Road Brentwood Avenue to Hastings Road	Pavement Rehabilitation	\$206,400	\$103,200

Council's 50% share of the cost of these projects will be included in the 2005/2006 draft Capital Works Program budget.

Council has also applied to the RTA for funding under the Local Network Services Program, Road Safety Services Block Grants and Extended 3x3 programs. The RTA normally advises Council of its allocations under these programs in August following the release of the State Government budget.

COMMENTS

Rehabilitation Project – Eastern Road Turramurra

It is evident that the section of Eastern Road between Brentwood Avenue and Hastings Road is badly cracked and is already failing. Council has been repairing the road by heavy patching along Eastern Road for the last two financial years with the block grant funds.

Before offering a grant to a Council, the RTA confirms pavement condition and roughness using its own systems. Projects are then prioritised annually on a State and Regional basis

In 2004/2005 the REPAIR program funding pool totaled \$5.5m, the RTA received bids totaling \$16.7m. The maximum grant offered to any council by the RTA is \$250,000 regardless of the condition of the roads in its area. Only one quarter of metropolitan councils received the maximum allocation and one third received no funds at all.

This is the first time for many years that Ku-ring-gai has not received close to the maximum allocation.

If Council declines this offer, there is no guarantee that the offer will be repeated for 2006/2007.

These projects were included in a prioritised list of Regional Roads pavement works approved by Council on 20 July 2004. The list was developed using Council's SMEC Pavement Management System.

CONSULTATION

A Traffic Management Plan including a signposting layout detailing the extent of the works and traffic arrangements will need to be prepared to advise motorists. Local residents will be notified by a letter box drop prior to the work commencing.

FINANCIAL CONSIDERATIONS

Acceptance of the RTA funds requires an equal contribution from Council totaling \$103,200. It is proposed that these funds be made available from Council's 2005/2006 Road Rehabilitation Program.

Provision was made in the draft budget for \$250,000 grant from the RTA as this has traditionally been the case for a number of years. In order to maintain the road program budget at \$4,328,600 it will be necessary to fund the difference of \$147,000 from the Road Reserve budget.

If Council is successful in lobbying for additional grants from the RTA for regional road works, then Council will be advised by a further report on the grant and how the Road Reserve budget will be adjusted.

CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

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

SUMMARY

The RTA has offered Council an allocation of \$103,200 for the 2005/2006 REPAIR Program. The proposed project is pavement rehabilitation of Eastern Road from Brentwood Avenue to Hastings Road. The funding is conditional upon Council matching these funds on a dollar for dollar basis and completing the work by 30 June 2006.

Given that Council has not received its full allocation, it is considered appropriate to request the Roads and Traffic Authority review the allocation to Council given the condition of its regional roads.

RECOMMENDATION

- A. That Council accepts the grant offer of \$103,200 from the Roads and Traffic Authority under the 2005/2006 REPAIR Program for pavement rehabilitation of Eastern Road, Turramurra between Brentwood Avenue and Hastings Road.
- B. That Council includes these projects in the 2005/2006 Capital Works Program and funds its contribution of \$103,200 from the proposed 2005/2006 Road Rehabilitation Program.
- C. That Council writes to the RTA expressing concern about the condition of Regional Roads in Ku-ring-gai and requesting a review of the 2005/2006 REPAIR Program Grant.

Alexx Alagiah
Pavements & Assets Engineer

Roger Guerin
Manager Design & Projects

Greg Piconi
Director

Attachments: RTA letter dated 9 March 2005

POLICY ON DRAINAGE WORKS AND MAINTENANCE

EXECUTIVE SUMMARY

PURPOSE OF REPORT:

To seek Council's approval to adopt the Policy and Procedures for drainage works and maintenance dated November 2004 including a five year drainage program.

BACKGROUND:

The Draft Policy and Procedures including the program was reported to Council on 9 November 2004. The draft Policy was developed to manage council's drainage assets to minimise liability issues and allocate resources on a program basis.

The policy identifies ranking criteria used for prioritising future capital works for stormwater drainage.

COMMENTS:

The draft Policy was exhibited for a period of 28 days. No submissions in relation to the Drainage Policy or the five year Program were received.

RECOMMENDATION:

That Council adopt the Policy for Drainage Works and Maintenance Procedures including 2004/05-2008/09 Program.

PURPOSE OF REPORT

To seek Council's approval to adopt the Policy and Procedures for drainage works and maintenance dated November 2004 including a five year drainage program.

BACKGROUND

The Draft Policy for Drainage Works and Maintenance Procedures including the 2004/05-2008/09 Program was reported on 9 November 2004 to Council who resolved:

- A. *That Council adopts the Draft Policy for Drainage Works and Maintenance Procedures including 2004/05-2008/09 Program as attached.*
- B. *That the Draft Policy for Drainage Works and Maintenance Procedures including 2004/05-2008/09 Program be placed on public exhibition for community comment.*

The Draft Policy including the 2004/05 – 2008/09 Program was placed on public exhibition for comment between 23 February 2005 and 23 March 2005. Notices of the exhibition including the documentation, was provided at Council Chambers, at Council's Libraries in Gordon, Lindfield, St Ives and Turramurra, as well as on Council's Website. Notice of Exhibition was advertised in the North Shore Times on 23 February and 2 March 2005.

COMMENTS

Policy

The draft Policy, as attached, was developed to manage Council's drainage assets to allocate resources on a program basis taking into account the severity and likelihood of the risk. It uses ranking criteria to prioritise future capital works for stormwater drainage as well maintenance measures which are supported by catchment research and modeling.

The timing of the exhibition was delayed until late February to allow for the maximum opportunity for comment by community that may have been on leave during the summer season.

From the 28 day period of exhibition, no submissions in relation to the Drainage Policy or the five year Program were received.

The Policy is designed to be flexible in order to consider Council's budget provisions and its ability to respond to requests or notified problem areas. Responding to requests is provided for under reactive drainage maintenance. For reactive maintenance, repairs are undertaken according to three categories, primary, secondary and emergency.

It is necessary for Council to have a policy and procedure for drainage works and maintenance to help defend matters in the court if they should eventuate. The use of the catchment modeling data

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and previous data provides Council with better information on the drainage network and how to effectively prioritise the works.

It is hence considered that no amendments be made to the Draft Policy and that it be adopted as exhibited.

Five year Drainage works Program 2004/05 – 2008/09

The revised five year Drainage works Program 2004/05 – 2008/09 comprises a consolidated works program based on (hydrological and hydraulic) analysis from the Middle Harbour and Cowan Creek catchments to determine drainage problem areas. It incorporates an overlay of the reported flooding incidences.

Following the completion of the Lane Cove Catchment stormwater analysis in May 2005, the identified drainage problem areas are to be incorporated into the program. The revised program will be reported to Council following completion of the analysis.

CONSULTATION

The Policy and Program was place on public exhibition from 23 February until 23 March 2005. Notices and documentation was placed in the local papers, Council's website, as well as the notice boards of the four Council libraries and Chambers area.

FINANCIAL CONSIDERATIONS

There are no financial considerations with regard to adopting this as Policy. However, the Policy identifies ranking criteria for allocating Council's proposed drainage works.

CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

Technical Services has consulted with Corporate & Communications section to facilitate the advertisement in local papers, and with Community services for distribution and placing of notices in the libraries.

SUMMARY

It is necessary for Council to have a policy and procedure for drainage works and maintenance to help defend matters in the court if they should eventuate.

Establishment of this policy considers risk management procedures and priority ranking system, as well as maintenance measures. It was developed to manage Council's drainage assets by allocating resources on a program basis.

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The Draft Policy for Drainage Works and Maintenance Procedures including the 2004/05-2008/09 Program was reported on 9 November 2004. The Council resolved to place the Draft Policy and the Program on public exhibition for community comment. However, no submissions were received during the exhibition period between 23 February and 23 March 2005.

RECOMMENDATION

That Council adopts the Policy for Drainage Works and Maintenance Procedures, dated November 2004, including 2004/05-2008/09 Program.

Greg Piconi
Director Technical Services

Ian Taylor
Manager Support Services

**Attachments: Draft Policy for Drainage Works and Maintenance Procedures including
2004/05-2008/09 program**

OPEN SPACE STRATEGY

EXECUTIVE SUMMARY

PURPOSE OF REPORT:	To seek Council's endorsement on the Draft Open Space Strategy.
BACKGROUND:	The 2004-8 Management Plan requires the completion of the Open Space Strategy. As part of its initial development, comprehensive review of studies, resources and opportunities for Ku-ring-gai's public open space assets and the demands and needs of our population were undertaken.
COMMENTS:	The Draft Open Space Strategy provides a framework for the coordination and integration of Council's Open Space program. The intention of the Strategy is to guide the delivery of short to long term outcomes for Open Space assets.
RECOMMENDATION:	That the Draft Open Space Strategy be publicly exhibited and that following the public exhibition period a further report be brought back to Council addressing outcomes of consultation

PURPOSE OF REPORT

To seek Council's endorsement on the Draft Open Space Strategy

BACKGROUND

The 2004-08 Management Plan requires the completion of an Open Space Strategy. In 2004 the preparation for the development of this strategy commenced. As part of its initial development, comprehensive review of studies, resources and opportunities for Ku-ring-gai's public open space assets and the demands and needs of our population were undertaken. These identified that needs currently expressed by our community include a range of new and upgraded sportsfields, parks and playgrounds, more walking and bike tracks, an indoor leisure centre/swimming facility and an increase in the number and diversity of events and programs. In terms of our demographic profile, the predicted changes to both numbers and composition indicate that these needs are likely to be expressed as demands in the near future.

Building from these findings, the development of the 2004 Section 94 Plan (adopted by Council) shall provide for significant resources for open space in the future complementing Council's ongoing park, playground and sport capital works program.

COMMENTS

Increasingly open space areas are considered not only assets for recreation and conservation but also a conduit for communities to come together, a component of urban liveability. The intention of the draft strategy is to provide some structure and direction to the way Council provides for:

- the needs, health and well being of our residents now and in the future in relation to open space assets;
- the protection and enhancement of the natural environment;
- the provision of affordable and economically sustainable programs and resources; and
- to enhance the urban liveability of Ku-ring-gai.

The draft strategy has sought to address these through six program areas:

1. Planning open space and recreation facilities;
2. Protection of natural and cultural heritage;
3. Protecting and improving landscape and visual heritage;
4. Providing facilities for recreation and leisure;
5. Promoting recreation and leisure activity;
6. Managing our open space resources.

The intention of these areas is to ensure that Council's investment in all its open space areas and assets is cognisant of the changing community demands and needs, rising land values and

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maintenance costs and broader social, economic and environmental values. Unlike many other open space strategies we have incorporated natural areas protection and management with the traditional planning and management of parks and sports reserves. This recognises the strong relationship that many of Ku-ring-gai's formal open spaces have with the natural environment, the informal use of our natural areas for recreation and also their biodiversity function.

The Strategy has sought to address this through the process described below:

Current Situation

- What do we have?
- What are our demands?
- What are our needs?

Analysis

- What are our current programs?
- What are the implications of demands?
- What broad opportunities exist?

Develop strategic framework

- Link visions, goals and principles
- What are our specific opportunities?
- What are our constraints?

Direction Setting

- How to match need and demands?

Implement the Plan

- What do we do?
- How do we fund it?
- What further information do we need?

Past studies have identified a range of gaps, issues and needs in our knowledge and service provision that have limited our ability to effectively manage our resources for current and future demands. An example of this is the relationship between our existing land assets and how we strategically seek to acquire future public land for open space. We know for example that Gordon and parts of St Ives are deficient in accessible and useable open space.

How we meet demand through acquisition and/or the embellishment of existing facilities will be guided by the Strategy. For example, the strategy supported by other national and international studies recommends that it is preferable to acquire land adjoining our smaller reserves (that is those sites less than 0.5 hectares) to provide for what is considered to be a minimum area of 'play' than a greater number of small parks and reserves. This is based on the premise that public open space areas need to be a minimum size if they are to provide for the diversity of functions that are currently demanded of such areas. There will be areas where this is difficult to achieve and the strategy refers to the establishment of real or "perceived" linkages where this is not possible.

Acquisition strategies need also to consider the local, district and regional provision of open space against financial reality of land values in the short term, construction of facilities in the medium term and ongoing maintenance cost in the longer term. This will have implications for proposed and future Section 94 Plans. An Open Space Land Acquisition Study has been identified in Council's Draft Management Plan 2005-09 as a task to be completed.

Other outcomes of the strategy have included:

- Establishment of a rational basis for classifying current and future open space assets to guide appointment and service levels in the context of resource allocation
- Providing clarity to assist in the revision and implementation of Plans of Management, policies and strategies to ensure consistency and connectivity
- Direction for the development of future Management Plan targets and key performance indicators and budgets from an operational, capital works, research, policy and management perspective.

CONSULTATION

The development of this draft strategy involved drawing from past consultations with key users and other stakeholders and existing Council policies, strategies and plans. However, there is a need to ensure that the directions proposed reflect both contemporary and predicted changes in the ways our community use our open space facilities and services. With this in mind detailed discussions of the draft strategy with the Parks, Sports and Recreation Reference Group and the Bushland, Catchments and Natural Areas Reference Group have been undertaken. Broader community input into the development of the document and its subsequent implementation is now required.

While the Strategy has drawn on past studies of demand, needs, expectations and demographic analysis, it has not directly sought public comment on its direction nor has it validated its assumptions in terms of future program. For example, evidence to date suggests a need for a greater provision of recreation opportunities for teenagers, young adult females and the highest growth demographic in the LGA (the 55 + years). As a consequence, it is recommended that a consultation program involving general comments and review be undertaken to provide for greater confidence in the strategy before its final adoption by Council. Input will be sought through Council's web page, advertising in the North Shore Times, an article in the Mayor's column and use of Council's resident feedback panel. Following this process a report will be brought back to Council for final adoption.

FINANCIAL CONSIDERATIONS

The draft strategy identifies a range of program and projects that should be implemented over the short, medium and long term. Where these require funding these will need to be considered in the development of future management plans and budgets. Whilst implementation of all the recommendations is clearly beyond Council's ability to resource in the short term, the strategy will assist in the prioritisation of tasks over an extended period.

CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

Planning and Environment, Technical Services and Finance and Business Development have been involved in the preparation of the Open Space Strategy.

SUMMARY

The development of past strategies and programs has involved extensive consultation with our community, key users of our open space assets and other stakeholders. This consultation has formed the basis for many of the directions set in the draft strategy. However, the strategy clearly identifies a need to validate some of the findings through workshops and other forms of consultation before the strategy can be completed. To this end, this report seeks Council's support to take the draft strategy to the community for their input before returning it to Council for endorsement as a final strategy.

An important element in the implementation program is the need to collect and analyse community information related to needs, demands and levels of satisfaction all of which can be used to refine the strategy and its implementation.

RECOMMENDATION

That the Draft Open Space Strategy publicly exhibited and that following the public exhibition period a further report be brought back to Council addressing outcomes of consultation.

Morven Cameron
Sport & Recreation Planner

Amanda Colbey
Manager Parks Sport & Recreation

Peter Davies
**Manager Bushland Catchments
& Natural Areas**

Steven Head
Director Open Space

Attachments: **Draft Open Space Strategy (circulated separately)**

DRAFT GENERIC PLAN OF MANAGEMENT FOR PARKS

EXECUTIVE SUMMARY

PURPOSE OF REPORT:	To place the Draft Generic Plan of Management for Parks on exhibition in accordance with the requirements of the Local Government Act 1993.
BACKGROUND:	<p>On 2 April 1996 Council adopted a Plan of Management for Small Parks and on 9 July 1996 a Plan for District Parks.</p> <p>The Act was subsequently amended by the Local Government Amendment (Community Land Management) Act 1998 which came into force on 1 January 1999.</p> <p>A new Draft Plan has been prepared in line with the amended requirements of the Local Government Act which covers the parks previously included in the Small Parks and District Parks Plans.</p>
COMMENTS:	The Draft Plan of Management is considered ready for exhibition.
RECOMMENDATION:	That Council exhibit the Draft Generic Plan of Management for Urban Parks and that a further report be presented to Council at the end of the period of public exhibition.

PURPOSE OF REPORT

To place the Draft Generic Plan of Management for Parks on exhibition in accordance with the requirements of the Local Government Act 1993.

BACKGROUND

On 2 April 1996 Council adopted a Plan of Management for Small Parks and on 9 July 1996 adopted a Plan for District Parks.

The Plans had been prepared and exhibited in accordance with the prevailing requirements of the Local Government Act 1993 in respect to Community Land.

However, the Act was subsequently amended by the Local Government Amendment (Community Land Management) Act 1998 which came into force on 1 January 1999.

A number of these amendments relate to the composition and preparation of Plans of Management for Community Land.

A new Draft Plan of Management has been prepared in line with the amended requirements of the Local Government Act for the lands previously covered by the Small Parks and District Parks Plan of Management.

COMMENTS

The Draft Plan has been forwarded separately (Attachment 1) and is considered ready for exhibition in accordance with the Act's requirements. The draft plan includes a list of all sites addressed by the plan.

It follows approximately the same format as for other Plans prepared for various areas of community land in Ku-ring-gai with the exception that the strategy plan which appears in Section 4 in previous plans has now been integrated into Section 3.

The Draft Plan of Management comprises 3 main sections being:

- Introduction.
- Basis for Management
- Management Issues, Performance Targets and Action Plan

The Draft Plan is a practical document which provides measurable actions flowing from the Performance Targets for each issue that will provide for long term focused management of Ku-ring-gai's developed parks network. Of note is the pictorial representation of all sites that will be used during the consultation phase.

The broad aims of this Plan are as follows:-

- meet Council's obligations in respect to Public Land Management under the requirements of the Local Government Act 1993 (as amended)
- maximise opportunities to improve the distribution and accessibility of playgrounds and parks
- conserve and/or enhance the natural and landscape features of parks in Ku-ring-gai
- minimise impacts upon the environment and residents adjoining parks
- provide a framework for the sustainable management of playgrounds and parks
- provide access to a range of quality recreation, leisure and diversified play opportunities based upon the needs of the community
- enable Council to enter into contracts, leases, licences, hire or occupancy agreements which relate to the development, maintenance or use of its parks

As with other Plans of Management this draft provides Council with the legal ability to enter into lease, licence or other estate agreements in relation to Park areas. This does not necessarily mean Council will enter into any such agreements but it is legally able to do so should the need arise.

The plan is consistent with the draft Open Space Strategy, currently in preparation with a working party from both Open Space Reference Groups and also the subject of a report to Council on 26 April, 2005.

Under Section 612 and 705 of the Local Government Act 1993, Council is required to give public notice of the proposed fee (purchase price). Section 612 requires that Council must give the public notice for at least 28 days and consider any submissions before it can determine the fee. A fee has been included in Council's Draft Management Plan 2005/2009 for the purchase of Plans of Management, including draft plans.

Section 40A of the Local Government Act 1993 provides that Council must hold a Public Hearing in respect of the proposed Plan of Management if the proposed Plan would have the effect of categorising or re-categorising community land.

Following public exhibition and consultation the Draft Plan will be amended and reported back to Council. At this point the report to Council will also include a table showing all performance targets and strategies and the intended means for implementation.

CONSULTATION

During preparation of the Draft Plan consultation has been undertaken with the previous Ku-ring-gai Urban Parks Advisory Committee and relevant staff. Information from previous consultation and Council's files has also assisted in providing important background information in formulation of the Draft Plan.

It is proposed to exhibit the Draft Plan for 28 days with a further 14 days for public comment and hold a public hearing in accordance with the requirements of the Local Government Act 1993.

When the Draft Plan is on exhibition copies will be placed in the Ku-ring-gai Library at Gordon and branch libraries at Lindfield, Turramurra and St Ives. The Draft Plan will also be available on Council's website. The draft plan will be considered by the Parks Sport & Recreation Reference Group and the Bushland Catchments & Natural Areas Reference Group. Notification of the plan will also be made to the Bushland, Catchments and Natural Areas Reference Group.

In addition to the above an independently facilitated Public Hearing will be held during the exhibition period in accordance with the Act's requirements.

FINANCIAL CONSIDERATIONS

Exhibition of the Draft Plan will result in direct costs associated with advertising, printing etc. and indirect costs of staff time in consultation.

This Plan includes Performance Targets and associated actions to guide future management of Parks.

These targets in many cases do not require the expenditure of specific funds and will be / are already being addressed as part of cyclical maintenance and day to day management of the Parks network. The majority of the remaining targets (and associated actions) can be achieved within existing park expenditure through redirection of existing resources rather than allocation of additional resources. Those actions that require specific allocation of funds will be listed and considered through Council's various Open Space Capital Works programs or as specific projects.

CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

Consultation has been undertaken with the Planning Department in the preparation of this plan.

SUMMARY

In 1996 Council adopted Plans of Management for Small Parks and District Parks. The Plans had been prepared and exhibited in accordance with the prevailing requirements of the Local Government Act 1993 in respect to Community Land.

However, the Act was subsequently amended by the Local Government Amendment (Community Land Management) Act 1998 which came into force on 1 January 1999.

A new Draft Plan of Management has been prepared in line with the amended requirements of the Local Government Act and is considered ready for exhibition.

RECOMMENDATION

- A. That the Draft Generic Plan of Management for Parks be exhibited for a period of 28 days with a further 14 days for public comments in accordance with the requirements of the Local Government Act 1993.
- B. That a Public Hearing be held during the Exhibition and Public Comment period in accordance with the requirements of the Local Government Act 1993.
- C. That a further report be presented to Council following the exhibition and public comment period.

Morven Cameron
Sport & Recreation Planner

Amanda Colbey
**Manager Parks Sport &
Recreation**

Steven Head
Director Open Space

Attachments: Draft Generic Plan of Management for Parks (circulated separately)

HASSELL PARK OVAL CLUBHOUSE - LICENCE TO ST IVES RUGBY CLUB

EXECUTIVE SUMMARY

PURPOSE OF REPORT:

For Council to consider granting a twenty year licence to St Ives Rugby Club to use Hassell Park Oval clubhouse at St Ives.

BACKGROUND:

The St Ives Rugby Club had a previous licence with Council that commenced 16 March 1999 and expired 15 March 2004. The Club have been using the oval and clubhouse since 1956 and are keen to continue their utilisation through formal agreement with Council.

COMMENTS:

The Rugby Club is a community based non-profit organisation, which returns funds from its operations into the ongoing development of rugby. The Club has 630 members (comprising 26 teams) of which 512 are Ku-ring-gai residents.

RECOMMENDATION:

That Council approves the granting of a twenty year licence to St Ives Rugby Club to use Hassell Park Oval clubhouse at St Ives.

PURPOSE OF REPORT

For Council to consider granting a twenty year licence to St Ives Rugby Club to use Hassell Park Oval clubhouse at St Ives.

BACKGROUND

Hassell Park Oval is located on Crown Land and Council is the Reserve Trust Manager under the Crown Land Consolidation Act (1913). Council as Trustee undertakes management of the facility consistent with the local Government Act (1993) as well as the Crown Lands Act (1989). The Crown Lands Act (1989) outlines that, as a Public Reserve, the land should be managed as community land under the Local Government Act (1993). Council's generic Sportsground Plan of Management applies to this site.

The plan recognises the proposed activity and authorises such licence as being in accordance with the principles of the Local Government Act (1993) and, in particular, management of "Community Lands".

The property is known as DP 218267, Reserve Number R 28761 (**Attachment 1**).

The existing clubhouse itself is situated on level ground on the eastern side of Hassell Park. The main frontage to Hassell Park is Mona Vale Road however access to the clubhouse is via Hassell Street.

The clubhouse, built around 1956, comprises a two storey brick and weatherboard building with a metal roof including clubroom, kitchen/bar and large covered patio upstairs. Downstairs there is a canteen, male and female amenities, two change rooms (including showers) and a storeroom.

The premises are best described as basic and whilst the first floor is in good condition, the ground floor however, is in poor condition. Council is responsible for the external structure of the building, canteen and change rooms and is also responsible for maintenance of the interior and some of the public amenities located on the ground floor. The clubhouse has been subject to vandalism.

All improvements made to the original clubhouse have been undertaken by the Rugby Club, largely at their own expense.

Hassell Park is home not only to St Ives Rugby Club, but also to St Ives Junior Cricket Club and St Ives Senior Cricket Club. The junior club is the largest cricket club in Ku-ring-gai and the seniors remain an active club. Despite the Rugby Club providing access to the existing facilities, it has been a long held vision of both of these clubs to achieve their own storage and meeting space at Hassell Park.

This will be best achieved within a single amenity building comprising sufficient room for all three club's needs.

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Reflecting this desire, the clubs have recently received development approval for extension to the premises comprising a large storage / meeting room and extensive remodeling and extension of the downstairs changerooms. A condition of consent requires that upgrading (including access works) to the publicly available toilets be undertaken in conjunction with other approved works. These works are being funded by the clubs under close supervision from Council officers.

The general use of and access to these facilities will be markedly improved. Given the extent of investment into the facility and the benefit of the proposed works to the broader community, the Rugby Club have requested a longer period of tenure than is generally considered.

Staff have assessed and negotiated the proposed licence on the basis of formalising broader access to the facility for the cricket clubs, for other community groups when the facility is available and also in recognition that the clubs will be paying for the upgrade of publicly available amenities.

Any improvement of a structural nature to the clubhouse, regardless of the funding source, shall become the absolute property of Council at the expiration of the licence. This does, of course, exclude any training or recreational equipment provided by the Club (non-fixtures).

COMMENTS

St Ives Rugby Club Inc have been occupying the clubhouse since 1956. Since that time the Rugby Club have made considerable additions to the facility, at their own expense. In addition the Rugby Club has recently received Council Development Approval to install and upgrade floodlights on the oval that meet the relevant Australian Standards. The bulk of the funds required have been provided by the Rugby Club, with \$15, 000 contribution from Council. These lights are now operational.

The St Ives Rugby Club Inc. under the proposal licence have exclusive use of the upstairs recreation room, however, the St Ives Senior Cricket Club and St Ives Junior Cricket Clubs have formal authorised use of the change rooms, when using the oval at times other than those of the Rugby Club under the proposed licence.

Whilst the licence would be between St Ives Rugby Club Inc. and Council, both cricket clubs have been formally involved in the negotiation. Agreement has been reached between all parties that ensure access during the summer season for the cricket clubs (**Attachment 2**). This agreement is built into the licence as well as the potential for other community groups to access the facility.

The Rugby Club have had previous agreements with Council to formalise their use of the facility, however, the last agreement expired 15 March 2004. Discussions concerning a new licence commenced prior to this date and the clubs have remained on a month by month basis since then.

The Department of Lands was advised of the proposed licence and period of tenure on 10 Sept 2004. They have not expressed any opposition to the proposal.

The Rugby Club primarily makes full use of the clubroom between about February and September when training is undertaken during the week and games played on the weekends. During the summer months the top floor is secured except for fundraising activities and Committee meetings

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and when the cricket clubs access the building. The field and bottom floor is extensively used by both cricket clubs during the summer season.

Council has the right of access to the facility at all reasonable times by advance notification to the club executives. The Rugby Club do provide access to the cricket clubs for the upstairs club room on request.

As part of the process Council engaged the State Valuation Office (SVO) on 26 August 2004 to assess the current market value of the clubhouse (**Attachment 3**).

The table below summarises key terms of the proposed licence:

Name of Club/Organisation	St Ives Rugby Club Inc.
ABN No.	79 524 382 159
Property	Hassell Park (Reserve number R28761)
Contact Details	Graeme Kennan
Postal Address	PO Box 790. St Ives NSW 2075
Licence term (no of years)	Proposed 20 years
Commencing	Council resolution, subject to the consent of the Minister administering the Crown Lands Act (1989)
Classification of land	Crown Land managed by Council
Categorisation of land	Sportground
Plan of Management	Sportground Plan of Management
Holding over provision	Seasonal tenancy (Winter & Summer – 12mth)
Use	Sports clubhouse and related activities, meeting, trainings and fundraising functions of the club
Trading days & hours of operation	Monday to Friday from 8.00am to 10.00pm Saturday from 8.00am to 10.00pm Sunday from 9.00am to 6.00pm Functions from 8.00am to 11.00pm Club meetings from 8.00pm to 10.00pm
Payment of public reserve management fund	1. Licensee is responsible for this payment – (see attached spreadsheet). 2. The PRMF is only payable for rent exceeding \$2,000 per annum. Note- this only becomes applicable in year 11 of the agreement based on a hypothetical CPI rate.
Licence fee	See attached spreadsheet (note calculation is based on hypothetical CPI increase). Licence fee plus GST.
Payment of licence fee (rental)	Yearly in advance
Rebate levels	A rebate level of 90% of rental decreased to 80% of rental over the 20 year period (see attached spreadsheet dated 9 Sept 2004).
Government taxes	Licensee is responsible for payment of government taxes such as Goods & Services Tax on the licence fee (rental amounts).
Utility payments	1. Licensee's responsibility for payment of phone costs. 2. Licensee to pay for electricity charges & security costs during licence period. 3. Licensor's responsibility for payment of water. 4. Licensor's responsibility for payment of existing waste services – seven sulo bins, any additional waste services (including recycling) required to be paid by Licensee.
Costs	1. Licensee to pay 100% of Licensor's legal costs for the preparation and finalisation of the licence (up to maximum \$500.00) 2. Licensor to pay for 100% of valuation costs SVO report).
Costs continued:-	

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Full terms of the proposed licence are outlined in the attached Draft Heads of Agreement dated 25 November 2004 (**Attachment 4**).

CONSULTATION

Council staff have met with the Rugby Club executives and the cricket clubs to discuss the proposed twenty year licence as outlined in this report and due to commence from the date of Council's resolution.

The terms of the proposed licence have been negotiated between staff and the clubs and agreement reached. The St Ives Rugby Club Inc. have sent a letter of support (**Attachment 5**) for the proposed terms of the licence.

FINANCIAL CONSIDERATIONS

Council has to date, paid the cost associated with the valuation of the proposed licence area. Attachment 3 outlines the evaluation received from the State Valuation Office. The licence fee is based on a valuation that includes the proposed development of the facility.

The table below shows anticipated rental for the term of the licence and as included in the Draft Heads of Agreement dated 25 November 2004.

Current Market Rental = \$9,600 (SVO report dated 26/08/04)

Year	Rebate Level	CPI	CMV (excl GST) With CPI increase	CMV Including GST	Licence fee Per year
Year 1	90%	1.033	\$9,600	\$10,560	\$1,056.00
Year 2	90%	1.033	\$9,917	\$10,908	\$1,090.85
Year 3	90%	1.033	\$10,244	\$11,268	\$1,126.85
Year 4	90%	1.033	\$10,582	\$11,640	\$1,164.03
Year 5	90%	1.033	\$10,931	\$12,024	\$1,202.44
				TOTAL	\$5,640.17

New Market Rental Valuation to be undertaken after 5 years

Year 6	90%	1.033	\$11,292	\$12,421	\$1,242.13
Year 7	90%	1.033	\$11,665	\$12,831	\$1,283.12
Year 8	90%	1.033	\$12,050	\$13,255	\$1,325.46
Year 9	90%	1.033	\$12,447	\$13,692	\$1,369.20
Year 10	90%	1.033	\$12,858	\$14,144	\$1,414.38
				TOTAL	\$6634.29

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New Market Rental Valuation to be undertaken after 10 years

** Please note PRMF applicable from Year 11 onwards – see note below **

Year	Rebate Level	CPI	CMV (excl GST) With CPI increase	CMV Including GST	Licence fee Per year
**Year 11	85%	1.033	\$13,282	\$14,611	\$2,191.59
Year 12	85%	1.033	\$13,721	\$15,093	\$2,263.91
Year 13	85%	1.033	\$14,173	\$15,591	\$2,338.62
Year 14	85%	1.033	\$14,641	\$16,105	\$2,415.79
Year 15	85%	1.033	\$15,124	\$16,637	\$2,495.51
				TOTAL	\$11,705.42

New Market Rental Valuation to be undertaken after 15 years

Year 16	80%	1.033	\$15,623	\$17,186	\$3,437.15
Year 17	80%	1.033	\$16,139	\$17,753	\$3,550.58
Year 18	80%	1.033	\$16,672	\$18,339	\$3,667.75
Year 19	80%	1.033	\$17,222	\$18,944	\$3,778.78
Year 20**	80%	1.033	\$17,790	\$19,569	\$3,913.81
				TOTAL	\$18,348.07

Current Market Rental Valuation after 5 years

Note – Assuming CPI is 3.3% per year (subject to change)

Note: PRMF = Public Reserve Management Fund - only applicable once net rental to Council is greater than \$2,000.00 per annum

CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

In the preparation of this report, Open Space has liaised with Finance and Business Development on the proposed licence terms and conditions.

SUMMARY

It is proposed that Council enter into a licence agreement with St Ives Rugby Club for a period of twenty years subject to the conditions outlined in the Draft Heads of Agreement and in accordance with the Local Government Act (1993) to formalise the Rugby Club's existing utilisation of the facility.

The Clubhouse facility is on community land which is governed by the Sportsground Plan of Management. The Plan authorises leases or licences of land categorised as Sportsground, as resolved by Council 24 June 2003.

The St Ives Rugby Club is an established Club with over 630 members. The Club has occupied the site since 1956 and is keen to formalise their continued usage by their agreement with Council to

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enter into a twenty year licence. Club officials and staff have reached agreement on the terms for the proposed licence.

RECOMMENDATION

- A. That Council as trustee of Hassell Park (Hassell Park Reserve Trust) grant a twenty year licence to St Ives Rugby Club Inc for the use of the Hassell Park clubhouse, commencing from the date of Council's resolution based on the terms and conditions as outlined in this report.
- B. That the Mayor and General Manager be authorised to execute all necessary licence documents.
- C. That the Council Seal be affixed to the licence.
- D. That following the execution of the licence, the documents are submitted to the Department of Lands for the Minister's document.

Amanda Colbey
Manager Parks Sports & Recreation

Steven Head
Director Open Space

Attachments:

- 1. Location Sketch, Hassell Park Oval Clubhouse**
- 2. Extract from Hassell Park Oval Clubhouse Licence with St Ives Rugby Club.**
- 3. State Valuation Office report dated 26 August 2004.**
- 4. Draft Heads of Agreement (25/11/04)**
- 5. Letter from St Ives Rugby Club Inc.(24/11/04)**

PROPOSED 5 YEAR LICENCE TO NSW SCHOOL STUDENTS MODEL RAILWAY GUILD INC TO USE PART OF THE CRAFT PAVILION, ST IVES SHOWGROUND

EXECUTIVE SUMMARY

PURPOSE OF REPORT:	For Council to consider granting a five (5) year licence to the NSW School Students Model Railway Guild for use of part of the craft pavilion within St Ives Showground.
BACKGROUND:	The NSW School Students Model Railway Guild was formed in 1987. The Club contacted Council staff requesting to use part of the Craft Pavilion to permanently set-up, store, build and operate their model railway layouts and to hold club meetings.
COMMENTS:	Staff commenced negotiations with the NSW School Students Model Railway Guild Inc in July 2004.
RECOMMENDATION:	That Council approve the granting of a five year licence to the NSW School Students Model Railway Guild Inc. to use part of the Craft Pavilion, St Ives Showground.

PURPOSE OF REPORT

For Council to consider granting a five (5) year licence to the NSW School Students Model Railway Guild for use of part of the craft pavilion within St Ives Showground.

BACKGROUND

The NSW School Students Model Railway Guild (NSW SSMRG) is a non-profit organisation open to all primary and secondary school students. The aim of the Guild is to promote railway enthusiasm amongst school students, to enhance school students' knowledge in railway modelling and transportation and to facilitate the construction of model railway layouts.

The NSW SSMRG was formed in 1987 and has since expanded to include school students from around NSW. The Guild currently has 31 school student members as well as 2 adult members. 70% of the school student membership resides within the Hornsby and Ku-ring-gai local government area with the remaining members residing in Sydney Metropolitan, outer metropolitan and Country NSW.

In June 2004, the Guild made contact with Council staff requesting to use part of the Craft Pavilion at the Showground to permanently set-up, build and operate their model railway club layouts.

Staff contacted all permanent users and licence holders at St Ives Showground to advise them of the NSW SSMRG's request to use part of the craft pavilion to discuss the Model Railway Guild's proposal.

The Craft Pavilion is also used by the Northern Suburbs Agricultural & Horticultural Society (NSA&HS) for storage of cake display units and also cake and jam exhibition during the annual show in October. Agreement has been reached with NSA&HS as to sharing of the space and its ongoing management. The Model Railway Guild will fund a security partition as a condition of the licence. These details are reflected in the proposed agreement.

COMMENTS

Given the clubhouse is similar to that of the Ku-ring-gai Model Flying Clubhouse, the State Valuation Office advised that it was appropriate to use the rate that was applied in the valuation of the Ku-ring-gai Model Flying Clubhouse. A rate of \$95 per sq m was therefore adopted for the valuation calculations. (refer to Attachment 2). The licence area is 50m² in total

CONSULTATION

Staff consulted with all permanent user groups at the showground following the request from the NSW School Students Model Railway Guild (NSW SSMRG) and have discussed with the NSW

SSMRG and the Northern Suburbs Agricultural and Horticultural Society (NSA&HS) regarding joint use of the craft pavilion.

The Department of Lands was advised of the proposed licence on 8 February 2005.

Following Council's resolution of the proposed licence, all relevant documentation will be forwarded to the Department of Lands for the Minister's consent.

The Guild has provided a letter of support (refer to Attachment 3) for the proposed licence, including agreement with the terms of the licence as proposed to Council.

FINANCIAL CONSIDERATIONS

The Licensee is responsible for the payment of 50% of Council's legal fees associated with the preparation and finalisation of the licence agreement and will reimburse Council for the cost of the security partition as a condition of the licence.

Council has not undertaken a specific market valuation of the proposed licence fee, therefore no fee is incurred. A comparable market rate to that utilised for the Model Flying Club licence has been used to determine the proposed licence fee.

Detailed terms and conditions of the proposed licence area are outlined in the attached Draft Heads of Agreement (refer to Attachment 2)

Attachment 2 shows the proposed rent structure for the 5 year licence, which is based on a reduction in Council subsidy (Rental Rebate) from 90% to 80% over the term of the licence.

CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

Open Space has consulted with Finance and Business Development about the proposed 5 year licence, terms and conditions.

SUMMARY

The proposed new five (5) year licence is between Council as Reserve Trust Manager and NSW School Students Model Railway Guild Inc and would commence from the date of Council's Resolution.

The licence also requires the consent of the Department of Land's Minister administering the Crown Lands Act 1989 and agreement has been reached with the Guild on the licence as proposed to Council.

RECOMMENDATION

- A. That Council as Trustee of the St Ives Showground (St Ives Showground Reserve Trust) grant a five (5) year licence to the NSW School Students Model Railway Guild Inc for the use of part of the Craft Pavilion, commencing from the date of Council's resolution and on terms as outlined in this report.
- B. That the Mayor and General Manager be authorised to execute all necessary licence documents.
- C. That the Council Seal be affixed to the licence.
- D. That following the execution of the new licence, the documents are submitted to the Department of Lands for the Minister's consent.

Cherry Varde
Land Administration Officer

Amanda Colbey
Manager Parks Sport &
Recreation

Steven Head
Director Open Space

Attachments:

- 1. Site Plan**
- 2. Draft Heads of Agreement & proposed licence fee**
- 3. Club's letter of support**

DRAFT (HERITAGE CONSERVATION) LOCAL ENVIRONMENTAL PLAN NO 30 - UTS KURING-GAI CAMPUS, 100 ETON ROAD, LINDFIELD

EXECUTIVE SUMMARY

PURPOSE OF REPORT:	For Council to consider Draft (Heritage Conservation) Local Environmental Plan No 30 (DHLEP30) - UTS Kuring-gai Campus following exhibition.
BACKGROUND:	On 24 August 2004 Council resolved to prepare a Local Environmental Plan to include the UTS Kuring-gai Campus, Lindfield as a draft heritage item in Schedule 7 of the Ku-ring-gai Planning Scheme Ordinance. DHLEP30 was then placed on public exhibition from 27 October to 26 November 2004.
COMMENTS:	A total of 18 submissions were received with 3 from State agencies, 3 from adjoining local government Councils, 1 submission from the Kuring-gai Heritage Advisory Committee and 12 submissions from the general public.
RECOMMENDATION:	That Council adopt Draft (Heritage Conservation) Local Environmental Plan No 30 UTS Kuring-gai Campus, Lindfield and submit the Draft Plan to the Minister with a report under Section 69 of the Environmental Planning and Assessment Act 1979 with a request that the Plan be made.

PURPOSE OF REPORT

For Council to consider Draft (Heritage Conservation) Local Environmental Plan No 30 (DHLEP30) - UTS Kuring-gai Campus following exhibition.

BACKGROUND

Council engaged City Plan Heritage in March 2004 to prepare the heritage assessment in accordance with its resolution of 4 November 2003 for the land known as the University of Technology Sydney – Kuring-gai Campus, 100 Eton Road, Lindfield. The final heritage report was received in August 2004. It found the site to have both local and State heritage significance. The Heritage report 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 recommending 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 of the south and south east.

The identification of UTS Kuring-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.

On the 24 August 2004 Council resolved:

- 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 intension 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&A Act.*
- D. *That Council notifies the University and all affected properties of its decision.*
- E. *That the Draft Plan be placed on exhibition in 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.*

The Draft Plan was placed on public exhibition and received written submissions from 27 October 2004 to 26 November 2004.

COMMENTS

The purpose of this report is to review the submissions made during the exhibition period to the proposed listing of the UTS Kuring-gai Campus in Schedule 7 of the KPSO.

CONSULTATION

Notification under Section 54 of the Environmental Planning and Assessment Act 1974 (EP&A Act) was made to the Department of Infrastructure, Planning and Natural Resources (DIPNR) and Section 62 notification to relevant state agencies on 5 October 2004. Three submissions were received from State agencies, none of which raised objections to the draft plan.

Draft Local Environmental Plan No. 30 (Heritage Conservation) (**Attachment 2**) was placed on formal public exhibition at the Customer Service Centre and Council's libraries and Council's website from 27 October 2004 to 26 November 2004. Affected property owners were also notified in writing of the exhibition of the Draft Plan and were invited to make submissions. A total of 18 submissions were made of which 16 were in favour and 2 objected to the proposed draft plan.

Public Submissions

A summary of the general submissions made for the proposed heritage listing is provided below and a copy of submissions is **attached (Attachment 3)**

Issues raised in Submissions against the Heritage Listing Under DLEP 30

Summary of Issues raised in Submissions	Comments
<p>The site is not under development threat. Any action to list the site for its heritage values is premature.</p> <p>Greater consideration given to the City Plan Heritage Assessment than the Graham Brooks Heritage Assessment of the site.</p> <p>Council should delay a final decision until detailed consideration of UTS rezoning application.</p>	<p>If listed there would still be the opportunity for further appropriate alterations and additions in line with the contemporary needs of the University – these would relate to the heritage significance of the entire campus site.</p> <p>Several heritage assessments apart from the City Plan heritage assessment have been undertaken on the UTS Lindfield site. The RAIA assessment indicates that the site is of State and local heritage significance. The RAIA nominated the</p>

	<p>site to the NSW Heritage Council for inclusion on the NSW State Heritage Register. An assessment prepared for the UTS by Graham Brooks and Associates to support its rezoning application indicates that the site has both local and some limited State heritage significance.</p> <p>In response to the bias by Council towards the City Plan Heritage Report over the Brooks Heritage Report. This report also found that the site may be considered significant at the State and Local level for a number of reasons.</p> <p>Given the identified local heritage significance of the Campus it is considered necessary to proceed with DLEP 30.</p>
<p>Possible effect of heritage listing on Universities ability to serve the education needs of NSW and the University's students and staff.</p> <p>Any potential listing must provide a flexible management regime.</p> <p>Listing the whole site is 'premature', need to consider heritage as one part of the rezoning application, not in isolation.</p> <p>Proposed heritage listing is based on the City Plan Heritage Assessment and does not consider the Heritage Assessment produced in support of the rezoning application.</p>	<p>See comment above.</p>

Issues raised in Submissions supporting the Heritage Listing Under DLEP 30

Summary of Issues raised in Submissions	Comments
<p>The entire UTS Campus has local and State heritage significance</p> <p>Council should proceed with heritage listing in KPSO</p>	<p>The submission advocates the findings of the City Plan Heritage Assessment for the UTS Campus recognising the entire sites local and state significance.</p>

Council should prepare a nomination to the NSW Heritage Council for State Heritage listing	
<p>Campus displays 'strong' heritage values.</p> <p>The UTS Kuring-gai campus is of local and State significance.</p>	<p>The submission reflects the findings of heritage assessments prepared for the UTS Campus. The Campus is of local and State significance and is of environmental, cultural, social, historic and architectural value.</p>
<p>Campus (both built and natural areas) is one of the most outstanding pieces of Australian architecture at local, State and National levels.</p> <p>Flora and fauna on site and the sports facilities are of importance.</p> <p>The atmosphere on campus is conducive to learning.</p>	<p>The Kuring-gai Campus has high aesthetic values as a remnant natural environment with scientific and ecological significance.</p> <p>The Campus and adjoining bushland provide habitat for a number of protected, rare, vulnerable, not well known or uncommon indigenous plant species.</p> <p>The educational buildings were designed with emphasis on spatial planning to create a social environment.</p>
<p>'Environmentally friendly' design. It is not possible to see buildings apart from a small section of the tower from Lane Cove Park.</p> <p>Won the Sulman Award in 1978 which 'stands testimony of its merit in the eyes of architects'.</p> <p>Deserves to stand as evidence of architecture of the time.</p>	<p>The landscape setting of the College and the way buildings were constructed with minimal impact on the natural environment is representative of the development of Australian landscape architecture in the 1960s and 1970s. The landscape techniques are commonly associated with the Sydney School of architecture.</p>
<p>The college is a 'great place' for environmental and educational training.</p> <p>Requires enthusiastic and imaginative management.</p>	<p>These comments reinforce the social and cultural significance of the Campus.</p> <p>The College is historically significant for its place in the development of teacher's education in NSW.</p> <p>The City Plan Heritage assessment found that the College appears to be strongly appreciated by students and staff and people in the local area.</p>
The campus is popular with local schools and is one of the most well designed and	The site is considered to have obtained a degree of social significance related to its

beautiful campuses in Australia.	<p>use as an educational institution over its life.</p> <p>The College has historical significance for its role in education on the North Shore and is thought to be of significance to the surrounding community and to the population of the North Shore of Sydney as an area of native bushland linking with the adjacent Lane Cove National Park.</p>
The building was awarded the Sulman Prize for architecture.	The Campus is an important representative example of the Neo-Brutalist style in Australia architecture in the later 20 th Century with the integration of public buildings and the natural landscape. It also received a RAIA Merit award in 1972 and a Royal Australia Horticultural Society Award for Bush Landscape Design.
<p>The UTS Kuring-gai buildings 'reflect' and 'promote' the cultural landscape.</p> <p>The campus is a 'significant representation' of the development of Australian architecture.</p> <p>The campus demonstrates how architecture can be complemented with the outdoor environment.</p>	<p>See previous comments RE: Neo-Brutalist style architecture & Sydney School.</p> <p>The College is historically important for its contribution to the development of landscape architecture in Australia and the retention and adaptation of natural bushland settings.</p> <p>The campus building were set within the natural environment rather than starting with a cleared site and creating an 'artificial' natural landscape (example of MacKenzie's landscape philosophy)</p>
<p>UTS buildings of prime architectural importance.</p> <p>The natural setting of the Campus is particularly significant, particularly the path leading into the university.</p> <p>The architecture is 'inspiring'.</p>	<p>See above comments.</p> <p>Bruce MacKenzie's landscape design for the UTS Kuring-gai Campus demonstrates his philosophy that existing contours, rocks and trees can be the main determinants of composition.</p>
UTS Kuring-gai Campus is among the best, if not the best designed tertiary education institution.	The Campus demonstrates the development of institutions in NSW and the building of a system of higher education in NSW.
Support from architects and academics	The building is highly regarded by the

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for the UTS Campus heritage listing.	architectural and landscape design
The campus is of international significance.	community as a successful example of a highly influential style.
Campus is a masterpiece of modern architecture and landscape architecture.	

The three submissions received from State agencies raised no objections to DLEP 30. Sydney Water commented that they do not 'in-principal' object to the proposal so long as Draft LEP 30 does not apply to works on Sydney Water assets on the site. Sydney Water owns the East Lane Cove Submain that traverses the site that is to be included as a heritage item under Draft LEP 30. Submissions received from adjoining councils made no comments on the draft Local environmental Plan.

The Ku-ring-gai Heritage Advisory Committee prepared a submission that fully endorses the Consultant's assessment that the entire UTS Campus site is of local and State significance. The Heritage Advisory Committee unanimously endorses the Statement of Significance in the City Plan Heritage State Heritage Inventory form. The Committee through its submission recommends that Council proceed with a heritage listing to include the site as a local heritage item in the Ku-ring-gai Planning Scheme Ordinance and recommends that Council prepare a nomination to the NSW Heritage Council for their considered on the State Heritage Register.

One of the general submissions raised concern over the possible effect of heritage listing on the University's ability to serve the education needs of NSW and the University's students and staff. It is acknowledged that all buildings change and that heritage items can be altered to suit the needs of the stakeholders. Heritage listing is more about management of change. When considering an application to change a heritage item the primary aim is to ensure that the work does not diminish heritage value of the property. Alterations can provide additional layers in history of the original building and landscape as has been evidenced through the evolution of the UTS Kuring-gai Campus. Though spanning almost 20 years, each construction phase was designed and built in the same style using the same construction techniques with minor differences in details and materials. The result is a building consistent in its design and each stage is integrated to form a unified complex.

The heritage value and significance of the UTS Kuring-gai Campus must be considered in the overall heritage management of the entire site.

UTS Rezoning Submission

A rezoning application was received by Council for the UTS Kuring-gai Campus which has been put out for preliminary public exhibition. The rezoning proposes redevelopment of the site and introduction of new uses and buildings. The rezoning proposes to retain and adaptively reuse a majority of the main campus buildings for a range of commercial, community, educational or recreational uses. It also identifies that a yield of around 560 – 570 dwellings is possible by providing a mix of dwelling types.

The University of Technology Sydney commissioned Graham Brooks and Associates to undertake a Heritage Assessment and Conservation Strategy for the UTS Site. The Strategy recognises that the site may be considered significant at the State and Local level for a number of reasons. The report found that at the State level the site may be significant because:

- The architecture is an example of post-war Brutalist Architectural expression of the Sydney School;
- There is a close and confident relationship between architecture and bushland setting;
- The design adopts a internal street circulation and concentrated building form.

The report further identified that the site may also be significant at the local level because of its strong association with many students, staff and the wider community.

Consultation

There has been consultation with the Department of Infrastructure, Planning and Natural Resources in accordance with Section 54 of the EP&A Act 1979. Consultation was undertaken with relevant authorities in accordance with Section 62 of the EP&A Act 1979, including the NSW Heritage Office, Sydney Water and the NSW Rural Fire Service and adjoining local government councils. The University of Technology Sydney and all affected properties were also consulted.

FINANCIAL CONSIDERATIONS

The preparation, exhibition and assessment of Draft Local Environmental Plan (Heritage Conservation) No 30 are covered by the Urban Planning budget.

CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

Consultation has been undertaken with Council's Heritage Adviser in consideration of the submissions received and the recommendation of this report. A site inspection was also conducted for senior staff, Councillors and consultants on 9 March 2005. A site inspection was also held by Council's Heritage Advisory Committee on 22 November 2004.

SUMMARY

Draft LEP No. 30 was publicly exhibited. Submissions both objecting and supporting the draft plan were received during the exhibition period and these have been assessed in this report.

The UTS Kuring-gai Campus is of architectural and historic significance. The University has played an important role in the development of Australian Architecture in the second half of the 20th Century and the development of Australian landscape design. The campus displays a high level of aesthetic significance, arising from the natural bushland setting, the buildings themselves and the landscape design. The Campus is a prime example of the Neo-Brutalist style in Australia, the Sydney School of architecture and the landscape design philosophies of Bruce Mackenzie and Alan Correy. It is believed to have a high degree of social significance to the education community and

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wider community as an education facility and has natural significance as an area of native bushland linking with the adjacent Lane Cove National Park. The Campus and adjoining bushland provide habitat for a number of protected, rare, vulnerable and uncommon indigenous plant species.

It is recommended that Council adopt draft LEP No 30 and submit it to the Minister for approval and gazettal.

RECOMMENDATION

- A. That Council adopts Draft (Heritage Conservation) Local Environmental Plan No 30 UTS Kuring-gai Campus, and submit the draft Plan to the Minister with a report under Section 69 of the Environmental Planning and Assessment Act 1979 with request that he makes the Plan.
- B. That Council notifies the NSW Heritage Council informing them of Council's decision.
- C. That Council notifies all affected residents and all people who made a submission of its decision.

Louise O'Flynn
Heritage Planner

Antony Fabbro
Manager Urban Planning

Leta Webb
**Director Planning &
Environment**

Attachments: **Attachment 1 - Copy of officer's report to Council 24 August 2004.**
 Attachment 2 - Copy of Draft LEP30.
 Attachment 3 - Copy of submissions on Draft LEP30.
 Attachment 4 - UTS Ku-ring-gai Campus Heritage Assessment August 2004.

WATER MANAGEMENT POLICY

EXECUTIVE SUMMARY

PURPOSE OF REPORT:

To report on the review of the Water Management Policy 1999.

BACKGROUND:

The current Water Management Policy was adopted in 1999.

COMMENTS:

Council resolved in November 2003 to review the Water Management Policy in the context of the Draft Water Management Development Control Plan (DCP). The review has found that the Policy has been largely superseded by the DCP, as well as by the more recently adopted Riparian Policy (2004).

RECOMMENDATION:

That Council rescind the Water Management Policy 1999.

PURPOSE OF REPORT

To report on the review of the Water Management Policy 1999.

BACKGROUND

A Stormwater Management Policy for Ku-ring-gai was originally adopted in 1993. The current Water Management Policy was adopted in 1999 during the development of the Draft Water Management Development Control Plan No 47 (DCP 47). The draft DCP was not adopted at that time.

The Water Management Policy was to be reviewed “every five (5) years, or before that time if necessary”.

In November 2003, Council resolved to review the Water Management Policy in the context of the new Draft DCP No 47 and other current Council activities and policies. DCP 47 has since been adopted and an amended Draft DCP 47 is being recommended for adoption in a separate report to this Council meeting. Council has also recently adopted a new Riparian Policy.

The process of review has involved examination of the document by staff from across Council in the light of more recently developed documents such as DCP47, Riparian Policy, State of the Environment report etc.

COMMENTS

The Water Management Policy was designed to sit immediately below the Council Management Plan, providing a statement of commitment to appropriate water management in Ku-ring-gai and acting as a guiding document for water-related Council activities, including everyday operations, development of DCP 47 and long-term projects.

The Policy includes the following statement about Council’s visions for water management:

“The waterways within Ku-ring-gai are managed responsibly within an ecologically sustainable framework, where residents, businesses and Council consider the total water cycle, while acknowledging that urban waterways will never be restored to their natural, pre-development state”.

The new Riparian Policy states that:

“our vision for Ku-ring-gai is to ensure our creeks support riparian ecosystems, reflect community values and sustain economic activity”.

It is considered preferable that Council have a single vision for Council’s waterways. The more recently adopted vision is certainly adequate.

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A considerable proportion of the Policy consists of introductory statements of fact, technical information, justification for good water management in Ku-ring-gai, together with explanations of Council's processes, technical information, contact details for State agencies, a list of relevant legislation and definitions of common terms. This information is available to staff and customers through other Council documents and policies including the State of the Environment Report (which includes statistics and describes actions undertaken), the Management Plan (which details future actions), Council's website and DCP 38. Some elements are also included in the adopted Water Management DCP.

The main body of the Policy is divided into seven sections:

1. Integrated Management – requiring Council to develop Stormwater Management Plans (SMPs), explaining the purpose of the Water Management DCP and requiring all water management in Ku-ring-gai to be consistent with the SMPs, the Water Management DCP and the principles of Ecologically Sustainable Development (ESD);
2. Community Involvement – requiring Council to undertake appropriate consultation and education with the community to ensure that the “objectives of the policy” (of which there are none stated) are met;
3. Water Conservation- stating the actions Council will carry out to maximise water conservation;
4. Stormwater – setting objectives and controls for stormwater management and containing details on compliance issues and statements of purpose from other Council documents.
5. Inter-allotment Drainage Schemes – containing a statement that Council “may assist property owners in the facilitation of inter-allotment drainage schemes” as set down in DCP 47.
6. Protecting and Restoring Natural Components of the Stormwater System – containing controls for the management of natural areas.
7. User Pays – detailing the way in which Council operates.

The majority of the Water Management Policy (Sections 1-3, 5, 7 and some of 4) is information about Council's process and background information. Much of the remainder consists of controls that are more comprehensively dealt with in DCP 47. Other elements of the Policy are now largely superseded by the Riparian Policy.

CONSULTATION

The review of the Policy has not required consultation with external stakeholders.

FINANCIAL CONSIDERATIONS

The sole cost to Council has been related to Council staff time in undertaking the review and preparing the report.

CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

The review of the Water Management Policy had been undertaken in conjunction with the preparation of DCP 47 and the Riparian Policy. The process has involved staff from the Departments of Planning and Environment, Technical Services, Open Space and Development and Regulation.

SUMMARY

The Water Management Policy consists largely of information that is either background information or has been superseded by other Council documents. The vision contained in the Policy has merit, however, this vision is superseded by that contained in the new Riparian Policy.

RECOMMENDATION

That Council rescind the Water Management Policy 1999.

Katherine Lustig
Environmental Planner

Leta Webb
**Director Planning &
Environment**

Steven Head
**Director
Open Space**

Attachments: Water Management Policy 1999.

DEVELOPMENT CONTROL PLAN NO 47 - WATER MANAGEMENT

EXECUTIVE SUMMARY

PURPOSE OF REPORT:

To present amended Draft Development Control Plan (DCP) No 47 - Water Management to Council for adoption.

BACKGROUND:

The Water Management DCP47 was adopted by Council on 23 March 2004. An amended Draft DCP47 was exhibited for a period of 28 days in February – March 2005.

COMMENTS:

The amendments proposed are to make the DCP consistent with new BASIX legislation, help to minimise impact of large development on downstream properties and to add controls in line with Council's recently adopted Riparian Policy. No submissions were received during the exhibition period.

RECOMMENDATION:

That Council adopt amended Draft DCP47.

PURPOSE OF REPORT

To present amended Draft Development Control Plan (DCP) No 47 - Water Management to Council for adoption.

BACKGROUND

At its meeting on 23 March 2004, Council adopted Development Control Plan (DCP) 47 with a resolution:

C. That Draft DCP47 be reviewed upon commencement of BASIX.

The Department of Infrastructure, Planning and Natural Resource's (DIPNR) Building Sustainability Index (BASIX) for developments commenced on 1 July 2004. The introduction of BASIX rendered some elements of DCP 47 obsolete, specifically requirements for rainwater tanks and water conservation in the home.

Council has also recently introduced a new Riparian Policy and resolved to incorporate the relevant changes into the DCP.

Since the introduction of the DCP, Council has noted that the DCP has been interpreted as allowing a 100% replacement of on-site detention with rainwater tanks, even for large developments. This was not the intent of the concessions included in the DCP, as OSD is often necessary to reduce the impact of flooding on downstream properties, while retention does not necessary ensure sufficient protection.

Amendments are therefore proposed to DCP47 in relation property drainage to clarify the limit of OSD concession, to meet requirements of BASIX and to incorporate information as required by the Riparian Policy.

At its meeting of 1 February 2005, Council resolved to place Draft DCP47 on exhibition for a period of at least 28 days.

COMMENTS

Exhibition

The Draft DCP was exhibited from 23 February 2005 to 23 March 2005. No submissions were received.

All proposed changes are highlighted in the attachment circulated separately.

Amendments to Chapter 1 – Introduction

Minor changes only are proposed in this chapter so that section 1.7 correctly reflects the current status of BASIX and Council's recently adopted DCPs.

Amendments to Chapter 2 – Dictionary of Definitions

Minor changes are proposed to some definitions in order to make more clear the intent of the document. It is also proposed to add a definition of “Sydney Water” as this body is referred to a number of times in the Plan.

Amendments to Chapter 3 – Determining Development Type and Location

Minor changes only are proposed to wording in order to make more clear Council’s intent with regard to the Locations.

Amendments to Chapter 4 – Site Planning and Building Design

The amendments proposed to Chapter 4 are primarily the addition of controls consistent with the recently adopted Riparian Policy. Inclusion of these controls also entails the addition of an appendix containing riparian mapping information. The new controls will require that development and associated services are located a reasonable distance from riparian areas.

Amendments to Chapter 5 – Stormwater Discharge Leaving the Site

It is proposed to amend Chapter 5 so as to enable pump-out systems to be employed for certain types of Location D development, specifically developments up to and including new single dwellings where an easement for gravity drainage cannot be obtained.

Provided that these developments are subject to strict controls regarding the impact of the pump-out system on the receiving catchment, together with stringent back up systems provided on-site in the event of pump failure/power outages (refer to controls in proposed section 5.7.9), there is no technical reason that a pump-out should not be considered in certain circumstances where an easement cannot be obtained.

Some minor changes to wording are also proposed so as to improve the clarity of the document.

Amendments to Chapter 6 – On-Site Stormwater Management

Rainwater tanks were introduced as a mandatory element of on-site stormwater management so as to reduce the risk of total system failure as well as to help minimise demand on the mains water. The adopted DCP allows for concessions from OSD when OSR systems (eg. water tanks) are employed. It was not intended, however, that OSD systems be eliminated as a matter of course when concession options were introduced into the DCP.

Elimination of OSD storage in development applications is commonly occurring in development application proposals for Type 4 (dual occupancy), Type 5 (multi-unit) and Type 6 (business, commercial or retail premises). This is expected to cause problems in the future, following further concentration of medium density developments proposed adjoining the rail corridor, especially as these are situated on the ridge of the catchments where they have the potential to impact on a greater number of downstream properties. Particularly given the downstream capacity of Council systems, the magnitude of some of the (concentrated) uncontrolled discharges from these large sites could be very large. It is therefore important that Council review its stance on OSD and OSR for sites such as these. In doing so, it is also important to consider the issue of overflow from rainwater tanks in the event of pump failure due to a power outage occurring in a major storm.

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As such, it is considered that specifying a minimum proportion of the stormwater management that must be by way of OSD. This will ensure that some protection is afforded to downstream properties and that the integrity of the drainage system capacity as well as the impacts of increased multi-unit development are appropriately managed. Specifically, the proposed amendments to Chapter 6 are:

1. An update to Section 6.4 so as to properly reflect the current status of BASIX.
2. Introduction of a retention component of 5000 litres (garden irrigation minimum) for existing dwellings retained in straightforward subdivision applications.
3. Introduction of mandatory on-site detention for Types 4, 5 and 6 development with a minimum site storage requirement (SSR) being 50% (for all Types 4), and either 50% (for eight or fewer units) or 75% (for nine or more units) for Type 5 & 6. This limits the concession for other storage devices to not more than 50% or 25% respectively.
4. Formatting of modifications to Sections 6.7 and 6.9 to reflect other changes and to improve clarity to users of the document.
5. Examples added to clarify the meaning of control 6.7.2 (d).

Amendments to Chapter 7 – Development Adjacent to or over Existing Drainage Systems

It is proposed to add a section containing controls for the establishment of swimming pools and spas adjacent to drainage systems. Some other minor amendments and additions are proposed to improve clarity.

Amendments to Chapter 8 – Water Quality

Some additional information is proposed to be included in order to improve customers' understanding of processes. It is proposed to delete the section detailing the requirements for the environmental site management plan, as these are now detailed in the DA Guide. Some other minor amendments are also proposed including to the formatting.

Amendments to Chapter 9 – Road and Trunk Drainage

Some minor amendments and additions are proposed to improve communication.

Amendments to Chapter 10 – Water Conservation

Following the introduction of BASIX, some controls relating to water conservation cannot now be included. It is proposed to rename this chapter "On-site Wastewater Management" and to delete the introduction on water conservation as well as the general water conservation requirements such as rainwater tanks and ratings for fixtures.

Amendments to Appendices

Appendix 3 – It is proposed to remove "Flow 3" from the calculation sheet because this calculation provides a higher permitted site discharge than is warranted. Line 5 has therefore also been deleted from the adopted DCP and necessary changes made accordingly.

Appendix 4 – It is proposed to amend the formatting to correct a printing error.

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Appendix 5 – Minor amendments only are proposed to wording and references to improve clarity.

Appendix 6 – Minor amendments only are proposed to wording and references to improve clarity.

Appendix 7 – Some minor alterations and additions are proposed to the controls so as to clarify design requirements for property and interallotment drainage systems.

Appendix 8 – Some minor amendments are proposed to correct errors and improve clarity.

Appendix 11 – It is proposed to correct Section 11.1(f) for consistency with Chapter 7. It is also proposed to amend the diagram by deleting reference to information in a superseded document. Some minor amendments to wording are also proposed.

Appendix 13 – The majority of this information is now included in Council's DA Guide. It is proposed to include the remainder of this information in the DA Guide so that all information about submission requirements is in a single location that may be easily accessed by customers. The information in the existing Appendix 13 may therefore be deleted. It is proposed to replace this information with a new *Rainwater Tank Certification Sheet*.

Appendix 15 – A new appendix is proposed containing a typical detail of a dispersal trench.

Appendix 16 – Following the adoption of Council's Riparian Policy and in line with Council's resolution, it is proposed to add controls to the DCP to limit development in the vicinity of riparian zones. So as to minimize the need for cross-referencing, it is proposed to include a new appendix containing the mapped information from the Riparian Policy showing the three different kinds of riparian corridor.

CONSULTATION

External engineering consultants have offered their opinion in respect to limiting the concession on OSD to afford some protection from flooding as well as the extent of the concession.

FINANCIAL CONSIDERATIONS

Costs are associated with notification in local papers and printing. Further costs to Council primarily relate to staff time and exhibition for the proposed amendments to the DCP (for advertising, printing and staff time). If adopted, an advertisement will be placed in local papers informing the community of the proposed amendments and the cost met from the Planning & Environment Department.

CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

The review has been conducted by staff from the Departments of Technical Services, Development & Regulation Department, Planning & Environment and Open Space.

SUMMARY

On 23 March 2004, Development Control Plan (DCP) 47 was adopted by Council. Since the adoption of the DCP, the Department of Infrastructure, Planning and Natural Resource has

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introduced the Building Sustainability Index (BASIX) for developments (commenced on 1 July 2004). The DCP must be updated for consistency with this planning tool.

It has also been noted that the adopted DCP is being interpreted by applicants for larger developments that they may use the concession provisions of the Plan to fully remove the requirement for on-site detention. Consistent application of this interpretation would result in insufficient protection to downstream properties. Amendments are therefore proposed to DCP 47 in order to properly protect properties.

It is proposed to now include controls to enable pump-out systems for a very limited range of developments, specifically, those where an easement for gravity drainage cannot be obtained. Pump-out systems would be subject to strict control.

Additional appendices are proposed in order to provide necessary information to customers and some information in appendices has been removed where other Council documents have superseded the information provided.

Minor corrections are also proposed throughout the body and appendices of the DCP to improve communication.

RECOMMENDATION

That the revised Draft DCP47 – Water Management be adopted.

Katherine Lustig
Environmental Planner

Leta Webb
Director Planning & Environment

Ian Taylor
Manager Support Services

Greg Piconi
Director Technical Services

Robin Howard
Team Leader – Engineering Assessment Unit

Michael Miocic
Director Development & Regulation

Attachments: **Water DCP (amended). (Note: A3 maps have been reduced to A4). This attachment will be circulated separately to Councillors.**

DEVELOPMENT APPLICATION

SUMMARY SHEET

REPORT TITLE:	2 TO 4A FINLAY ROAD, TURRAMURRA - DEMOLITION OF EXISTING STRUCTURES ON SITE AND CONSTRUCTION OF 42 APARTMENTS WITHIN ONE BUILDING; ASSOCIATED ACCESS, BASEMENT PARKING AND LANDSCAPING
WARD:	Comenarra
DEVELOPMENT APPLICATION N^o:	1270/04
SUBJECT LAND:	2 to 4A Finlay Road, Turramurra
APPLICANT:	Finpac Investments
OWNER:	R. & P. Leach, K. Jenkins, D.F. and J. Kite.
DESIGNER:	Scott Carver
PRESENT USE:	Residential
ZONING:	Residential 2(d3)
HERITAGE:	No
PERMISSIBLE UNDER:	Ku-ring-gai Planning Scheme Ordinance
COUNCIL'S POLICIES APPLICABLE:	KPSO - LEP194, DCP31 - Access, DCP55 - Ku-ring-gai Multi-unit Housing, DCP40 - Waste Management, DCP43 - Car Parking, DCP47 - Water Management, Development Control Code – Finlay Road, Lamond Drive & Duff Street, Turramurra Design Principles.
COMPLIANCE WITH CODES/POLICIES:	No
GOVERNMENT POLICIES APPLICABLE:	SEPP55, SEPP65
COMPLIANCE WITH GOVERNMENT POLICIES:	Yes
DATE LODGED:	29 November 2004
40 DAY PERIOD EXPIRED:	8 January 2004
PROPOSAL:	DEMOLITION OF EXISTING STRUCTURES ON SITE & CONSTRUCTION OF 42 APARTMENTS WITHIN ONE BUILDING; ASSOCIATED ACCESS, BASEMENT PARKING & LANDSCAPING
RECOMMENDATION:	Refusal

DEVELOPMENT APPLICATION N^o 1270/04
PREMISES: 2 TO 4A FINLAY ROAD, TURRAMURRA
PROPOSAL: DEMOLITION OF EXISTING STRUCTURES ON
SITE AND CONSTRUCTION OF 42
APARTMENTS WITHIN ONE BUILDING;
ASSOCIATED ACCESS, BASEMENT PARKING
AND LANDSCAPING
APPLICANT: FINPAC INVESTMENTS
OWNER: R. & P. LEACH, K. JENKINS, D.F. AND J. KITE
DESIGNER: SCOTT CARVER

PURPOSE FOR REPORT

To determine Development Application No. 1270/04 which seeks consent for the demolition of existing structures on site and construction of 42 apartments within one building, associated access, basement parking and landscaping.

EXECUTIVE SUMMARY

Issues: Deep soil zones, tree replenishment, rear boundary setback, courtyards within front setback, wall plane areas, balcony projections, corridor width, provision of outdoor living spaces, NatHERS rating, visitor car parking spaces.

Submissions: Twenty eight letters received. Four in support, twenty-four in objection.

Pre-DA Consultation: Yes

Land & Environment Court Appeal: Proceedings No. 10130 of 2005.
A deemed refusal appeal was lodged on 18 February 2005.
The Statement of Basic Facts and Statement of Issues were finalised on 8 April 2005.
The last callover for the appeal was held on 12 April 2005, at which the matter has again been reserved for callover on 20 April 2005. By that time it is expected that the Council and the appellant will have agreed upon a court appointed expert, and formulated a timetable for evidence and range of hearing dates. At present the applications for 1 and 1A Lamond and this subject application will be considered together.

Recommendation: Refusal

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HISTORY

Site history:

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

Development application history:

DA1270/04

- | | |
|------------------|--|
| 22 November 2004 | Pre-development application consultation held between Council Officers and applicants. Concern was raised about the limited front setback, the height of the building (which appeared to exceed LEP194 requirements) and the building depth (which appeared to not meet with SEPP65). The pre-development application plans and the submitted development application plans are essentially identical. |
| 29 November 2004 | Application lodged. |
| 15 December 2004 | Request from Council to the applicant to provide a Construction Management Plan. |
| 25 January 2005 | Indicative Construction Management Plan and Flora and Fauna Assessment submitted. |
| 18 February 2005 | Appeal against Council's deemed refusal of the application filed in the Land and Environment Court. The appeal was lodged on the 42 nd day of the application being with Council. |
| 9 February 2005 | Comments received from Council's Consultant Urban Designer. A number of suggestions were made by the Consultant Urban Designer (issues discussed within the context of this report). |
| 24 February 2005 | Comments received from Council's Landscape Officer. Several concerns raised (issues discussed within the content of this report). |
| 24 March 2005 | Additional plans received from applicant clarifying inconsistencies within the plans. |
| 8 April 2005 | Issues filed by Council in response to the deemed refusal appeal as follows: |

STREETSCAPE AND VISUAL IMPACT

- i. *The front setback, use and design of the front and rear setback, and design of the apartment building front elevation, results in undue*

imposition of built form upon the streetscape and upon the rear properties.

Particulars:

- a. *A front setback of 9 metres has been provided to Finlay Road. This limits the potential for deep soil zones and tall tree canopy as required by LEP194 and DCP55 and has consequent adverse impact on the Finlay Road streetscape. This is exacerbated by the length of the building, at 60 metres long. (Refer: LEP194 Section 25D Heads of Consideration (b), DCP55 Part 4.3 Control C-1, Part 4.4 Control C-3).*
- b. *The limited front setback to Woniora Avenue includes courtyards with a minimum setback of 3.6 metres as opposed to a required 8 metres. This will not allow for acceptable deep soil zones and sufficient tall tree canopy within the front setback and has consequent adverse impact on the Finlay Road streetscape. (Refer: LEP194 Section 25D Heads of Consideration (b), DCP55 Part 4.3, C-7).*
- c. *The design of the front setback, in particular the use of materials and the use of off-white render, detracts from the natural setting and existing built form of Finlay Road. (Refer: DCP55, Part 2, Controls E-11, E-12)(N.B. – this can likely be addressed via condition).*
- d. *Limited setback has been provided to the rear of the site, where a setback of 3.6 metres has been provided to the basement carpark. This prevents establishment of a tall tree canopy within deep soil zones as required by LEP194. (This is particularly important given the concurrent application to the east of the site, which has also been provided with limited setbacks and will also not be able to accommodate tall trees) (Refer: LEP194, Section 25D Heads of Consideration (a)(b), DCP55 Part 4.3, Control C-1).*
- e. *The rear of the building has been provided with balconies which extend beyond the building, providing little amenity for the users of these balconies, and failing to integrate into the building design (Refer: DCP55, Part 4.4, Control C-6).*

LANDSCAPE

- ii. *The deep soil zone requirement appears to be 48.2%, rather than the 50.6% as suggested within the application. A SEPP1 is required for this departure from the standards. (Refer LEP194 Section 25I(2)(c)) (N.B. Further details contained within the Statement of Basic Facts. This can likely be resolved by increasing the setbacks off the site boundaries for the pool and retaining walls to a minimum 2.0m to comply with LEP194).*
- iii. *Tree #1/54 Nyssa sylvatica (Tupelo) located adjacent to the eastern site boundary and adjoining heritage listed property is not shown to be retained. The tree provides amenity to the site and the adjoining*

property. As the tree is outside of development works, it is required to be retained. This will require some alteration to the proposed landscape works/turf area.

- iv. *The proposed swimming pool located in the south east site corner has a setback of approximately 1.4m to the water line. To maximise landscape amenity and deep soil landscaping it is required that the proposed pool have a minimum 2.0m setback from site boundaries to the outer coping edge.*

RESIDENTIAL AMENITY

- v. *The proposed development fails to provide for adequate open space with dimensions in accordance with DCP55. In particular, units D11, D12, D13, C11, C21, A21, A31, D21 and D31 are undersized or have minimal widths (Refer: DCP55, Part 4.5, Controls C-1, C-2, C-4).*

SITE ACCESS

- vi. *The raised pedestrian entry ramps are of minimum width with no landing. This will prevent pedestrian access along the frontage of this site, particularly if a vehicle is parked on Finlay Road.*

PARKING

- vii. *The proposed level of visitor parking fails to comply with the requirements of LEP194. Eleven spaces are required, whereas ten have been provided. No SEPP1 has been submitted. (Refer: LEP194, Section 25J(2)(b) 'one space is provided for every 4 dwellings or part thereof').*

INADEQUATE INFORMATION/PLAN INCONSISTENCIES

- viii. *The Concept Stormwater Drainage & On-site Retention Details Plan submitted with the application shows a 1.5m wide drainage easement through the adjoining property to discharge into the existing natural overland flow path. This area of the adjoining site has not been surveyed and the location of existing trees and vegetation has not accurately been undertaken. Further information is necessary to determine the potential adverse impacts on existing trees of the drainage easement.*
- ix. *The submitted Arborists Report is unsatisfactory as it does not provide sufficient detail to fully assess and locate the existing trees on site and the impacts of the associated works. A revised Arborists Report is required (further details are provided within the Statement of Basic Facts).*
- x. *Consent of downstream property owners (1456a and 1454 Pacific Highway) to grant an interallotment drainage easement has not been*

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provided, as required by Ku-ring-gai Water Management Development Control Plan 47

- xi. *The Construction Management Plan has not indicated the Location of Works Zone, on site parking for employees and tradesmen (if available), construction vehicle routes to and from the west, and correct hours of work.*
- xii. *The stormwater management plan has not been provided to the level of detail as required within Appendix 13 of Council's DCP 47 Water Management, including: separate storage of rainwater and stormwater, water quality measures, concept design for the proposed interallotment drainage through 1456a and 1454 Pacific Highway as requested by Council's Landscape Development Officer within the pre-development application meeting, pipes laid outside deep soil zone, water balance to demonstrate attenuation of discharge, or the provision of an on site detention component.*
- xiii. *The plans provided are difficult to ascertain levels of the floors from natural ground level. Levels from natural ground level are not provided in sections at critical points over the building.*

Particulars:

- (a) *For instance, at the point of the northern-most lift the levels from the survey as compared to the elevations would suggest a level of greater than 1.2 metres for basement 1. This results in a consequent seventh floor (depicted as 'roof level'), for which a SEPP1 would need to be provided. An elevation through this critical point needs to be provided to clarify this apparent non-compliance.*

OBJECTIONS

- xiv. *Issues raised by objectors.*

THE SITE AND SURROUNDING AREA

The site

Visual Character Study category: 1945-1968

Legal Descriptions:	Street Address	Legal description
	2 Finlay Road	Lot B DP374006
	4 Finlay Road	Lot 1 DP213733
	4A Finlay Road	Lot 2 DP213733

Heritage affected: The site is located adjacent to a heritage listed property (at No.1458 Pacific Highway) and Urban Conservation Area

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proposed by the National Trust. The site itself is not listed nor is it located within a conservation area.

Bush fire prone land:	No
Endangered species:	No
Urban bushland:	Remnant Blue Gum High Forest
Contaminated land:	No

The site is known as 2-4A Finlay Road Turramurra and is comprised of three separate lots. The site is located on the eastern side of Finlay Road, one property south of Pacific Highway.

The site is rectangular in shape and has an area of approximately 3083m², with a total western frontage of 83 metres to Finlay Road. The northern boundary adjoins a heritage property at No. 1458 Pacific Highway and has a total length of 44.5 metres. The eastern boundary is approximately 78 metres in length and adjoins a further development site known as 'Bluegums' (DA0077/05, lodged 1 February 2005). The southern boundary totals 38.5 metres in length and fronts a residential property zoned as Residential 2(c2).

The site slopes from the north-western corner of the property to the south-eastern corner, with a grade of approximately 18% (from RL180.70 to RL159.80).

The land has been identified by Council to be located within the Sydney Blue Gum High Forest, and endangered ecological community under the Threatened Species Conservation Act 1995. There are a number of trees on the site.

Number 2 Finlay Road supports a one and two storey dwelling house.

Number 4 Finlay Road supports a two storey dwelling house.

Number 4A Finlay Road supports a two storey dwelling house. A carport is located to the front of the dwelling.

All of the dwellings have similar front setbacks from the Finlay Road boundary of 9-10 metres. The titles are not affected by any easements or watercourses. The site is not located within any conservation area, nor is the site subject to any heritage listing or bushfire restrictions.



Looking South down Finlay Road. No. 2 Finlay Road at left of photo.



Looking South down Finlay Road. Vehicle entrance to No.4 at left of photo.



Looking North up Finlay Road. Vehicle entrance to No. 2 Finlay at right of photo.

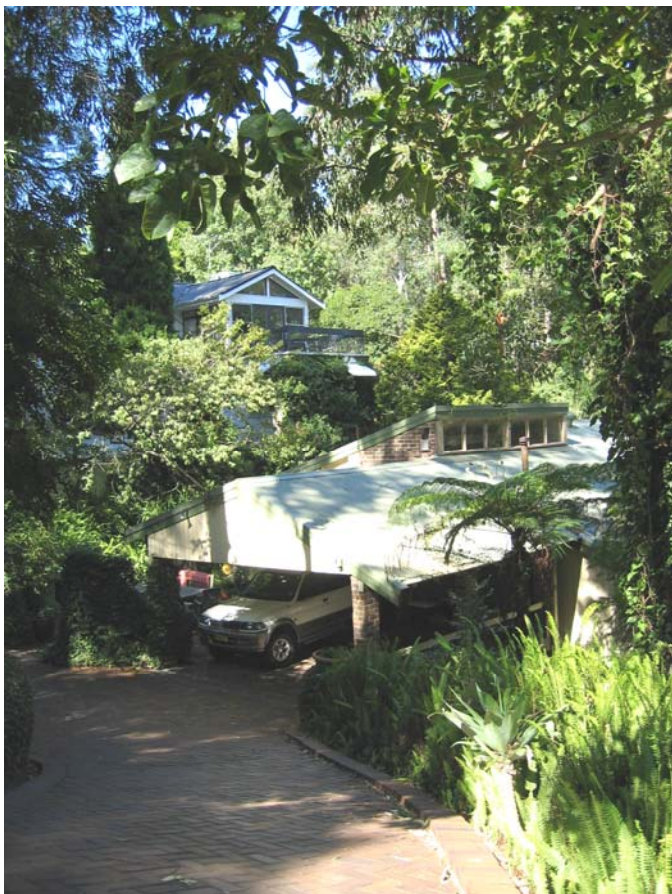


No. 2 Finlay Road.

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No. 4 Finlay Road.



No. 4A Finlay Road

Surrounding development:

The Warrawee Public School is located to the west of the site, on the opposite side of Finlay Road. The closest school building is located 60 metres from the site.

The predominant form of existing development in the locality consists of individual houses, sited on large blocks of land and surrounded by gardens. Dwellings within the vicinity are generally of unpainted brick with tile roofs.



Intersection of the Pacific Highway and Finlay Road (western side).



Neighbouring listed northern property at No. 1458 Pacific Highway.

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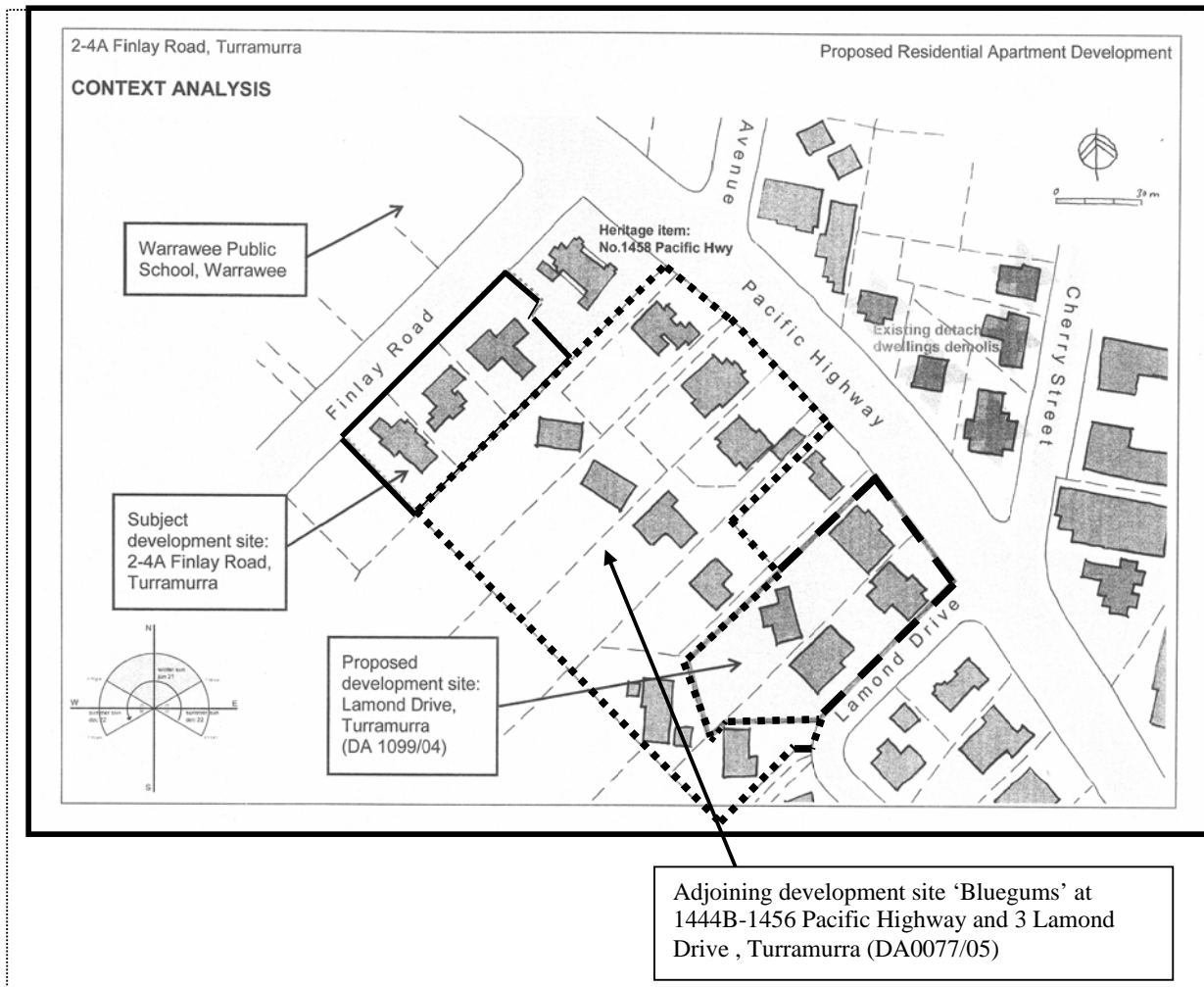
Neighbouring southern property at No. 6 Finlay Road.

Zoning:

The Residential 2(d3) zoning extends eastwards from the site, but does not extend to the north or south. Immediately to the north, at the intersection of Pacific Highway and Finlay Road, No.1458 Pacific Highway is heritage listed and zoned Residential 2(c). To the south of the site, is the Residential 2(c2) zone. This zone does not provide for apartment buildings but does allow for apartment conversions and limited dual occupancies.

Immediately to the east of the property is another proposed development site. This site is known as 'Bluegums' and is subject to a separate Development Application – DA0077/05. The application proposes a total of 150 dwellings set in a circular configuration. To the immediate east of this 'Bluegums' development is a further development at 1-1A Lamond Drive, for a total of 51 units (DA1099/04).

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THE PROPOSAL

The proposal is to demolish the existing structures on site and construct a single residential flat building accommodating 42 dwellings, consisting of 4 x 1 bedroom apartments, 22 x 2 bedroom apartments, and 16 x 3 bedroom apartments.

The building is proposed to be sited at varying distances from Finlay Road, with a minimum setback of 9.0 metres. A minimum setback of 9.0 metres has been provided to the closest northern boundary adjoining 1458 Pacific Highway. To the rear, a setback of 7.6 metres to the main exterior wall, 4.7 metres to the rear balconies of the building, and 3.63 metres to the basement parking level has been provided. A setback of 9.5 metres has been provided from the southern boundary to the rooftop balcony.

The building is 'stepped down' this sloping site, with parking spread over five separate levels and the apartments spread over eight levels. The building is of varying heights, to a maximum of 18.4 metres above existing ground level.

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All units are accessible by three separate lifts provided from three pedestrian access points. One vehicular access is proposed within the centre of the frontage. Pedestrian access will be gained by three 'ramps' which will extend from the footpath to the front of the building. This will also provide for disabled access.

Parking is available for 79 vehicles within five levels of basement parking. This is comprised of 68 resident spaces and 11 visitor spaces. Garbage storage is also provided within the basement.

A communal area of private open space and lap pool has been provided to the north of the building.

The proposed buildings will be finished in a variety of building materials, as detailed on the photomontage and the model provided with the application.

CONSULTATION - COMMUNITY

In accordance with Council's Notifications Policy, owners of 61 surrounding properties were given notice of the application. In response, submissions from the following were received:

1. *Robert and Dieneke Carruthers, 40 Finlay Road, Turramurra.*
2. *Mr and Mrs Cook, 74 Monteith Street.*
3. *Jason and Jillian Moxon, 7 Finlay Road, Turramurra.*
4. *Sharon Richardson, 59 Finlay Road.*
5. *Warrawee Public School, Pacific Highway.*
6. *R.B. and S.J. Bodinnar, 19a Finlay Road, Turramurra.*
7. *Boo Liak, 6 Denman Street, Turramurra.*
8. *Sharon Richardson, 59 Finlay Road.*
9. *George F. Brown, 8 Finlay Road.*
10. *M.R. & KA Smith, 1448 Pacific Highway (in support).*
11. *K. & K. Suzuki, C/O Ku-ring-gai Property Services, PO Box 340, St Ives.*
12. *Graham and Sally Carman, 8 Denman Street, Turramurra.*
13. *Ande Dawson, 79 Lucinda Avenue, Wahroonga.*
14. *Mr and Dr Keir, 4B Finlay Road, Turramurra.*
15. *J.R. Craig, 2 Denman Street.*
16. *Peter and Angela Beveridge, 6 Finlay Road, Turramurra.*
17. *Clive and Elaine Hills, 18 Finlay Road, Turramurra.*
18. *Juliet Grant, 40 Monteith Street, Turramurra.*
19. *Colleen and Guy Everingham, 14 Finlay Road, Turramurra.*
20. *J.R. & J.S. Wolfe, 1454 Pacific Highway, Turramurra (in support).*
21. *Syd and Marilyn Smith, 25A Finlay Road, Turramurra.*
22. *A.E. & W.J. Gomes, 12 Finlay Road, Turramurra.*
23. *H. Wakelin-King & J. Evans, 21 Denman Street, Turramurra.*
24. *P.T. & P. Harman, 16 Finlay Road, Turramurra.*
25. *Pera M Webb, 1450 Pacific Highway, Turramurra (support).*
26. *Alan Kernahan, 2/1-3 Lowther Park Avenue, Warrawee.*
27. *William M. Webb, 1450 Pacific Highway, Turramurra (support).*
28. *Roger and Melissa Darlington.*

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The submitters made the following comments:

General

Unit developments are not welcome in Turramurra, which is a green and leafy area with no block developments.

LEP194 provides for multi-unit development within Turramurra, which will enable housing choice and for families to stay within the area. The primary consideration of LEP194 is the retention of leafy suburbs while providing for multi-unit development. This can be attained with good design.

The application fails to address the high possibility that the location of the units, being directly opposite Warrawee School, may attract those who prey on young children.

The development will provide for a wider range of housing choice within the locality, will provide for additional surveillance of Finlay Road and may provide for families whose children attend Warrawee School. Concerns that the development would be attractive to pedophiles are unfounded.

The loss of value to properties surrounding the site.

This is not a valid development assessment consideration.

It would be inappropriate for Council to approve a development which compromises the design objectives and controls of DCP55 and in doing so set a precedent for further development in the area.

Agreed.

The stability of the land should be examined carefully. The site is steep and subject to mass wasting once vegetation is removed.

This has been addressed by Council's Development Engineer and is detailed below.

Heritage

The development adjoins a substantially intact heritage listed property at 1458 Pacific Highway. Careful consideration should be given to appropriate setbacks and scale relationship between the proposed development and the heritage item.

This issue is addressed within the report.

Streetscape

The development does not comply with the required 12 metre setback, does not allow for appropriate screen planting and will be highly visible from Finlay Road.

This issue is addressed within the report.

The proposal exceeds the rear setback provisions of DCP55 which may have implications for the future development of the adjoining site.

This issue is addressed within the report.

The development frontage of 60 metres well exceeds the council requirement of 36m and will have consequent impact on streetscape.

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This issue is addressed within the report.

Bulk

The building height and design is not compatible with the local context, and must be controlled to ensure the privacy and outlook for neighbouring residents.

The height and bulk of the building will not be compatible with the existing local context - LEP194 effectively provides for situations where unit blocks are placed next to single storey residential dwellings. However, five storey apartment buildings are part of the future character of the area and a change in scale from the existing scale of development to the new apartment buildings is inevitable.

The privacy and outlook for neighbouring residents has been addressed. Refer to the discussion within the report.

The FSR of the development has not been addressed within the applicants' Statement of Environmental Effects.

The application was submitted prior to the adoption of the latest version of DCP55, which includes a FSR control. Notwithstanding, an assessment against the FSR control has been undertaken.

Townhouses would be a much better alternative as a transition to single residences.

LEP194 provides for unit development, as proposed by this application.

The sunshade devices and roof top structure on the roof terrace at the south-west end of the development further contribute to the visual bulk and scale of the development as perceived from No. 6 Finlay Road. This is the area where the steep slope exemptions already apply.

The building is sited some 9 to 9.5 metres from the boundary of No. 6 Finlay Road. Additionally, the building is staggered at this end, resulting in only 11 metres in length presenting towards 6 Finlay Road. It is considered that the elevation would not be unduly obvious from 6 Finlay Road.

Residential Amenity

The bulk and mass of the development contributes to the loss of privacy and outlook for neighbouring residents.

This issue is addressed within the report.

The steep slope concession which has been applied to this development has negative impact on residential amenity, particularly on the immediately adjoining 2(c2) site. The maximum FSR should not be able to be achieved on such sites.

The controls as set out within DCP55 do not provide for a lowering of the FSR on steep slope sites.

The departures from DCP55, including a reduced rear setback and reduced front setback, have effectively resulted in excess of 7.5 additional metres to the south-west elevation width of the building when perceived from 4B Finlay Road.

This is addressed within the report below.

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Loss of privacy, and acoustic impact upon No. 4B Finlay Road, which adjoins the site to the immediate south.

This issue is addressed within the report.

The noise from the construction is of concern, particularly given nearby current development, which starts as early as 6am to as late as 11pm six to seven days per week. This is also of concern for the school children of Warrawee Public School.

Should any approval be granted, a condition of consent would ensure that construction takes place during standard reasonable hours.

The solar access to No.4B Finlay Road would appear to comply. However, this is requested to be checked.

This has been checked. The development will provide for satisfactory and compliant levels of solar access to 4B Finlay Road.

The application fails to address the expected noise levels (both human and mechanical) generated from this development and its effect on existing residents.

Human noise is inevitable and, to a large extent, uncontrollable. Adequate setbacks on adjoining residential boundaries would ensure limited acoustic impact upon neighbours. There is some concern with respect to the rear boundary – and this is addressed within the report.

If the application were to be approved, mechanical noise (from airconditioning devices and from the basement parking areas) would be able to be conditioned to ensure limited impact on adjoining neighbours.

Flora and Fauna

The development will wipe out many advanced growth trees, including significant bluegums and other flora which will have a significant impact on natural flora and fauna in the area.

This issue is addressed within the report.

The development site includes a natural watercourse, which travels through numbers 4b and 8 Finlay Road to join with other natural watercourse in No.12 Denman Street. The whole forms part of the water catchment area for the Lane Cove River.

This has been identified by both Council's Landscape Officer and Development Engineer as areas of concern. Both officers have requested further information on this aspect. Given that the information has not been provided, this has been included among the reasons for refusal.

Traffic

The construction traffic, including construction access and parking for construction workers is of concern, particularly given the close proximity of the Warrawee Public School, and the use of Finlay Road to drop-off and pick-up schoolchildren.

Council's Development Engineer has considered the application and has requested further information with respect to the Construction Management Plan (this is detailed below). The failure to provide adequate information has been included within the recommended reasons for refusal.

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The traffic in the area will be considerably increased, with the rise from 6 to 79 car spaces. Parking on the street is already difficult at times, particularly given that Finlay Road is effectively a dead-end street.

The application provides for a compliant level of parking spaces in accordance with LEP194.

An independent traffic survey of Finlay Road indicates significantly higher number of traffic movements than indicated within the application (George Brown, 8 Finlay Road).

The traffic survey submitted with the application has been prepared by Traffic Solutions Pty Limited, which is a professional organisation with appropriate traffic qualifications and professional memberships.

Infrastructure

Failure to address the overall affect of this development, in particular the access to the area bounded by the Kissing Point Road and Fox Valley Road by police, ambulance, fire and emergency service vehicles, and the impact upon usage of Turramurra Railway Station.

Adequate parking has been provided on site to accommodate visitor and resident vehicles and thus no additional parking on Finlay Road should result from the application. The development should therefore have no impact on accessibility for emergency service vehicles.

With respect to Turramurra Railway Station, Stage II of Council's Residential Strategy will include provision for the upgrade of the Turramurra town centre and will address the accessibility of the Railway Station from the town centre.

The upgrade of the Turramurra Railway Station itself is at this present time being addressed by the State Railway Infrastructure Corporation, whilst the frequency of the services provided from the station is at the discretion of State Rail and will be dependent upon usage. This is not at the discretion of the Council.

The report fails to address the impact upon basic infrastructure, including electricity, sewage and water usage.

Water and sewage would be dealt with through Sydney Water, which would provide to the applicant details of water and sewage extensions and charges to be paid. This would be ensured via a condition of any consent.

Electricity will have to be considered by service providers, although it is envisaged that the development will have to provide an electricity substation on site.

Process

The development application notification was displayed after the conclusion of the 2004 school year, thereby making it extremely difficult for parents to know of the plans. The sign erected on site also fell down within 10 days, and was completely removed from the site during the last week of the school holidays. This means some parents have not had the opportunity to learn of the plans.

Due to the above concerns, which were expressed by several residents, the notification time frame was extended until 4 February 2005.

CONSULTATION - WITHIN COUNCIL

Urban Design Officer

Council's consultant Urban Design Officer, Russell Olssen, has commented on the proposal as follows:

1.0 Design Review

Principle 1 - Context

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

The natural environment forming a major part of the context for this development consists of extensive areas of high canopied trees, including blue gums, which create a strong sense of the natural environment as a setting for the development.

The built form in the existing context is comprised of heritage items and detached houses.

The heritage items are constructed of brick and timber and the detached houses are predominantly brick and timber. These materials complement with the natural wooded setting and create an overall effect of harmony between the natural and the built environment. The heritage item on the corner of the Pacific Highway is the closest item in the built context.

The scale, bulk and architectural language of the proposed development does not relate to the heritage item, and this is to be expected due to the new scale of development proposed in the planning instruments. However colours and materials could have some relationship to the built and natural environment to complement rather than contrast with the context.

The objectives of LEP 194 and DCP 55 contain numerous references to the importance of relating developments to the natural setting.

The facades are comprised almost entirely of light coloured, painted render, with some small amount of concrete block and timber. It is recommended that a far greater percentage of the facades is made of materials and finishes, as described below under "Aesthetics", that better relate the building to its natural setting, and the existing built form.

Principle 2 – Scale

'SEPP 65: Good design provides an appropriate scale in terms of the bulk and height that suits the scale of the street and the surrounding buildings. Establishing an

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appropriate scale requires a considered response to the scale of existing development. In precincts undergoing transition proposed bulk and height needs to achieve the scale identified for the desired future character of the area.'

This building is 60m long, substantially exceeding the 36m length control in the DCP. The site has a 2(c) zone heritage item to the north and a 2(c2) zone to the south. Existing and future houses to the south will be hardly visible from the street. A school playground is across the street. The building will always be much larger and more prominent than its neighbours. Its relationship to the natural setting, including its front setback depth and landscaping, is important to minimise this scale change.

Principle 3 - Built Form

'SEPP 65: Good design achieves an appropriate built form for a site and the buildings purpose, in terms of building alignments, proportions, building type and the manipulation of building elements...'

The setback from Finlay Road is 9m. This is less than the allowable setback in the DCP of 12m (with 40% of the facade length able to be 10m). The setback from the eastern boundary is 8m to the facade, and 5m to the balconies. The setbacks to the northern and southern boundaries are 9m and 9.5m.

This building is 60m long, substantially exceeding the 36m length control in the DCP. It is a large building in relation its existing built context and future built context. It is recommended that the visual prominence of the building in its context is reduced by setting the building footprint back an additional 2m from the Finlay Road boundary, to make a minimum setback of 11m, with some parts of the building footprint being set back 12m, so that the percentage controls in the DCP are met. It is recommended that the eastern boundary setback for the facade is reduced to 6m. The existing balconies should be set back within the building, with a maximum of 1m of balcony projecting past the facade, to within 5m of the boundary.

Principle 4 – Density

'SEPP 65: Good design has a density appropriate to its site and its context, in terms of floor space yields (or numbers of units or residents)...'

Acceptable. The density complies with LEP 194.

Principle 5 - Resources, Energy and Water Efficiency

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

Acceptable. The environmental design proposals comply with the SEPP 65 Residential Flat Design Code guidelines.

Principle 6 – Landscape

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

Acceptable, except for the need to reconsider tree planting in the recommended wider front setback.

Principle 7 – Amenity

‘SEPP 65: Optimising amenity requires appropriate room dimensions and shapes, access to sunlight, natural ventilation, visual and acoustic privacy, storage, indoor and outdoor space, efficient layouts, and service areas, outlook and ease of access for all age groups and degrees of mobility.’

Acceptable.

Principle 8 - Safety and Security

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

There are no safety and security issues.

Principle 9 - Social dimensions

‘SEPP 65: Good design responds to the social context and needs of the local community in terms of lifestyles, affordability and access to social facilities. New developments should optimise the provision of housing to suit the social mix and needs in the neighbourhood, or, in the case of precincts undergoing transition, provide for the desired future community.’

A reasonable mix of apartments has been provided to allow housing choice.

Principle 10 – Aesthetics

‘SEPP 65: Quality aesthetics require the appropriate composition of building elements, textures, materials and colours and reflect the use, internal design and structure of the development. Aesthetics should respond to the environment and context, particularly to desirable elements of the existing streetscape or, in precincts undergoing transition, contribute to the desired future character of the area.’

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As noted in Context above, the use of a little timber and blockwork in the building facades is a contribution to retaining the existing balance between the natural materials in building and the natural setting, however it is not enough. The facades are comprised almost entirely of off-white render, which contrasts with rather than complements, the natural and built setting.

The proposed percentage of timber and blockwork is insufficient, and the colour of the render is too light, to complement the natural and built environment. It is recommended that the percentage of materials other than render, is increased, and the colour of the render is in the mid to dark tonal range, to complement the existing environment.

2.0 Recommendations

It is recommended that

- the percentage of materials other than render, is increased, and the colour of the render is in the mid to dark tonal range, to complement the existing environment.*
- the visual prominence of the building in its context is reduced by setting the building footprint back an additional 2m from the Finlay Road boundary, to make a minimum setback of 11m, with some parts of the building footprint being set back 12m, so that the percentage controls in the DCP are met.*
- the eastern boundary setback for the facade is reduced to 6m. The existing balconies should be set back within the building, with a maximum of 1m of balcony projecting past the facade, to within 5m of the boundary.*

Landscaping

Council's Landscape and Tree Assessment Officer has commented on the proposal as follows:

The site

It is proposed to demolish the existing dwellings and associated structures and construct a five storey residential flat building with basement parking, on the amalgamated site area of 3 083sqm with vehicular access from Finlay Rd. The steeply sloping site is characterised by an established landscape setting with mature trees and shrubs within garden beds and terraced lawn areas. The site is dominated by an established interconnecting overhead tree canopy of predominantly native endemic tree species that are consistent with Sydney Bluegum High Forest (SBHF). The site is located within an area that was extensively storm damaged in 1991, which resulted in many trees being 'topped' due to the strong winds. The site adjoins a heritage listed residential property, and Warrawee Public School (Infants/Primary) is located on the opposite side of Finlay Rd.

Impacts on trees/Trees to be removed/Tree replenishment

The proposed development will result in the removal of the existing vegetation through the core of the site to accommodate the new building footprint and associated works. A

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total of fifty three (53) trees have been identified by the consulting Arborist as being located on or associated with the site. Of these identified trees, it is proposed to remove fourteen (14). However it must be noted that this nominated tree removal does not include trees located within the drainage easement needed, that is located to the south east of the site. It must be noted that this area of the adjoining site was not surveyed as the area was too thick with undergrowth and trees, and as such there is no information as to the exact location of significant trees and therefore the most appropriate location for the drainage easement. This is unsatisfactory.

Of the trees nominated for removal, tree #89 Eucalyptus saligna (Bluegum), misidentified as a Eucalyptus pilularis (Blackbutt), which is located on Council's nature strip and has high landscape significance. The tree is recommended for removal due to mechanical damage to the trunk, and the presence of a bracket fungi/fruited body in the wound. As the tree is located on Council's nature strip, further information from Council's Urban Forest Officer has been requested. Matthew Drago (Manager, Tree and Vegetation Services) has advised that he raises no objection to the removal of the tree, subject to further detailed aerial investigation being undertaken on other existing trees on Council's nature strip to determine whether or not they should or should not be retained. This can be conditioned. Tree replenishment on Council's nature strip will also be required.

Tree replenishment for the site is proposed to be two Angophora's, three Flame Trees, six palms, and two smaller understorey trees. Although there are numerous trees located on and associated with the site, it is required that the proposed tree replenishment for the site be native endemic species. In this instance none of the proposed trees/palms comply. It can be specifically conditioned for these proposed plantings to be changed for more appropriate endemic species.

Other impacts on existing trees, particularly downhill of the development will be the alterations to the ground moisture levels and surface water flow, which will be significantly altered through the substantial excavation for the basement carpark and the proposed drainage works. These impacts will not be immediate but over the short to medium term with the slow decline of the existing trees.

DCP55 requires that sites greater than 1800sqm have numbers of trees equivalent to 1 per 300sqm of site area. The site area for this development will require a minimum ten trees on site.

Arborist's Report

The submitted Arborist's Report has misidentified the existing Eucalyptus saligna (Bluegum) located on site as Eucalyptus pilularis (Blackbutt), although the two Eucalypt species display similarities they do have distinctly differing characteristics, particularly with regard to their bark colourings and markings. It should also be noted that the consulting Arborist has failed to make mention of the fact that the site was impacted by a severe storm in 1991, but more importantly has failed to mention/discuss the fact that some trees have been 'topped' as a result and now display mature

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epicormic growth which has poor structural integrity. It is clearly evident from ground level inspection that some existing significant trees such as #91, have had their crowns significantly impacted upon through storm damage, as a result these trees may require removal or further investigation to ensure their structural integrity, particularly with significant development works being undertaken beneath or within close proximity to their canopy drip lines. Further investigation, including aerial inspections, is required/preferred to fully assess the health and integrity of existing trees to be retained. It is also required that the consulting Arborist re-examines the identification of existing trees. If not undertaken before development consent it can be conditioned that further, more detailed, investigative work be undertaken.

It must also be noted that the numbering of the trees as shown on the Arborist's Site Plan – Appendix A of the Arborist's Report, is unclear and confusing as the tree numbers are not located adjacent to the tree trunk locations. To ensure clarity and correct cross referencing between the submitted plans and reports, it is required that the identification of existing trees associated with the site is located adjacent to the tree trunk locations.

The submitted Arborist's Report is unsatisfactory as it does not provide sufficient detail to fully assess and locate the existing trees on site and the impacts of the associated works. A revised Arborist's Report is required.

Landscape Plan

The submitted landscape plan indicates the planting of the existing turfed nature strip to the east of the proposed driveway. Given that this is a pick up and drop off area for the adjoining school, it is required/preferred that this area be maintained as a turfed nature strip with tree planting. This can be conditioned.

The landscape plan fails to show the retention of tree #1/54 Nyssa sylvatica (Tupelo) located adjacent to the eastern site boundary and adjoining heritage listed property. The tree although not considered highly significant within the broader landscape, provides amenity to the site and adjoining property and in turn will enhance the landscape buffer between the heritage property and the proposed development. As the tree is outside of development works, it is required to be retained. This will require some alteration to the proposed landscape works/turf area.

As mentioned previously the proposed landscape will result in only an additional six trees (able to attain a minimum height of 13.0m) being planted on site. None of which are native endemic species. This is unsatisfactory and does not comply with the objectives of LEP194. It is required that native endemic tree species be utilised to ensure the ongoing preservation of the dominant treed character of the vicinity. Additional tree planting and replacement tree species can be conditioned.

Drainage Plan

The Concept Stormwater Drainage & On-site Retention Details Plan submitted with the application shows a 1.5m wide drainage easement through the adjoining property to discharge into the existing natural overland flow path. Concern/issues are raised to the

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fact that this area of the adjoining site has NOT been surveyed and the location of existing trees and vegetation has not accurately been undertaken. The survey plan simply states "thick undergrowth dense trees to be advised of location".

As a result the location of the easement has been simply drawn as a straight line on plan, between two points, rather than been located in regard to the location of trees and natural constraints. In addition the consulting Arborist has failed to identify existing trees, detail or mention the potential impacts of the easement on the existing vegetation.

Further detail/information is necessary to determine the potential adverse impacts on existing trees of the drainage easement.

Deep Soil Landscaping

By the applicant's calculations, a deep soil landscaping area of 50.6% of the site has been proposed, which technically complies with the requirements of the LEP for the site. However, Landscape Services is in disagreement as to the areas included as part of the deep soil calculations. Additional areas that technically do not comply with the LEP definitions include; the garden beds surrounding the swimming pool (they are less than 2.0m wide), the stairs, path and garden bed to the north of the pool (The path/stair is greater than 1.0m wide), and the garden beds behind the retaining walls adjacent to the site frontage (they are less than 2.0m wide). This area amounts to approximately 2.43% of the site area which when subtracted from the nominated deep soil landscaping percentage will result in 48.2% of the site being available for deep soil landscaping, which strictly does not comply with the LEP definitions and requirements.

It must be noted, however, that this can be resolved by increasing the setbacks off the site boundaries for the pool and retaining walls to a minimum 2.0m to comply with the LEP.

Pool

The proposed swimming pool, located in the south-east site corner, has a setback of approximately 1.4m to the water line. This does not comply with council's pool setback requirements for residential properties. To maximise landscape amenity and deep soil landscaping it is required/preferred that the proposed pool have a minimum 2.0m setback from site boundaries to the outer coping edge.

Setbacks

Rear – basement projection

As proposed the rear projection setback for the basement is 3.6m for approximately 50% of the building length. This does not adequately allow for sufficient deep soil area on site for the establishment and replenishment of larger tree species that are characteristic of the site and immediate area. This is evidenced by the landscape proposal that includes only two trees within this area that are planted immediately

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adjacent to the site boundary, which would heavily rely on the amenity given by the neighbouring property to establish and grow to maturity. This is unsatisfactory and does not comply with Council's DCP55 and goes against the LEP objectives which encourages the provision of sufficient viable deep soil landscaping and tall trees in rear and front gardens where new development is carried out. In addition, the LEP states 'the provision of viable deep soil landscaping in order to maintain and improve the tree canopy in a sustainable way, so the tree canopy will be in scale with the built form. As the proposed development works will result in a building between five and six storeys high, as seen in the south east elevation, the proposed setback of 3.6m does not allow adequate deep soil landscaping for the establishment of 'canopy' trees to reduce the scale of the development at the rear.

Other comments

Site access/entry

It is noted that the development proposes raised pedestrian entry ramps with railings directly from the kerb, as there is no pedestrian path. Concern is raised as to the practicality of this, particularly as they have minimum width with no landing. As a result, if a car is parked in front of the entry point no access can be gained in or out. It is suggested that a landing approximately 2 or 3 metres long be included adjacent to the kerb to ensure site access at all times.

The proposed development cannot be supported by Landscape Services due to insufficient information and misidentification of trees within the Arborist's Report, inadequate setbacks, and non-compliance with deep soil landscaping areas.

Engineering

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

Summary

The following information should be requested from the applicant:

- *Consent of downstream property owners (1456a and 1454 Pacific Highway) to grant an interallotment drainage easement.*
- *Title certificates for the subject lots to confirm the existence or otherwise of a drainage easement along the rear boundary.*
- *Amended Construction Management Plan addressing:*
- *Location of Works Zone, on site parking for employees and tradesmen, construction vehicle routes to and from the west, correct hours of work.*
- *Amended stormwater management plan to the level of detail given in Appendix 13 of Council's DCP 47 Water Management, including:*
- *Separate storage of rainwater and stormwater, water quality measures, concept design for the proposed interallotment drainage through 1456a and 1454 Pacific*

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Highway as requested by Council's Landscape Development Officer, pipes laid outside deep soil zone, water balance to demonstrate attenuation of discharge, or the provision of an on site detention component.

Background

A pre-DA meeting was held for this site at which the applicant was presented with assessment criteria related to the engineering aspects. The following is an extract from the report

"Private interallotment drainage easement(s) must be demonstrated for the entire consolidated site in accordance with chapter 5.7 of Water Management Development Control Plan 47.

In addition to the requirements of chapter 6 of Development Control Plan 47, an absolute minimum on-site detention volume of 60% of the SSR calculated at appendix 3 of the DCP must be provided. The subject development must consider loading on any easement/drainage system to which connection is proposed and on-site detention/discharge control must be demonstrated to suit this capacity."

The following documentation was considered:

- *Dincel & Associates Concept Stormwater Drainage and On-Site Retention Details (1 sheet);*
- *Dincel & Associates Indicative Construction Management Plan, 23 December 2004;*
- *Scott Carver Statement of Environmental Effects, November 2004;*
- *H. Ramsay & Co. Survey Plan;*
- *Scott Carver Architectural Drawings, Issue A;*
- *Geotechnique Report on Geotechnical Investigation 10600/1-AA, 17 November 2004;*
- *Traffic Solutions 04.05.091, 25-Nov-04.*

The application is for a residential flat building comprising 42 units (4 x 1 bedroom, 22 x 2 bedroom and 16 x 3 bedroom). Because of the slope of the site, carparking is proposed on five levels, with a combined entry and exit approximately half way along the site frontage.

Existing drainage easement

There appears to be an interallotment drainage easement along the rear site boundary, which probably benefits the property at 1458 Pacific Highway, despite Section 2.2.1 of the Statement of Environmental Effects, which states: "We are unaware of any encumbrances affecting the subject site". It is noted on the survey plan "No covenants and/or restrictions have been investigated..."

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Regardless of whether the easement contains a pipe it would not be compatible with the inclusion of this area in the deep soil zone, since the potential for a pipe to be laid by the benefiting property owners remains.

If the easement does exist it will be noted on the title certificates for the three lots. This should be investigated by the applicant, who should then advise if the easement is to be maintained or extinguished.

Subdivision

The application form indicates that subdivision is not proposed under this DA, hence no subdivision conditions will be recommended. So that the building is not constructed across lot boundaries, the applicant will be required to consolidate all the lots prior to issue of the Construction Certificate.

Traffic generation

The development does not require referral to Council's Traffic Generating Developments Committee under SEPP 11, (even though this is indicated on the DA form) because the number of units does not exceed 75.

The applicant has submitted a Traffic Report prepared by Traffic Solutions Pty Ltd.

Curiously, the report identifies the afternoon peak hour as 3 to 4pm but does not mention the proximity of the site to Warrawee Public School as the reason for this early peak.

The additional traffic generated by the development is calculated to be 10 vehicle trips per peak hour, an increase of around 8% to 15% over the counted peak hour traffic in Finlay Road. The level of service was not assessed for the Pacific Highway intersection, however the report identifies the post-development volumes as below the environmental capacity of Finlay Road. Cumulative effects are not required to be considered here since no other 2(d3) properties have frontage to Finlay Road.

Construction management

An indicative construction management plan has been submitted to address Council's request (Dincel & Associates 04060/A).

Section 2 gives intended construction hours as 7am to 6pm Monday to Saturday. Council's construction hours are 7am to 5.30pm weekdays and 8am to 12 noon Saturdays, with work permitted to 5.30pm Saturdays provided noise generating processes or equipment are not used.

Figure 5.1 Dincel & Associates Drawing 04060-C04 shows the route from Belrose to the site (extract from the street directory). It does not show how vehicles would travel from the site to Belrose, since it is envisaged that construction vehicles will be restricted

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to left in, left out at the Highway intersection. The route will be via Pacific Highway northbound, then via sub-arterial roads such as Junction Road. This plan does not address the routes for materials delivery vehicles travelling to and from the west where left in, left out at the Highway intersection will also apply.

The plan correctly states that no construction vehicles will be permitted to enter or leave the site between 8 and 9.30am and 2.30 and 4pm. There does not seem to be a crossing guard for the school crossing, so it is not considered desirable for drivers unfamiliar with the area to be turning this corner at school times. In addition, the Highway narrows to two lanes south of the intersection, so queuing vehicles at these times could obstruct northbound traffic.

A Works Zone will be required for the frontage of the site, although only about 10 to 12 vehicles will be able to be accommodated.

Vehicle Access and accommodation layout

Proposed vehicle access and accommodation arrangements have been assessed in the traffic report submitted against the Australian Standard 2890.1 2004 – “Off street Car Parking”.

There are two errors in the compliance table in relation to allowable ramp grades. However, from the architectural plans, it can be seen that the dimensions and grades of the car park do comply with the standard.

Based on LEP 194, the proposal requires a minimum of 58 resident spaces and 11 visitor spaces. The proposal provides 79 spaces and therefore complies.

Garbage collection

A waste storage and collection area is required internally under Councils DCP 40 for Waste Management. This has been provided in the basement parking area on Level RL174.00 (the first level accessed from the street) and there is adequate provision for Council's waste collection vehicle to enter the subject site, collect the garbage and then exit the site in a forward direction by turning in one of the visitor parking spaces.

Impacts on Council infrastructure and associated works – comments

The site has footpath along most of the frontage, and kerb along the whole frontage. The road reserve may be supported in places by retaining structures inside the properties. Dilapidation surveys of Finlay Road and infrastructure as far as the Highway will be required before and after the works, with full restoration of any damage by the developer prior to the issue of an Occupation Certificate.

If the road reserve is to be supported permanently by retaining structures within the property, then easement(s) for support will be required.

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A \$50,000 bond to cover restoration of such damage (or completion of incomplete works by Council) is to be applied.

Site drainage comments

It is proposed to convey stormwater runoff from this development to an interallotment drainage easement through 1456a and 1454 Pacific Highway and then into a natural watercourse. The consent of the owners of the affected properties to grant the easement has not been provided. This is required before the application can be supported.

The submitted concept stormwater management plan Dincel & Associates 04060-C01/A, dated 26.11.04, (1 sheet only) does not contain the information required in Appendix 13 of DCP 47; in particular design information for the interallotment drainage system and details of water quality devices.

The plan shows a large retention tank accessed from car park level RL165.00, although the architectural plans show the tank at RL162.00 (the lowest level), but not at 165.00. Notation states "Stormwater retention tank volume provided = 130m³". However no details of the storage are provided. It is not possible to determine whether the rainwater storage is in a separate sealed lightproof system, what proportion of the storage is to be detained, or even what the stored runoff will be used for.

A stormwater retention requirement of 3000 litres per unit applies under DCP 47 – and this water is to be used for toilet flushing, laundry, car washing and irrigation. Roofwater for re-use inside the buildings is to be stored in a sealed lightproof system, suitably screened against mosquito infestation, and separate from runoff from landscaped and paved areas.

This site is not suitable for other retention measures such as swales or infiltration trenches, due to the slope and deep clay subsoil, so detention/ retention storage in large tanks will be the most suitable management measure.

The permissible site discharge for this site would be 24 litres per second under DCP 47. The overflow from the retention tank is shown as being 225 litres per second. Calculations should be submitted to indicate the expected frequency of this flow entering the downstream drainage system, and the likely impact on the watercourse.

If it can be demonstrated that less than 3000 litres per unit of rainwater retention would still result in significantly less use of mains water, and on site detention of 60% of the site storage requirement is to be provided, then a discount on the retention volume may be allowed. A water balance analysis should be submitted to support the proposal.

Water quality measures have not been included, although they are required under DCP 47 Sections 8.3 and 8.4. It is expected that some sort of proprietary product can be provided, as long as its location does not impact on the deep soil zone.

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The Tree Protection Zone Plan (UTM Appendix A Site Plan B) does not appear to be consistent with either the concept stormwater management plan or the environmental site management plan (Dincel & Associates 04060-C02/A) in relation to material stockpile and waste bin locations.

Council's Landscape Officer has commented on the lack of concept design information in relation to the proposed interallotment drainage line through the downstream properties. The two pipes leading to pit P9 are 225mm and 300mm diameter. Given the likely size of the pipe and the presence of large trees along the line of the proposed easement, hand excavation is not likely to be practicable here.

Flooding and overland flow comments

The site itself does not appear to be subject to overland flow, although seepage and dampness due to the steep slope is noted within No. 4A. A depression runs downstream through 4B Finlay Road (dry upon inspection on 1 March). At present this appears to be conveying some runoff from hard surfaces of the upstream property. Natural areas will continue to drain into this depression during times of rain. The dwelling at 4B is well above ground level and there would not appear to be any associated overland flow issues.

Geotechnical/structural comments

A geotechnical investigation, comprising two cored boreholes, has been carried out by Geotechnique. One of the boreholes was terminated at RL170.4, that is some 9 metres above the lowest basement level, and without confirming the depth to Class III shale. The site is underlain by about 6 to 9 metres of hard clay.

The basement excavation along the north, east and western frontages will not be able to be battered to the recommended slopes because of the small setbacks and the Tree Protection Zones, so it is expected that soldier piles as recommended will be adopted. This means that anchors will extend beneath the road, beneath 1458 Pacific Highway and beneath 1456a Pacific Highway.

The approval of the relevant property owners will be required before proceeding, as identified in the Geotechnique report. Since 1456a Pacific Highway is also subject to a 2(d3) zoning, the proposed rock anchors may conflict with future development proposals for that site. This will be a matter for the owners to resolve, so if an alternative means of excavation support is likely to be required, it should be identified in the supplementary geotechnical report.

With regard to Finlay Road, Council will not approve the use of permanent rock anchors, and approval under the Roads Act will be required for temporary anchors under the road reserve. Conditions will be imposed including de-stressing of the anchors after completion and the provision of permanent warning signs on the building.

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Additional boreholes are recommended in the report, and the engineering conditions of consent will recommend that they be drilled prior to issue of the Construction Certificate, so that the excavation works and support can be properly planned and designed.

A dilapidation survey of the heritage item at 1458 Pacific Highway will also be recommended.

Groundwater was not noted in the boreholes due to the use of water as a drilling fluid, nor were standpipes installed for subsequent measurements. If permanent drawdown effects of the proposed basement are to be assessed as required by Council's Landscape Development Officer, then it will be necessary for further investigation to be carried out. From an engineering point of view, this can be done prior to Construction Certificate issue, however if fully tanked basement construction is required to maintain moisture levels to the existing and new deep soil planting, then this should be a condition of consent. The arborist and geotechnical engineer should advise jointly on the potential effects if required by Council's Landscape Development Officer.

Tree and vegetation service

Council's Manager Tree and Vegetation Services has commented on the proposal as follows:

I refer to your request for an inspection of three trees in located on Council's nature strip adjacent to 3-5 Finlay Road Warrawee as part of the current Development Application.

Tree 89: Eucalyptus saligna (Sydney Bluegum)

This tree has been storm damaged in the past and is infected with bracket fungus in a large trunk wound indicating significant internal decay. The entire weight of the tree is above this structural weakpoint and it is considered that the tree is in a potentially hazardous condition.

It is noted that this tree is shown for removal as part of the application.

Given the condition of this tree, there would be no objection to its removal and replacement, should the application be approved, as a condition of development consent. This work should be undertaken at the developer's expense with no cost to Council.

Tree 88 and un-numbered tree between tree numbers 86 and 78, both Eucalyptus saligna (Sydney Bluegum)

These trees have both been severely storm damaged in the past resulting in the loss of their main leader(s). This has resulted in the emergence of weakly attached epicormics as new leaders and also decay in the trunk at these points.

It is noted that these trees are proposed for retention as part of the development application.

Given the condition of these trees, should the development application be approved, it is recommended that it be conditioned that an aerial inspection be undertaken to report on the health and stability of these trees with particular reference to any decay in the trunk as a result of previous storm damage. Any recommended works from this report would be subject to approval by Council and should be undertaken at the developer's expense.

STATUTORY PROVISIONS

State Environmental Planning Policy No. 65 – Design quality of residential flat development

The application includes a design verification statement by the project architect John Ferres of Scott Carver. Mr Ferres has verified that he is a qualified designer and member of the NSW Architects Registration Board and has designed the proposal in accordance with the design quality principles set out in Part 2 of SEPP65.

The application has been assessed in terms of the Design Quality Principles set out in SEPP65. The design quality principles do not generate design solutions but provide a guide to achieving good design and the means of evaluating the merit of the proposal. The assessment is summarised as follows:

Context:

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

The natural environment forming a major part of the context for this development consists of extensive areas of high canopy trees, including blue gums, which create a strong sense of the natural environment as a setting for the development.

The built form in the existing context comprises a heritage item and detached houses.

The heritage item is constructed of brick and timber and the detached houses are predominantly brick and timber. These materials complement the natural wooded setting and create an overall effect of harmony between the natural and the built environment. The heritage item on the corner of Pacific Highway is the closest item in the built context.

The scale, bulk and architectural language of the proposed development does not match that of the heritage item and this is to be expected due to the considerably greater scale of development proposed in LEP194. However, colours and materials could have some relationship to the built and natural environment to complement rather than contrast with the context.

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The objectives of LEP 194 and DCP 55 contain numerous references to the importance of relating developments to the natural setting.

The facades are comprised almost entirely of light coloured, painted render, with some small amount of concrete block and timber. It is recommended that a far greater percentage of the facades is made of materials and finishes, as described below under "Aesthetics", that better relate the building to its natural setting, and the existing built form.

Scale:

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

This building is 60m long, substantially exceeding the 36m length control in the DCP. The site has a 2(c) zone heritage item to the north and a 2(c2) zone to the south. Existing and future houses to the south will be hardly visible from the street. A school playground is across the street. The building will always be much larger and more prominent than its neighbours. Its relationship to the natural setting, including its front setback depth and landscaping, is important to minimise this scale change (*see recommended reason for refusal (i)*).

Built form:

'SEPP 65 : Good design achieves an appropriate built form for a site and the buildings purpose, in terms of building alignments, proportions, building type and the manipulation of building elements...'

The setback from Finlay Road is 9 metres. This is less than the minimum allowable setback in the DCP of 12 metres (with 40% of the facade length able to be 10 metres). The setback from the eastern boundary is 8 metres to the facade and 5 metres to the balconies. The setbacks to the northern and southern boundaries are 9 metres and 9.5 metres respectively.

This building is 60 metres long, almost double the 36m length control in the DCP. It is a large building in relation its existing built context and future built context. It is recommended that the visual prominence of the building in its context is reduced by setting the building footprint back an additional 2m from the Finlay Road boundary, to achieve a minimum setback of 11m, with some parts of the building footprint being set back 12m, so that the percentage controls in the DCP are met. It is recommended that the eastern boundary setback for the facade is reduced to 6m. At present, however, the rear setback is unsatisfactory (*see recommended reason for refusal No.(i)(d)*).

Density:

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'SEPP 65 : Good design has a density appropriate to its site and its context, in terms of floor space yields (or numbers of units or residents)...'

Acceptable. The density complies with DCP55.

Resource, energy and water efficiency:

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

Acceptable. The environmental design aspects of the proposal comply with SEPP 65 and Residential Flat Design Code guidelines.

Landscape:

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

The landscape design for the site, in particular the limited front and rear setbacks and the lack of sufficient space for tall canopy trees, is not acceptable (*see recommended reason for refusal No.(i)*).

Amenity:

'SEPP 65 : Optimising amenity requires appropriate room dimensions and shapes, access to sunlight, natural ventilation, visual and acoustic privacy, storage, indoor and outdoor space, efficient layouts, and service areas, outlook and ease of access for all age groups and degrees of mobility.'

Acceptable in terms of SEPP65. There are some amenity concerns which have been brought up within the assessment of the application against DCP55. This is discussed in depth later in the report.

Safety and security:

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

There are no safety and security issues. The proposed development will high levels of safety and security due to its location along the Finlay Road frontage. The three pedestrian

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pathways are clearly visible from the streets, with unimpeded sightlines which would be provided with lighting.

Furthermore, all of the common open space areas will be overlooked by apartments, with no concealed or entrapment areas.

Social dimensions:

'SEPP 65: Good design responds to the social context and needs of the local community in terms of lifestyles, affordability and access to social facilities. New developments should optimise the provision of housing to suit the social mix and needs in the neighbourhood, or, in the case of precincts undergoing transition, provide for the desired future community.'

A reasonable mix of apartments has been provided to allow housing choice.

Aesthetics:

'SEPP 65 : Quality aesthetics require the appropriate composition of building elements, textures, materials and colours and reflect the use, internal design and structure of the development. Aesthetics should respond to the environment and context, particularly to desirable elements of the existing streetscape or, in precincts undergoing transition, contribute to the desired future character of the area.'

As noted in Context, above, the use of a little timber and blockwork in the building facades is a contribution to retaining the existing balance between the natural materials in building and the natural setting, however, it is not enough. The facades are comprised almost entirely of off-white render, which contrasts with rather than complements, the natural and built setting.

The proposed percentage of timber and blockwork is insufficient, and the colour of the render is too light, to complement the natural and built environment. It is recommended that the percentage of materials other than render, is increased and that the colour of the render is in the mid to dark tonal range to complement the existing environment.

Residential Flat Design Code

Relating to the local context:

The proposal is best defined as a 'stepped apartment' design. This form of development is most suitable for sites where the land is sloping, where green open space is required to the front, where large terraces and balconies are desired and where visual integration with the natural context of the site and landscape is necessary. Given the sloping nature of the site and the character of the street, this type of development is most suitable for the area.

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The proposal is sited over three separate allotments and will require land amalgamation. This amalgamation will result in a site with a single frontage which is capable of achieving the permissible five storeys.

The building envelope, in terms of setbacks, is considered unsatisfactory having regard to the desired future character of locality. This is discussed in more detail below (*see also recommended reason for refusal No.(i)*).

Site analysis:

An appropriate site analysis was submitted indicating building edges, landscape response, access and parking and building performance.

In terms of site configuration, the proposal is not considered to provide acceptable locations for deep soil landscape areas.

The orientation of the site ensures adequate solar access to habitable areas and private open space of the development and to adjoining residential development.

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

Building design:

The proposal is not satisfactory in terms of the residential amenity provided to its occupants. In particular, several of the units have balconies of limited depth that do not offer sufficient useable area to occupants.

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

State Environmental Planning Policy No. 55 – Remediation of Land

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

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

COMPLIANCE TABLE		
Development standard	Proposed	Complies
Site area (min): 2400m ²	3083m ²	YES
Deep landscaping (min): 50%	48.2% (1486 m ²)	NO
Street frontage (min): 30m	83m	YES
Site coverage (max): 35%	34.5%	YES
Top floor area (max): 60% of level below	637.0m ² or 60% of storey below.	YES

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Storeys and ceiling height (max): Pursuant to cl 25(K): 6 storeys and no greater than 16.4m for 25% of the building footprint	From the information provided, 7 storeys and < 15.4 metres at < 25% of the building	NO
Car parking spaces (min): Resident spaces: One space per dwelling, and one additional space for dwellings of three + bedrooms (total of 58 required) Visitor spaces: 11 visitor	68 resident spaces provided. 10 visitor spaces provided	YES NO
Manageable housing (min): 10% (3.4 units)	71% or 30 apartments are visitable by wheelchair units; 10% of 4 apartments are adaptable in accordance with the requirements of AS1428 and AS4299.	YES
Lift access: required if greater than three storeys	Provided to all units	YES

Deep soil landscaping (cl.25I(2)):

The application does not technically comply with the deep soil requirement of 50%. This is due to the inclusion of areas including garden beds, stairs and paths where they provide less than 2 metres of deep soil area or where the paths are over 1.0 metres wide. This area amounts to approximately 2.43% of the site area, which, when subtracted from the nominated deep soil landscaping percentage, will result in 48.2% of the site being available for deep soil landscaping.

The application fails to provide for compliant deep soil landscaping areas. A SEPP 1 objection is required but was not submitted. Without this Council is not able to grant approval to the development, even if it were to be acceptable. Given the strong intent of the Deep Soil Landscaping requirement within both LEP194 and DCP55, serious consideration of this matter would be required (*see recommended reason for refusal No.(ii)*).

Number of storeys (cl.25K):

Due to the steep slope of the site, the development is subject to a steep slope concession, which provides for a maximum of 6 storeys without the need for a SEPP1 objection.

It would appear, from the information provided, that the development proposes in excess of 6 storeys in height. This is apparent at the point beneath the northern-most lift, where the basement would appear to exceed 1.2 metres in height and where a covered roof area (counting as a separate storey) has been provided.

The plans therefore appear to propose non-compliances for which a SEPP1 has again not been provided. Without a SEPP1 justification Council is not able to grant consent to the development

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even if the exceedence of the development standard were to be acceptable on merit (*see recommended reason for refusal No.(xiv)*).

Number of car parking spaces (cl.25J):

Only 10 visitor parking spaces have been provided. LEP194 requires the minimum provision of 11 visitor parking spaces.

It is likely that the above is an error and can be amended easily, however, at present Council requires a SEPP 1 justification for such a departure and is not able to grant consent to the development in its absence, even if this were to be acceptable on merit (*see recommended reason for refusal No.(viii)*).

Heritage /conservation areas (cl.61D – 61I):

The site is located adjacent to a heritage listed residential dwelling at 1458 Pacific Highway. The application is accompanied by a heritage statement addressing the impact upon this listed building.

Due to the separation distance from this heritage item (at no point closer than 25 metres) and due to the slope of the land away from the Pacific Highway, the development will not impact upon this item.

The only matter for concern in this regard is the proposed materials of the development. As was noted by Council's Urban Design Consultant, the materials proposed for the development are stark by contrast with the surrounding, darker, brick buildings. It is therefore recommended that, should any consent be given, the materials of the building be changed to be more in keeping with the area and contrast less sharply.

The application meets with the controls of 61 D – 61 I of the KPSO as amended by LEP194.

Residential zone objectives:

The development fails to satisfy the objectives for residential zones as prescribed in clause 25D. In particular, the following objectives have not been met:

- (a) *to provide rear setbacks that ensure rear gardens are adjacent to rear gardens of other properties and that sufficient ground area is available for tall tree planting, consistent with the objectives of this Part;*
- (b) *to encourage the protection of existing trees within setback areas and to encourage the provision of sufficient viable deep soil landscaping and tall trees in rear and front gardens where new development is carried out;*

The above objectives have not been met due to:

- The limited front and rear setbacks, which will not provide for adequate tall tree canopies;
- The insufficient amount of deep soil landscaping;
- The use of the front setback for courtyard areas; and

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- The extensive length of the front elevation (at 60 metres) without adequate relief.

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

COMPLIANCE TABLE		
Development control	Proposed	Complies
Part 3 Local context:		
Development adjacent to a heritage item:		
• First and second storeys at least 10 metres from adjacent heritage building;	No closer than 25 metres from heritage item	YES
• Third and fourth storeys set at least 15 metres from adjacent heritage building	No closer than 25 metres from heritage item	YES
• Setback from the front boundary so that it is no closer than adj heritage building	Adjoining heritage item set back 5.6 metres. Proposed building set back 9.0 metres	YES
Part 4.1 Landscape design:		
Deep soil landscaping (min)		
• 150m ² per 1000m ² of site area = 450m ²	212.5m ² (area adjacent to pool, turf area to front)	NO
No. of tall trees required (min): 11 trees	Unsatisfactory detail on plans provided to date.	NO
Part 4.2 Density:		
Building footprint (max):		
• 35% of total site area	34.5% (1062.5%)	YES
Floor space ratio (max):		
• 1.3:1	1.1:1 (5348.14m ²)	YES
Part 4.3 Setbacks:		
Street boundary setback (min):		
• 10-12 metres (<40% of the zone occupied by building footprint)	9 metres	NO
Rear boundary setback (min):		
• 6m	3.6 to 7.6 metres	NO
Side boundary setback (min):		
• 6m	9.0m (north) 9.4m (south)	YES

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Setback of ground floor terraces/courtyards to street boundary (min): <ul style="list-style-type: none"> 8m/11m 	3.6 metres to landscaped courtyard	NO
% of total area of front setback occupied by private courtyards (max): <ul style="list-style-type: none"> 15% 	14% (24m ² of 169m ²) – NB – More courtyard area extends forward of the 10 metre line and is not included within this figure.	YES
Part 4.4 Built form and articulation:		
Façade articulation: <ul style="list-style-type: none"> Wall plane depth >600mm Wall plane area <81m² 	All wall plane depths >600mm North-East elevation South-West elevation	YES NO NO
Built form: <ul style="list-style-type: none"> Building width < 36m Balcony projection < 1.2m 	60 metres as measured from the north to south. Unit A23 (3.0 metres), Unit A33 (3.0 metres), Unit A43 (3.0 metres) Unit B21 (2.8 metres), Unit B31 (2.4 metres)	NO NO
Part 4.5 Residential amenity		
Solar access: <ul style="list-style-type: none"> >70% of units receive 3+ hours direct sunlight in winter solstice >50% of the principle common open space of the development receives 3+ hours direct sunlight in the winter solstice <15% of the total units are single aspect with a western orientation 	76% >50% 13 units are single aspect. 6 units (14%) have single western aspects	YES YES YES
Visual privacy: Separation b/w windows and balconies of a building and any neighbouring building on site or adjoining site: Storeys 1 to 4 <ul style="list-style-type: none"> 12m b/w habitable rooms 9m b/w habitable and non-habitable rooms 6m b/w non-habitable rooms 	Only direct relationship is with neighbouring buildings. 25 metres to No. 1458 Pacific Highway (North), 10.4 metres to rear building, 20.4 metres to No. 6 Finlay Road (South).` 20.4 metres between closest point of south of building and No. 6 Finlay Road. 27.4 metres between closest point of north of building and No.1458 Pacific Highway. 14 metres between rear of building and closest room of neighbouring rear development site.	YES YES YES

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5th Storey <ul style="list-style-type: none"> 18m b/w habitable rooms 13m b/w habitable and non-habitable rooms 9m b/w non-habitable rooms 	20.4 metres between closest point of south of building and No. 6 Finlay Road. 27.4 metres between closest point of north of building and No.1458 Pacific Highway.	YES
Internal amenity: <ul style="list-style-type: none"> Habitable rooms have a minimum floor to ceiling height of 2.7m Non-habitable rooms have a minimum floor to ceiling height of 2.4m 3+ bedroom units have a minimum plan dimension of 3m in at least two bedrooms Single corridors: <ul style="list-style-type: none"> - serve a maximum of 8 units - >1.5m wide - >1.8m wide at lift lobbies 	2.7m 2.7m At least two bedrooms >3.0m Maximum 5 units 1.1-1.2 metres at several points 1.5-1.6 metres at several points	YES YES YES YES NO NO
Outdoor living: <ul style="list-style-type: none"> ground floor apartments have a terrace or private courtyard greater than 25m² in area Balcony sizes: <ul style="list-style-type: none"> 1 bedroom unit: 10m² 2 bedroom unit: 12m² 3 bedroom unit: 15m² primary outdoor space has a minimum dimension of 2.4m 	D11(10m ²), D12 (10m ²), D13(17.5m ²) All >10m ² C11(8.4m ²), C21(8.4m ²) A21(14.8m ²), A31(14.8m ²) Units D11 (part 1.2m dimension), D21 (partly 1.2m dimension), D31 (part 1.2m dimension).	NO YES NO NO NO
Part 4.7 Social dimensions:		
Visitable units (min): <ul style="list-style-type: none"> 70% 	71% (30 apartments)	YES
Housing mix: <ul style="list-style-type: none"> Mix of sizes and types 	4 x 1 bedroom apartments 22 x 2 bedroom apartments 16 x 3 bedroom apartments	YES
Part 4.8 Resource, energy and water efficiency:		
Energy efficiency:		

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<ul style="list-style-type: none"> • >65% of units are to have natural cross ventilation • single aspect units are to have a maximum depth of 10m • 25% of kitchens are to have an external wall for natural ventilation and light • >90% of units are to have a 4.5 star NatHERS rating with the remainder achieving at least 3.5 star rating 	<p>70% (29) have two aspects or more allowing for cross-ventilation</p> <p>13 units single aspect, all are below 10m deep.</p> <p>15/42 or 35% have an external wall.</p> <p>4.5 star rating = 57% (24/42) 3.5 star rating = 100%</p>	<p>YES</p> <p>YES</p> <p>YES</p> <p>NO YES</p>
Part 5 Parking and vehicular access:		
Car parking (min):		
<ul style="list-style-type: none"> • 58 resident spaces • 11 visitor spaces 	<p>71 spaces (29 single parks, 38 within doubles, 4 accessible)</p> <p>10 marked visitor spaces</p>	<p>YES</p> <p>NO</p>

Part 3 Local context:

Part 3 of DCP 55 requires consideration of the existing and desired future character of the area in which the site is located, the maintenance of Ku-ring-gai's landscape and visual character and consideration of relevant conservation areas and heritage buildings.

One of the most important desired visions of DCP55 is to accommodate additional housing whilst at the same time achieving a landscaped setting. A tall tree canopy should be the dominant impression. This is also strongly reinforced throughout LEP194.

This vision is to be achieved through the retention of existing significant trees, and the planting of additional trees to reach a minimum height of 13 metres within a generous front setback.

The application fails to provide a large front setback. Nine metres instead of the prescribed 12 metres has been provided as the setback from Finlay Road. Further, the quality of the front setback has been jeopardized through the placement of private courtyards within this space. This will not provide for canopy trees envisaged by LEP194. The impact of this lack of vegetation will be further exacerbated by the length of the building, at 60 metres in length being almost double the maximum of 36 metres, which will provide for little visual relief from Finlay Road.

Due to the failure to provide for an adequate front setback, the development does not appropriately respond to the desired future medium density character of the area (*see recommended reason for refusal No.(i)*).

Part 4.1 Landscape design:

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The application fails to provide one area of deep soil landscaping as required by C-1, and fails to provide accurate details of tree replenishment in order to meet with C-8 of DCP55. Without this level of information it is questionable as to whether adequate tall canopy trees can be accommodated on site.

Further, the information submitted does not provide sufficient detail to fully assess and locate the existing trees on site. These are necessary to properly assess the consequential impacts of the proposed works (*see recommended reason for refusal No.(x)*).

Part 4.3 Setbacks:

The application provides for sufficient side setbacks but fails to provide for adequate front and rear setbacks.

A minimum distance of 9.0 metres has been provided as a setback from Finlay Road, with the basement parking extending the entire width of the building (60 metres) at 9.6 metres from the front boundary. This will not provide for an adequate front setback as envisaged within either LEP194 or DCP55 and will not be conducive to the establishment of a tall tree canopy.

The application also proposes to site private courtyards within the front setback, at a minimum distance of 3.6 metres from the front boundary. DCP55 requires, through Controls C-7 and C-8 of Section 4.3, courtyards to be set back 8 metres from the front boundary, and that the setback between 8 and 10 metres is limited to 15% courtyard. The application provides for courtyards well in excess of the 8 metres line. The courtyards will preclude the establishment and maintenance of canopy trees which will result in adverse impact upon the streetscape of Finlay Road (*see recommended reason for refusal No.(i)*).

The application proposes a rear setback of 3.6 metres. This occurs at basement level for a length of 28 metres – half of the building infringes to the rear. Above ground, balconies project to within 4.7 metres of the rear boundary.

The purpose of the rear setback control is to ensure adequate planting to reduce visual bulk impacts, and ensure that the amenity of neighbouring development will not be unreasonably affected. The location of the basement parking, particularly five levels of basement parking and for such a length will not allow for adequate planting. This is particularly significant given the proposed adjacent development, which is also provided with limited side setbacks. These concerns have also been reiterated by Council's Landscape Officer.

The limited rear balcony setbacks raise further concern with respect to the privacy and amenity of future adjoining occupants. Additionally, the balconies protrude further than the recommended 1.2 metres and will thus be visually obvious and obtrusive to the property adjoining to the rear (*see recommended reason for refusal No.(i)*).

Part 4.4 Built form and articulation:

The development provides for two wall plane areas which are in excess of 81m² – these are at the sides of the building (North-East and South-West). The elevations show a broken wall with

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projections, however, closer analysis of the drawing layouts indicates that there are few projections on these walls.

Given the larger side setbacks which have been provided (a 9 metre side setback to any storey) it is thought that the bulk of these elements will be softened by possible planting along the side boundaries. Timber louvres have also been provided along these elevations which will also aid in breaking up the elevation.

Part 4.5 Residential amenity

The application provides some opportunity for adverse impact on the future privacy of future residents. In particular, the pedestrian ramps will have some negative impact on those dwellings immediately to the front of the ramp. Specifically, there are concerns with respect to the northern pedestrian ramp and views into Unit B11 at RL177.00, and from the central pedestrian ramp into Units C21 and C22 at RL174.00 (*see recommended reason for refusal No.(v)*).

The width of the corridors and the width of the lobbies at lift entries is narrow. Several of the corridors are 1.1-1.2 metres in width, whereas a minimum distance of 1.5 metres is required. Lift lobbies are shown to be typically 1.5-1.6 metres in width as opposed to the required 1.8 metres. This will present difficulties for furniture removal (*see recommended reason for refusal No.(v)*).

The application fails to provide for outdoor living which is compliant with the provisions of DCP55. Specifically, units C11 and C21 do not provide for at least 12m² as required for two bedroom units. Additionally, Units A21 and A31 do not provide the required 15m² which is necessary for 3 bedroom units, however, given the minor extent of the 0.2m² non-compliance this is not thought a major issue.

C-4 of Part 4.5 requires that balconies to units have a minimum dimension of 2.4 metres, in order to adequately allow for balcony furniture and optimum usage. This applies as a 'square' so that the balcony is not impractical by being long and narrow. Units D11, D21 and D31 have a part 1.2 metre dimension. While the one-bedroom dwellings are provided with a compliant area (exceeding 10m² for a one bedroom unit), the balcony is not of at least 2.4m in dimension (*see recommended reason for refusal No.(v)*).

Part 4.6 Safety and security:

The proposed development will have high levels of safety and security due to its extensive length along Finlay Road and resultant possibilities for street surveillance.

The three pedestrian pathways are clearly visible from the streets, with unimpeded sightlines, and will be provided with lighting. Further, the resident basement parking areas all provide lift access to units without the need to enter on to Finlay Road.

All of the common open space areas will be overlooked by apartments, with no concealed or entrapment areas.

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Part 4.7 Social dimensions:

The application provides for a range of dwelling sizes, consisting of 4 x 1 bedroom apartments, 22 x 2 bedroom apartments and 16 x 3 bedroom apartments.

The development provides a suitable variety of unit sizes to meet market demand for a range of medium density accommodation needs.

Part 4.8 Resource, energy and water efficiency:

DCP55 requires that 90% of units meet the NatHERS rating of 4.5 stars and above. The application proposes 100% of units which meet with the 3.5 star NatHERS rating but only 57% of units which comply with the NatHERS 4.5 star rating (*see recommended reason for refusal No.(v)*).

Part 5.0 Parking and vehicular access:

The application provides 10 visitor parking spaces, whereas 11 are required. This is likely an error on the plans and can be clarified easily. However, at present a SEPP1 is required for such a departure from LEP194 which has not been submitted (*see recommended reason for refusal No.(viii)*).

Of further note is that the application provides for two pedestrian ramps (central and southern) which extend entirely up to Finlay Road. This will not allow for pedestrian movement along the front of the property now or at any time in future and also will not allow for pedestrians to exit the site when a vehicle is parked at the end of these ramps. The pedestrian entrances do not allow for ease of movement and are therefore unsatisfactory (*see recommended reason for refusal No.(vi)*).

Development Control Code - Finlay Road, Lamond Drive and Duff Street Turramurra – Design Principles.

The purpose of the Code (adopted 5 April 2005) is to provide design principles to guide the future development of land in the vicinity of Finlay Road, Lamond Drive and Duff Street, Turramurra for the purpose of residential flat buildings.

The design principles contained in this code are to be considered in the assessment of any application for a residential flat building on land covered by this Code in accordance with clause 33(d) of the Ku-ring-gai Planning Scheme Ordinance 1971 (as amended).

1. *New development will respond to the site topography (Figure 1) by:*
 - (a) *Locating new buildings within existing terraced areas formed by existing pools;*
 - (b) *Avoiding the steep lower (southern) slopes of the site (refer site analysis);*
 - (c) *Allow for natural overland flow so as to minimise changes to the site hydrology; and*
 - (d) *New buildings to be located to align with the topography (perpendicular to, or parallel to, the contours).*

The building will encompass the three existing dwellings already on site, furthermore, the building is located 9 metres off the steep southern portion of the site, in accordance with 1(b). The natural

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overland flow of the property will naturally be affected through the cut required for the basement parking levels.

2. *The existing tree canopy and remnant vegetation on the site (Figure 2 & 3) will be protected by:*
 - (a) *Locating new buildings within the areas currently occupied by the footprints of existing dwellings and other large structures such as pools and tennis courts;*
 - (b) *Locating buildings outside the drip-line of trees in the central area of the site;*
 - (c) *Protecting the vegetation on the steep lower slopes;*
 - (d) *Planting canopy trees to the Pacific Highway frontage.*

The proposed building is sited within the already developed area of the site, in accordance with Figures 2 and 3 of the Code. However, the placement of the building in this area will still result in the loss of trees at the southern end of the site, due to the change in soakage and water levels brought about by construction. These southern trees have also been subject to storm damage in the past and are not ideal specimens.

3. *Regional public views to the south from the Pacific Highway will be protected by:*
 - (a) *Providing a 10m wide view corridor through the site between Finlay Road and Lamond Drive; and*
 - (b) *Providing a 10m wide view corridor through the site between Lamond Drive and Duff Street.*

The extensive width of the front elevation does not allow for a view through to the adjoining sites in accordance with this requirement.

4. *The significance of the two heritage buildings on the site will be protected by:*
 - (a) *Providing a minimum curtilage of 10 metres around each heritage building;*
 - (b) *Siting new development so that no part of the heritage item is obstructed from the adjoining street or streets;*
 - (c) *Siting new development so that it forms a subtle backdrop to the heritage item and is partially screened by vegetation.*
(Figure 4)

As noted above, the heritage item at 1458 Pacific Highway has been protected through the side setback provided to this part of the site. Nine metres has been provided to the northern boundary. This will result in a setback (as measured between buildings) of at least 25 metres. No part of the heritage building will be obstructed from the street. With respect to the requirement to form a subtle backdrop to the heritage building, the side setback will enable some screening to be established, however, the buildings will be evident when looking south from the heritage site.

5. *Pedestrian access to Turramurra rail station will be enhanced by:*
 - (a) *Providing a new public access way through the sites between Duff Street and Lamond Street and between Finlay Road and Lamond Drive.*

Pedestrian access has not been provided in accordance with this requirement.

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6. *The impact of access roads will be minimised by:*
- (a) *Minimising the number of access roads, driveways and pathways*
 - (b) *Minimising the length of access roads and driveways and ensuring access roads follow the contours (ie. run parallel to the contours)*
 - (c) *Elevating driveways (for example on piers) and paths where possible*
 - (d) *Allowing vehicle access to the site only from Finlay Road, Lamond Drive and Duff Street only*

Only one vehicular access has been provided to the site, which is in the upper portion of the site where the slope presents less difficulties. The length of this driveway has been minimised due to the restricted front setback.

7. *The Pacific Highway is to remain a primary street address for buildings located at the northern end of the site*

Not applicable to this site.

8. *The impact on adjoining properties will be minimised by:*
- (a) *Locating new buildings away from the interface boundaries*
 - (b) *Maintaining significant vegetation at the interface boundaries.*

The setbacks to both the north and south of the site have taken into account the zone interface. Nine metres are provided at both zone interfaces, which is satisfactory to replenish trees within these setback areas.

9. *Adequate internal amenity of apartments will be provided by:*
- (a) *Minimising single orientation apartments facing north/north east on the lower slopes or against steep cut embankments*

The units at the bottom of the site (D11, D21, D41) offer south and eastern aspects only. The units are provided with adequate levels of sunlight in accordance with DCP55, with 76% of units provided with 3 or more hours of sunlight during mid-winter.

10. *Manage the impacts of site construction in relation to soil levels, tree protection, hydrology and soil erosion by:*
- (a) *Providing a detailed construction plan identifying construction processes and methods addressing the relevant design principles.*

Further details have been requested for the construction plan, including the location of the works zone to accommodate tradesmen, employees and construction vehicles to and from the site. As this information has not been provided, a recommended reason for refusal includes these lack of details (*see recommended reason for refusal No.xii*).

Development Control Plan 31 – Access

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

Development Control Plan 40 – Construction and Demolition Waste Management

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

Development Control Plan No. 43 – Car Parking

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

Development Control Plan 47 – Water Management

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

Section 94 Plan

If approved, the development would attract a section 94 contribution pursuant to the Ku-ring-gai Section 94 Contributions Plan 2004-2009 Residential Development as of 30 June 2004.

LIKELY IMPACTS

All likely impacts of the proposal have been assessed elsewhere in this report.

SUITABILITY OF THE SITE

The site is considered suitable for medium density development, however, the proposal is unacceptable in a number of areas and is therefore recommended for refusal.

ANY SUBMISSIONS

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

PUBLIC INTEREST

The application is not considered to be in the public interest.

ANY OTHER RELEVANT MATTERS NOT ALREADY ADDRESSED

There are no other matters for assessment.

CONCLUSION

Having regard to the provisions of section 79C of the Environmental Planning and Assessment Act 1979, the proposed development is not considered to be satisfactory. Therefore, it is recommended that the application be refused.

RECOMMENDATION:

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

THAT Council, as the consent authority, refuse development consent to Development Application No. 1270/04 for the demolition of existing structures on site and construction of 42 apartments within one building, associated access, basement parking and landscaping on land at 2-4A Finlay Road as shown on plans A-000, A100 to A110, A201-A202, A301-A302 (all received 24 March 2005), for the following reasons:

Streetscape and visual impact

- i. The front setback, use and design of the front and rear setback, and design of the apartment building front elevation, results in undue imposition of built form upon the streetscape and upon the rear properties.

Particulars:

- a. A front setback of 9 metres has been provided to Finlay Road. This limits the potential for Deep Soil Zones and tall tree canopy as required by LEP194 and DCP55 and has consequent adverse impact on the Finlay Road streetscape. This is exacerbated by the length of the building, at 60 metres. (*Refer: LEP194 Section 25D Heads of Consideration (b), DCP55 Part 4.3 Control C-1, Part 4.4 Control C-3*).
- b. The limited front setback to Woniora Avenue includes courtyards with a minimum setback of 3.6 metres as opposed to a required 8 metres. This will not allow for acceptable Deep Soil Zones and sufficient tall tree canopy within the front setback and has consequent adverse impact on the Finlay Road streetscape. (*Refer: LEP194 Section 25D Heads of Consideration (b), DCP55 Part 4.3, C-7*).
- c. The design of the front setback, in particular the use of materials and the use of off-white render, detracts from the natural setting and existing built form of Finlay Road. (*Refer: DCP55, Part 2, Controls E-11, E-12*)(*N.B. – this can likely be addressed via condition*).
- d. Limited setback has been provided to the rear of the site, where a setback of 3.6 metres has been provided to the basement carpark. This prevents establishment of a tall tree canopy within Deep Soil Zones as required by LEP194. (*This is particularly important given the concurrent application to the east of the site, which has also been provided with limited setbacks and will also not be able to accommodate tall trees*) (*Refer: LEP194, Section 25D Heads of Consideration (a)(b), DCP55 Part 4.3, Control C-1*).
- e. The rear of the building has been provided with balconies which extend beyond the building, providing little amenity for the users of these balconies, and failing to integrate into the building design (*Refer: DCP55, Part 4.4, Control C-6*).

Landscape

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- ii. The Deep Soil Zone provision is 48.2%, rather than the 50.6% as suggested within the application. A SEPP1 is required for this departure from the standard. (*Refer LEP194 Section 25I(2)(c)*) (*N.B. Further details contained within the Statement of Basic Facts. This can likely be resolved by increasing the setbacks off the site boundaries for the pool and retaining walls to a minimum 2.0m to comply with LEP194*).
- iii. Tree #1/54 *Nyssa sylvatica* (Tupelo) located adjacent to the eastern site boundary and adjoining heritage listed property is not shown to be retained. The tree provides amenity to the site and the adjoining property. As the tree is outside of development works, it is required to be retained. This will require some alteration to the proposed landscape works/turf area.
- iv. The proposed swimming pool, located in the south-east corner of the site, has a setback of approximately 1.4m to the water line. To maximise landscape amenity and deep soil landscaping, the pool should have a minimum 2.0m setback from site boundaries to the outer coping edge.

Residential amenity

- v. The proposed development fails to provide for adequate visual privacy, internal amenity and outdoor open space in accordance with the provisions of DCP55.

Particulars

- a. The application provides instances where the privacy of future residents is not assured. In particular, the pedestrian ramps will have negative impact on those dwellings immediately to the front of the ramp. Specifically, there are concerns with respect to the northern pedestrian ramp and views into Unit B11 at RL177.00, and from the central pedestrian ramp into Units C21 and C22 at RL174.00 (*Refer: DCP55, Part 4.5*).
- b. The application provides several instances where the internal corridor layout width, and the width at lift lobbies, is narrow. This provides for limited manoeuvring space for furniture removals (*Refer: DCP55, Part 4.5, Control C-5*).
- c. The application fails to provide open space with dimensions in accordance with DCP55. In particular, units C11, C21, D11, D21 and D31 are undersized or have minimal widths (*Refer: DCP55, Part 4.5, Controls C-1, C-2, C-4*).

Site access

- vi. The raised pedestrian entry ramps are of minimum width with no landing. This will prevent pedestrian access along the frontage of this site, particularly if a vehicle is parked on Finlay Road.

Energy efficiency

- vii. The proposal fails to provide for an adequate NatHERS energy efficiency rating in accordance with the provisions of DCP55. Only 57% of the units have achieved a 4.5 star rating, where it is anticipated that at least 90% of the units should achieve a 4.5 star rating (*Refer: DCP55, Part 4.8.1, C-4*).

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Parking

- viii. The proposed level of visitor parking fails to comply with the requirements of LEP194. Eleven spaces are required, whereas ten have been provided. No SEPP1 objection has been submitted. (*Refer: LEP194, Section 25J(2)(b) 'one space is provided for every 4 dwellings or part thereof'*).

Inadequate information/plan inconsistencies

- ix. The Concept Stormwater Drainage & On-site Retention Details Plan submitted with the application shows a 1.5m wide drainage easement through the adjoining property to discharge into the existing natural overland flow path. This area of the adjoining site has not been surveyed and the location of existing trees and vegetation has not accurately been undertaken. Further information is necessary to determine the potential adverse impacts on existing trees of the drainage easement.
- x. The submitted arborist's report is unsatisfactory as it does not provide sufficient detail to fully assess and locate the existing trees on site and the impacts of the associated works. A revised arborist's report is required (further details are provided within the Statement of Basic Facts).
- xi. Consent of downstream property owners (1456a and 1454 Pacific Highway) to grant an interallotment drainage easement has not been provided, as required by Ku-ring-gai Water Management Development Control Plan 47.
- xii. The Construction Management Plan has not indicated the Location of Works Zone, on site parking for employees and tradesmen (if available), construction vehicle routes to and from the west and correct hours of work.
- xiii. The stormwater management plan has not provided the level of detail required within Appendix 13 of Council's DCP 47 Water Management, including: separate storage of rainwater and stormwater, water quality measures, concept design for the proposed interallotment drainage through 1456a and 1454 Pacific Highway, pipes laid outside deep soil zone, water balance to demonstrate attenuation of discharge, or the provision of an on site detention component.
- xiv. The plans are insufficient to ascertain levels of the floors from natural ground level. Levels from natural ground level are not provided in sections at critical points over the building.

Particulars:

- a. The point of the northern-most lift the levels from the survey as compared to the elevations would suggest a level of greater than 1.2 metres for basement 1. This results in a consequent seventh floor (depicted as 'roof level'), for which a SEPP1 objection would need to be provided. An elevation through this critical point needs to be provided to clarify this non-compliance.

Kerrin Lithgow
Executive Assessment Officer
Development Assessment - North

Mark Leotta
Team Leader
Development Assessment - North

Matthew Prendergast
Manager
Development Assessment Services

Michael Miocic
Director
Development and Regulation

Attachments:

- Site Location Plan**
- Survey Plan**
- Floor Plans**
- Section Plans**
- Elevation Plans**
- Shadow Diagrams**
- Solar Access Diagrams**
- Landscape Plan**

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DEVELOPMENT APPLICATION

SUMMARY SHEET

REPORT TITLE:	1 & 1A LAMOND DRIVE, 1444 & 1444A PACIFIC HIGHWAY, TURRAMURRA - DEMOLITION OF EXISTING HOUSES AND CONSTRUCTION OF A RESIDENTIAL FLAT BUILDING COMPRISING 51 UNITS, 102 BASEMENT CAR SPACES AND ASSOCIATED LANDSCAPING
WARD:	Comenarra
DEVELOPMENT APPLICATION N^o:	1099/04
SUBJECT LAND:	1 & 1A Lamond Drive, 1444 & 1444A Pacific Highway, Turramurra
APPLICANT:	Lexinghouse 88 Pty Ltd
OWNER:	MG & JC Brand, GG & SK Cassar, SY & UJ Yim, CA & SR Tatham
DESIGNER:	Scott Carver Architects Pty Ltd
PRESENT USE:	Residential
ZONING:	Residential 2 (d3)
HERITAGE:	No
PERMISSIBLE UNDER:	Ku-ring-gai Planning Scheme Ordinance
COUNCIL'S POLICIES APPLICABLE:	DCP 40, DCP 43, DCP 47, DCP 55, Development Control Code for Finlay Road, Lamond Drive and Duff Street Precinct, Turramurra
COMPLIANCE WITH CODES/POLICIES:	No
GOVERNMENT POLICIES APPLICABLE:	SEPP 1, SEPP 65, SEPP 55
COMPLIANCE WITH GOVERNMENT POLICIES:	No
DATE LODGED:	22 October 2004
40 DAY PERIOD EXPIRED:	1 December 2004
PROPOSAL:	Demolition of existing houses and construction of a residential flat building comprising 51 units, 102 basement car spaces and associated landscaping
RECOMMENDATION:	Refusal

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DEVELOPMENT APPLICATION N^o 1099/04
PREMISES: 1 & 1A LAMOND DRIVE, 1444 & 1444A
PACIFIC HIGHWAY, TURRAMURRA
PROPOSAL: DEMOLITION OF EXISTING HOUSES AND
CONSTRUCTION OF A RESIDENTIAL FLAT
BUILDING COMPRISING 51 UNITS, 102
BASEMENT CAR SPACES AND
ASSOCIATED LANDSCAPING
APPLICANT: LEXINGHOUSE 88 PTY LTD
OWNER: MG & JC BRAND, GG & SK CASSAR, SY &
UJ YIM, CA & SR TATHAM
DESIGNER SCOTT CARVER ARCHITECTS PTY LTD

PURPOSE FOR REPORT

To determine Development Application DA 1099/04 which seeks consent for the demolition of existing dwellings on site and construction of a single residential flat building comprising 51 units, basement car parking and landscaping.

EXECUTIVE SUMMARY

Issues: Insufficient information, deep soil zones, impact on trees and tree replenishment, front and side boundary setbacks, courtyards within front and side setbacks.

Submissions: Eight submissions received, two in support, the remainder raising concerns.

Pre-DA Consultation: Yes.

Land & Environment Court Appeal: Proceedings No 10131 of 2005.

A deemed refusal appeal to the application was filed on 22 February 2005.

The Statement of Basic Facts and Statement of Issues were finalised on 8 April 2005.

The last call over was held on 12 April 2005, at which the matter was again reserved for call over on 20 April 2005. By that time it is expected that the Council and the appellant will have agreed upon a court appointed expert and formulated a timetable

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for evidence and range of hearing dates. At present the applications for 2-4A Finlay Road and this subject application will be considered simultaneously.

Recommendation: Refusal

HISTORY

Site History

Development application history:

9 September 2004	Pre-DA lodgement consultation where the applicant was advised to reduce the building width to Lamond Drive, increase street setbacks, improve separation between adjoining properties and comply with deep soil planting areas.
22 October 2004	Application lodged.
28 October 2004	Request from Council to furnish a detailed landscape plan, demonstrating proposed planting and specifications for all landscape elements.
15 November 2004	Amended landscape plans submitted.
25 January 2005	Preliminary comments from Council's Development Engineer and Heritage Officer provided to applicant.
10 February 2005	Council informs applicant of a number of concerns with the application.
22 February 2005	A class 1 appeal is lodged with the Land and Environment Court against the deemed refusal of Development Application No 1099/04.
28 February 2005	Applicant submits amended plans and indicates that further amended plans will be furnished in due course.
30 March 2005	Contrary to previous advice, applicant informs Council that no further amended plans will be submitted.
8 April 2005	Issues filed by Council in response to the deemed refusal appeal as follows:

1. INADEQUATE INFORMATION

The documentation and plans submitted to Council are considered inadequate and fails to provide information in order for Council to properly determine the application.

Particulars

1.1 SEPP 1 objection - Deep soil landscaping

The application proposes deep soil landscaping amounting to less than 50% of the site area. This discrepancy is due to:

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- *the insufficient width of the terraces in Lamond Drive which are excluded as deep soil area. (There is a discrepancy between the architectural plans, sections and the landscape plans.)*
- *the elevated timber walkways along the length of the northern boundary are shown on the landscape plans and storm water designs but not in the architectural plans. In addition these are more than 1m wide and are therefore excluded from the deep soil planting area.*
- *storm water drainage plans show additional extensive paved areas in the western (rear) and northern (side) setback areas which are not reflected in the landscape nor in the architectural plans. The architectural plans show these areas as being levelled.*
- *paved areas north of Unit A11 and the series of retaining walls required in this area do not satisfy the requirements and do not constitute deep soil area.*
- *the provision of an electrical substation and associated manoeuvring space required by Energy Australia will further reduce the deep soil area.*

This fails to satisfy the standard contained in Clause 25I 1(2) of LEP 194 that requires sites with an area of 1,800 square metres or more to have deep soil landscaping for at least 50% of the site area.

A SEPP 1 objection is required which should justify why it is unreasonable and unnecessary to apply the standard in this instance.

1.2 *Owner's consent*

The applicant proposes demolition works to structures within an existing right of carriage way. The necessary consent from the owners of the dominant tenement has not been obtained.

The applicant proposes to reduce the width of Kirawa Close and introduce landscaping in its stead. The driveway is reduced in width by 2m to 3.6m thus effectively halving its width and reducing its usability. The owners of No. 1446 Pacific Highway are benefitted by a right of carriage way over the concrete driveway and their consent has not been obtained.

1.3 *Discrepancies between plans and level of detail*

The landscape plan does not contain sufficient information to enable an assessment of the proposed landscape works. Numerous discrepancies between the landscape plans, architectural plans and the storm water plans are evident.

- a) The landscape plan does not indicate existing and proposed levels. This is particularly relevant to determine the accessibility and functionality of the common open space areas in light of the various discrepancies highlighted in paragraph 1.1.*
- b) Discrepancies in the paved areas on the various plans should be addressed.*

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2. STREETSCAPE IMPACT

The proposal is inconsistent with Clause 25I (1)(a), (c), (d) and (e) of Part IIIA of the Ku-ring-gai Planning Scheme Ordinance in that the proposal will have a detrimental impact on the residential character of the area and adjoining properties due to the scale of the built form, lack of area proposed for landscaping and minimal setbacks proposed.

Particulars

- 2.1 *Less than 50% of the site area is proposed as deep soil landscaping and fails to satisfy Clause 25I 1(2) of LEP 194 which requires 50%.*
- 2.2 *The building width to Lamond Drive measures approximately 72m and exceeds the 36m maximum required by Clause 4.4 C-3 of DCP55. There is a concern with the length of the building as it "fills up" the entire Lamond Drive frontage which only measures ±61m. The resulting tunnel effect blocks out all views/glimpses to the north and to the west.*

An improved outcome may be achieved by splitting the development into two more sympathetically scaled modules which reflect the character of the locality. The scale of these modules should be in keeping with the recommended building envelopes provided in DCP 55 - Multi-unit Housing: Railway/Pacific Highway Corridor and St Ives Centre.

- 2.3 *The proposal fails to maintain a front setback zone to Lamond Drive of 10-12m as required by Clause 4.3 C-1 of DCP 55. Terraces and the basement car park are shown with setbacks of 7m.*
- 2.4 *The 7m setback to Lamond Drive and the 72m length of the building will create an overbearing built form in Lamond Drive. The built form will undermine the streetscape setting, by reason of its limited landscaped character; prominence to the street boundaries and the cramped arrangement of the structure due to the disproportionate distribution of the open space areas compared to the existing character of the locality.*

The already limited scope for landscaping within the 7m setback is further reduced by:

- a. the extensive retaining walls required in the setback area due to the >5m height difference between street level and ground levels;*
- b. the resulting stepped planter boxes (<2000mm clear width) are not capable of supporting significant landscaping such as canopy trees,*
- c. only a strip of 2800mm wide is available between the first retaining wall and the street boundary for screening at the Lamond Drive level;*
- d. the remainder of available landscaping area is taken up by private courtyards, the car park access ramp, pedestrian access ramps and the basement car park;*

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- e. a large part of the front setback area is also affected by the storm water drainage system which further reduces the landscape area;*

The above does not adequately allow for tree replenishment within the Lamond Drive frontage that is characteristic of the site and immediate area. This is highlighted within the proposed landscape works that show no canopy trees within this setback. Trees proposed are small to medium sized species, none of which are locally occurring species. This goes against LEP site requirements and standards which states the “desirability of adequate landscaping so that the built form does not dominate the landscape”. The site and surrounding area’s character is one of large Eucalypts and a continuous interconnecting tree canopy. The proposed development, particularly within the Lamond Dr frontage, does not provide for effective landscaping to lessen the dominance of the built form.

- 2.5 The proposal fails to maintain a front setback zone to the Pacific Highway of 10-12m as required by Clause 4.3 C-1 of DCP 55.*

- 2.5.1 The basement car park and acoustic fence are shown with setbacks of 7.2m and 5m respectively.*

- 2.5.2 The limited scope for landscaping within the reduced setback areas is further reduced by the private courtyards that:*

- a) make significant screen planting highly unlikely (within the courtyards) and;*
 - b) undermine the preservation of a co-coordinated landscape theme in the long term.*

A large percentage of the Pacific Hwy site frontage is taken up by private courtyards leaving a front setback less than 5m as communal open space that is available for large tree replenishment. It is noted that Eucalyptus saligna (Bluegum) have been nominated within the site frontage in close proximity to a proposed front wall. In the long term this is impractical as the expanding roots from the trees will crack and compromise the integrity of the wall.

- 2.6 The proposal will not achieve appropriate separation with properties to the north (1446 and 1446A Pacific Highway) due to the inadequate side setback and lack of substantial screen planting and canopy trees.*

A 6m setback is proposed between the terrace/pergola of Unit A11 and the northern boundary (1446 Pacific Highway). The 6m available for landscaping is reduced by:

- a) A series of retaining walls that create a planter box app. 1.6m wide and 2-3m high,*
 - b) a path (1.2m wide) almost stretching the entire length of the rear boundary and*

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- c) *in addition 2m to 3.6m of the remaining setback area currently forms part of the concreted area of Kirawa Close. The necessary consent has not been provided to demolish part of the driveway and replace those areas with landscaping.*

With or without the above consent, the effective area for deep soil landscaping in the side setback adjacent to Unit A11 is greatly reduced. This is not sufficient to ensure the establishment of effective landscaping and canopy trees that would screen the adjacent property No. 1446 Pacific Highway or provide appropriate separation. This is especially relevant in light of the fact that No 1446 was not incorporated into DA 0077/05 and may end up as an isolated dwelling between the two high density developments.

- 2.7 *The proposed finishes of the development is considered inappropriate as it fails to harmonise with existing environment and context which reflects mid tone to dark colours and greater use of brick and timber.*

3. IMPACT ON TREES

The proposed development will result in the clearing of the site. The site analysis plan shows the retention of only 6 of the 55 trees identified as being associated with the site, of which three (3) or 50% are located off site. The trees to be retained are No's 382, 383, 426, 428, 436, and 424. Tree No's 395 – 419 are part of an existing tree grouping/stand located centrally on site. Given the scale of development for the site it is not possible to retain these trees due to their central location.

It should be noted that the removal of Tree No. 427 Eucalyptus saligna (Bluegum), misidentified as Eucalyptus pilularis (Blackbutt), is unacceptable and cannot be supported. The tree, which is located adjacent to the southern site boundary is outwardly in excellent health and condition, has not suffered storm damage and is significant within the broader landscape. The tree forms part of the interconnecting canopy that typifies the locality and as the consulting arborist states "the retention of these trees [including #427] allows them as components of the current curtilage to be transferred to the new dwellings, maintaining elements of a continuous landscape, providing a more harmonious integration and transition of the use of the land".

THE SITE

Zoning:	Residential 2 (d3)
Visual Character Study Category:	1920-1945
Area:	4240m ²
Side of Street:	Eastern
Cross Fall:	Yes, 18%
Stormwater Drainage:	Inter-allotment drainage easement
Heritage Affected:	No

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Required Setback:	10-13 metres to Lamond Drive and 10-12 metres to the Pacific Highway
Integrated Development:	No
Bush Fire Prone Land:	No
Endangered Species:	No
Urban Bushland:	Remnant Blue Gum High Forest
Contaminated Land:	No

SITE DESCRIPTION

The site

Visual Character Study category:	1920-45
Legal Descriptions:	1 Lamond Drive Lot 1 DP 260234 1A Lamond Drive Lot 1 DP 219761 1444 Pacific Highway Lot 2 DP 259533 1444A Pacific Highway Lot 4 DP 259533
Heritage affected:	No 1379 Pacific Highway is on the opposite side of the highway on the corner of Lowther Park Avenue. No 1428 Pacific Highway is located further to the north and on the same side as the subject site. No 1359 Pacific Highway, which is located diagonally opposite the site to the south across the Pacific Highway, was converted to strata apartments.
Bush fire prone land:	No
Endangered species:	No
Urban bushland:	Remnant Blue Gum High Forest
Contaminated land:	No

Dimensions and topography

The site is irregular in shape and has a total area of 4240m². Frontages to the Pacific Highway and Lamond Drive measure 54.5 metres and 61.1 metres, respectively. The western boundary is irregular and has a total length of approximately 67 metres. The northern boundary measures approximately 94 metres.

The site slopes from the north-eastern corner to the south-western corner at a grade of 18%. The topography was modified substantially to accommodate the existing structures which include a tennis court and two in-ground pools.

Improvements

The site comprises four lots, each containing a two storey dwelling with associated structures including a tennis court and in-ground swimming pool.

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Vegetation

The site is characterised by an established landscape setting with mature trees and shrubs. The site frontage features a mature Eucalyptus centrally located on Council's nature strip. The rear of the site is dominated by a continuous canopy of large Eucalyptus saligna (Bluegum) and Eucalyptus pilularis (Blackbutt) which continue around the site and to the north-west off site. The plant community that is locally occurring to the area is Sydney Bluegum High Forest (SBHF) which is identified as being an endangered/threatened plant community.

Easements

Council's records indicate that the site is burdened by a right of carriage way and easements for drainage along the northern boundary of the site. The right of carriage way is known as Kirawa Close and burdens No.'s 1444A and 1444B Pacific Highway in favour of No.'s 1444, 1446 and 1446A Pacific Highway. A 5m concrete driveway straddles the access handles to No.'s 1444A and 1444B and formalises this access arrangement to the aforementioned sites benefiting from the right of carriage way.

Zoning and surrounding development proposals

The site is zoned Residential 2(d3) and all boundaries are shared with properties similarly zoned. Immediately to the north-west of the property is another proposed development site. This site is known as 'Bluegums' and is subject to a separate Development Application - DA0077/05. The application proposes a total of 150 dwellings set in a circular configuration. The application was lodged on 1 February 2005 and is also the subject of an appeal. To the immediate north of the 'Bluegums' development is a further development at 2-4A Finlay Road, Turramurra, for a total of 42 units (DA1270/04).

THE PROPOSAL

The application proposes the following:

- The demolition of the existing dwellings and associated structures on site;
- The construction of a stepped 5/6 storey residential flat building of 51 units, comprising 4 x 1 bedroom apartments, 34 x 2 bedroom apartments and 13 x 3-bedroom apartments.
- A total of 102 parking spaces, consisting of the 89 resident spaces and 13 visitor spaces over 5 basement levels.
- Vehicular access to the site is via a driveway in Lamond Drive, along the southern boundary.
- Disposal of stormwater to a number of downstream properties by means of an existing inter allotment drainage easement.

The main structure's above ground setback to the Pacific Highway is generally in excess of 12 metres while the basement car park is set back approximately 7 metres from the Pacific Highway.

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Ground floor paved areas to individual units are set back less than 9 metres from the Pacific Highway. Acoustic walls further reduce this setback to approximately 5 metres on both the Pacific Highway and Lamond Drive frontages.

The building is located at varying setbacks to Lamond Drive, with a minimum setback of 9.0 metres, 10 metres (for the above ground structure) and 7 metres for the basement car park. The 9 metres building setback is provided to the south-eastern corner closest to the Pacific Highway. To the rear, a setback of 6 metres is provided.

The building is of a receding tier construction which steps down the sloping site. The parking basement is spread over five levels and the apartments over nine levels. As a result, the building varies in height, to a maximum of 15 metres above existing ground level.

All units are accessible by four lift cores that are serviced by four pedestrian access bridges from the Lamond Drive footpath. Vehicular access is proposed from Lamond Drive, approximately 30 metres from its intersection with the Pacific Highway.

Parking for 102 vehicles comprises 89 resident spaces and 13 visitor spaces. Garbage storage is provided on the upper basement level.

The communal open space is provided to the north of the building.

CONSULTATION - COMMUNITY

In accordance with Council's policy, adjoining owners were given notice of the application from 10 November to 10 December 2004. Seven submissions were received - two in support and five raising concerns with the development:

In support:

1. *M R & K A Smith -1448 Pacific Highway, Turrumurra*
2. *P M Webb -1450 Pacific Highway, Turrumurra*

Opposing:

1. *C & G Evans (2 letters) - 5 Lamond Drive, Turrumurra*
2. *P & J Salmond - 7 Lamond Drive, Turrumurra*
3. *Z & R Lipman - 15 Lamond Drive, Turrumurra*
4. *T E & J M Pfanner - 9/1359 Pacific Highway, Turrumurra*
5. *M Riley - 20 Denman Street, Turrumurra*

The following comments have been received:

Increase in traffic

Council's Development Engineer has assessed the Traffic Report (Masson Wilson Twiney) submitted and found it to be acceptable. Were the development to be approved, a condition is suggested limiting the exit from Lamond Drive into the Pacific Highway to a left turn only. All

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other traffic impacts are considered to be within reason and Council's Engineer indicated that the proposal is satisfactory in terms of a traffic engineering issues.

Safety issues during construction

Should Council grant consent, its Development Engineer would require a construction and traffic management plan to be submitted prior to the commencement of any works.

Loss of property values surrounding the site

This is not a valid development assessment consideration

Loss of privacy and overshadowing

The objector's property is set back more than 45m from the proposal. The physical separation and substantial vegetation is sufficient to ensure that amenity impacts such as privacy and loss of solar access are not unreasonable.

Construction and the ongoing noise post construction

This matter can be addressed through a condition of consent that would ensure that construction takes place during reasonable standard hours.

Human noise is inevitable and to a large extent uncontrollable. The proposal provides adequate setbacks which would reasonably limit acoustic impacts. Mechanical ventilation noise can be further controlled via conditions of consent.

The proposal is an over-development of the site

The proposal is largely compliant with Council's controls in respect of height, number of storeys, building footprint and floor space ratio. The receding tier design reduces the bulk impacts to lower lying properties.

Loss of trees and wild life

Council's Landscape Development Officer raised concerns in respect of the loss of a significant Blackbutt tree. The remainder of the vegetation is either not considered significant or is storm damaged.

The Open Space Department has raised no objection to the application as Council's records do not show that any endangered wildlife will be affected by this development.

CONSULTATION - WITHIN COUNCIL

Landscape Development Officer

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Council's Landscape Development Officer initial comments are as follows:

The site

It is proposed to demolish the existing detached residential dwellings and associated structures on four allotments and construct a multi-unit residential flat building with basement car parking on the amalgamated site area of 4,240sqm. The site has frontage to both Pacific Hwy and Lamond Dr. Vehicular access is proposed from Lamond Dr. The steeply sloping site is characterised by an established landscape setting with mature trees and shrubs. The site frontage is dominated by a mature Eucalyptus centrally located on Council's nature strip. The rear of the site is dominated by a continuous canopy of large Eucalyptus saligna (Bluegum) and Eucalyptus pilularis (Blackbutt) which continue around the site and to the north-west off site. The plant community that is locally occurring to the area is Sydney Bluegum High Forest (SBHF) which is identified as being an endangered/threatened plant community. The existing trees are parent species for SBHF.

Impacts on trees/Tree removal/Tree replenishment

The proposed development will result in the clearing of the site. The site analysis plan shows the retention of only six (6) trees identified as being associated with the site, of which three (3) or 50% are located off site. The trees to be retained are #'s 382, 383, 426, 428, 436, and 424. It must be noted however, that many identified trees within the submitted Arborists Report do not have broader landscape significance and as such their retention is not specifically required.

Large existing Eucalypts that require removal include #'s 369 Eucalyptus pilularis (Blackbutt) located adjacent to the south western site corner, 371 Eucalyptus pilularis (Blackbutt) located adjacent to the south western site boundary, 373 Eucalyptus pilularis (Blackbutt) located adjacent to the south western site boundary, 377 Eucalyptus pilularis (Blackbutt) located adjacent to the north west site boundary, 387 Eucalyptus pilularis (Blackbutt) centrally located on site, the tree is presently exempt under Council's TPO as it's within 3m of the existing dwelling. The tree has also had previous storm damage, 388 Eucalyptus elata (Peppermint) located adjacent to the north west site boundary, 398 Eucalyptus pilularis (Blackbutt) centrally located on site, 399 Eucalyptus elata (Peppermint) centrally located on site, 400 Eucalyptus nicholii (Peppermint) centrally located on site, 419 Eucalyptus pilularis (Blackbutt) centrally located on site, and 430 Eucalyptus saligna (Bluegum), incorrectly identified as Eucalyptus pilularis (Blackbutt) located adjacent to the south east corner, the tree has suffered previous storm damage.

Tree #'s 395 - 419 are part of an existing tree grouping/stand located centrally on site. Given the scale of development for the site and the ministers rezoning, it is not possible to retain these trees due to their central location.

It should be noted that the removal of tree #427 Eucalyptus saligna (Bluegum), misidentified as Eucalyptus pilularis (Blackbutt), is unacceptable and cannot be supported. The tree, which is located adjacent to the southern site boundary is outwardly in excellent health and condition, has not suffered storm damage and is significant within the broader landscape. The tree forms part of

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the interconnecting canopy that typifies the locality and as the consulting arborist states “ the retention of the these trees (including #427) allows them as components of the current curtilage to be transferred to the new dwellings, maintaining elements of a continuous landscape, providing a more harmonious integration and transition of the use of the land”. It is required that tree #427 be retained. This can be achieved by increasing the front setback to the site (see comments) which in turn will increase the setback from the tree enabling its retention.

Arborist's Report

A detailed arborist's report has been submitted with the application. It is noted however that the arborist has given some existing trees in excellent health a low SULE rating due to their location with regards to the proposed development. This is incorrect. A SULE rating should relate directly to the tree health and Safe Useful Life Expectancy (SULE) at the time of inspection, rather than what may or may not be developed on the site. As such the SULE rating given for some identified trees on site is incorrect. It should also be noted that some trees have been misidentified eg #432 Eucalyptus pilularis (Blackbutt) has been misidentified and is actually a Eucalyptus saligna (Bluegum). Other Bluegums on site have been similarly misidentified.

The arborist's report has failed to mention that the site area was part of an extensively damaged area due to a large storm in 1991. As a result many of the trees were 'topped' and the resultant epicormic growth now 14 years on is quite extensive, but also structurally weakened due to poor attachment of branches . Some to be removed are a result of this storm damage and the compromise to their structural integrity. The arborist has failed to mention this in his detailed observations of existing trees.

Landscape Plan

The landscape plans submitted with the application consist of a generic master plan and a planting plan. Neither plan provides sufficient detail with regard to the proposed landscape works. The overall landscape philosophy can be supported but further detail is required, particularly with regard to existing and proposed levels, specifications for structures proposed, existing trees to be retained and/or removed, paving and the location of the proposed 2.0m high sound attenuation fence/wall mentioned in the landscape statement.

The landscape plan should be a 'stand alone' document that details everything with regard to landscape works. It is noted on the landscape master plan that level details etc are on other plans, but without these plans adequate assessment or construction cannot take place.

A detailed landscape plan with details and specifications, levels (existing and proposed), tree identification and the proposed front wall is required.

Courtyards

It is noted that the proposed development will result in 'private' courtyards being located forward of the development within the two street frontages. The courtyards, particularly along the Pacific

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Hwy frontage and the terracing proposed within the Lamond Dr frontage, impact upon the available space/area for large tree replenishment.

Drainage plan

A concept stormwater drainage plan has been submitted with the application. The plan indicates a large above ground detention basin located adjacent to the western site corner. This area has also been included as deep soil landscaping. However, there is no detail as to how this area is to be treated to ensure that the water is retained. In other developments detail is provided, and in some cases an impervious layer is constructed as part of the detention basin, as a result of which the detention area is calculated as built upon area (BUA) under the LEP definitions and likewise cannot be considered as deep soil landscaping. If this is the case with this site the detention area is required to be excluded from the deep soil landscaping calculations.

To clarify this issue, further detail is required as to how this surface detention basin is to be constructed.

Deep soil landscaping

The areas shown on the submitted deep soil landscaping diagram as deep soil landscaping areas does not strictly comply with the LEP guidelines and definitions. LEP194 defines deep soil landscaping as “part of a site that: a/ is not occupied by any structure whatsoever, whether below or above the surface of the ground (except for paths up to 1metre wide), and b/ is not used for car parking”. Areas calculated by the applicant include structures such as raised boardwalks and pathways greater than 1metre wide. Under the LEP definition these are to be excluded from the deep soil calculations. In addition, deep soil landscaping is required to have a minimum width of 2.0m. With this in mind the terraced planters within the Lamond Ave site frontage should also be excluded from the deep soil landscaping calculations as they are only 1.0m wide. Consideration should also be given, to the surface detention basin, to be excluded from the deep soil landscaping calculations. It is required that the proposed development comply with deep soil landscaping requirements.

Setbacks

The proposed development will result in a setback (as measured on the submitted drawings) from Lamond Ave of approximately 7.0m to the basement car parking, 7.0m to the terraces and approximately 10.0m to the dwelling itself. It must be noted, however, that only 4.0m is available within the site frontage as deep soil landscaping as the terraced planters do not comply with LEP194 guidelines. This does not allow for adequate tree replenishment within the Lamond Dr frontage that is characteristic of the site and immediate area. This is highlighted within the proposed landscape works that show no large trees within this setback. Trees proposed are small to medium sized species, none of which are locally occurring species. This goes against LEP site requirements and standards which states the “desirability of adequate landscaping so that the built form does not dominate the landscape”. The site and surrounding area’s site character is one of large Eucalypts and a continuous interconnecting tree canopy. The proposed development,

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particularly within the Lamond Dr frontage, does not provide for effective landscaping to lessen the dominance of the built form.

The proposed setback does not ensure that the 'building is set behind gardens dominated by canopy trees which screen the buildings, soften the urban form and maintain the garden character of Ku-ring-gai'.

DCP55 states that "the setback extends both above and below ground and applies to all built elements of the development including car parking, storage, detention tanks or the like". It is noted that the proposed basement carpark intrudes within the front setbacks, which does not comply with the design objectives within DCP55.

The proposed development will result in a setback from the Pacific Hwy of 12.0m to the dwelling and at the narrowest point 7.0m to the basement parking. In addition, over 50% of the Pacific Hwy site frontage is taken up by private courtyards, leaving a front setback less than 5.0m as communal open space that is available for large tree replenishment. It is noted that Eucalyptus saligna (Bluegum) have been nominated within the site frontage in close proximity to a proposed front wall. In the long term this is impractical as the expanding roots from the trees will crack and compromise the integrity of the wall. It is required/preferred that the proposed front wall be located so that it does not protrude further than 2.0m from the proposed paved terrace towards the Pacific Hwy.

The proposed truck route to dispose of excavated material from the site involves a right turn onto the Pacific Hwy. Council's Development Engineers have stated that a 'No right turn' signage be installed at this corner prior to the commencement of any works on site. This will result in a differing truck route being undertaken to dispose of excavated material.

The application cannot be supported in its present form by Landscape Services due to;

- a/ non compliance with deep soil landscaping,*
- b/ tree removal, particularly tree #427,*
- c/ lack of suitable tree replenishment within the Lamond Ave site frontage, and*
- d/ reduced/compromised setbacks which limit available area for tree replenishment within the site frontages.*

In addition, further detail is sought with regard to the construction of the surface detention basin.

In response to the amended landscape plans, Council's Landscape Development Officer made the following comment:

Trees in front setback

The trees suggested in this area are a weed species in many Council areas (although not Ku-ring-gai) and are a native of Queensland. The species is not particularly desired within Ku-ring-gai. It is required that a native endemic species be utilised as per LEP requirement 2F. In addition the Pittosporum is only a small tree and will not provide adequate screening and filtering of views to and from the development.

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The exclusion of tall trees within this site frontage does not comply with the intent of the LEP in section 2B that states.... "to encourage the provision of sufficient viable deep soil landscaping and tall trees in rear and front gardens where new development is carried out". The LEP also states in section 2C 'to provide side setbacks that enable effective landscaping, tree planting between buildings, separation of buildings for privacy and views from the street to rear landscaping' and finally in 2E '... To ensure particularly the provision of viable deep soil landscaping in order to maintain and improve the tree canopy in a sustainable way, so the tree canopy will be in scale with the built form'. The proposed planting does not comply with these LEP controls.

Deep soil landscaping

The applicant states that 50.1% of the site is deep soil landscaping. This they have calculated by including gravel pathways greater than 1.0m wide which under the LEP definition are to be excluded from the Deep soil landscaping calculations. Under the definition of the LEP it states 'path' not the material used. As such, a gravel pathway greater than 1.0m wide will still be excluded numerically although it may provide moisture exchange to the soil, depending upon its construction methods.

Landscape plans

It must be noted that the landscape plans are inconsistent as the master plan that has been resubmitted still shows elevated boardwalks and the planting plan shows garden beds between structures less than 2.0m wide, which greatly inhibit the area to accommodate viable deep soil landscaping as defined within the LEP.

With regard to the detail on the landscape plans, I disagree with the applicant's statements about having levels shown on the landscape plan. It is common practice to have existing and proposed levels shown on landscape plans which can be easily achieved by using either spot heights or contours at 1.0m intervals. This allows for clear interpretation of what is proposed in comparison to existing site levels. Given that the site is quite steep, levels are crucial to the success of the design and compliance with LEP and DCP requirements.

Tree retention

The retention of Tree #427 is required as per original comments. The removal of this healthy, significant native endemic tree species adjacent to the site boundary does not comply with the intent of the LEP and DCP. No amended plans for the retention of this tree have been sighted at the time of writing.

Development Engineer

Council's Development Engineer commented as follows:

Summary

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In summary, the application can be supported by Development Engineers, subject to the imposition of the engineering conditions of consent shown at the end this report.

A pre-DA meeting was held for this site in which the applicant was presented with assessment criteria related to the engineering aspects. Generally, the applicant has had regard to the engineering issues raised at this pre-DA meeting and has submitted the requested information.

Subdivision

The application form indicates that subdivision is not proposed under this DA, hence no further subdivision conditions will be applied under this DA. So that the building is not constructed across lot boundaries, the applicant will be required to consolidate all the lots prior to issue of the Construction Certificate.

Traffic generation

The applicant has submitted a Traffic Report with the development application. The report is of an acceptable standard on which to base an assessment of the traffic generation related impacts of the development.

LEP 194 parking requirements are quoted as follows:

25J Car parking

(1) Before granting consent to residential development on land to which this Part applies, the consent authority must take into account the following:

- (a) the proximity of multi-unit housing zones to rail station centres and major bus routes along Mona Vale Road serving the St Ives Centre,*
- (b) the desirability of encouraging use of public transport,*
- (c) that the impact of car parking on the natural ground area of multi-unit housing lots should be minimised and the need to provide sufficient deep soil landscaping for trees and their long-term sustainability,*
- (d) that the visual impact of car parking both from the street and from other land (private or public) should be minimised.*

(2) Consent must not be granted to development that will result in more than one dwelling on a site unless:

- (a) at least one car space is provided per dwelling and, if the site is not within 400 metres of a pedestrian entry to a railway station, one additional car space is provided for each dwelling with 3 or more bedrooms, and*
- (b) at least one additional visitor car space is provided for every 4 dwellings, or part thereof, that will be on the site.*

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(3) All car parking provided must not be open air car parking unless it is for visitors, in which case it must be constructed with water-permeable paving unless the paving is directly above part of the basement.

Based on the requirements of the LEP, the proposal therefore requires a minimum of 51 resident spaces and 13 visitor spaces. The proposal provides 89 resident spaces and 13 visitor spaces and therefore exceeds the requirements the LEP.

The traffic generation of this development has been estimated using the RTA "Guide to Traffic Generating Developments" as follows:

	<i>Pre-Developed</i>	<i>Post-developed</i>
<i>No of dwellings</i>	<i>4 dwelling houses</i>	<i>51 units (4 x 1, 34 x 2, 13 x 3)</i>
<i>Daily vehicle trips</i>	<i>36 (9 per dwelling)</i>	<i>(Medium density) 5 per dwelling up to 2 bedrooms 6.5 per dwelling 3 or more bedrooms 275 daily vehicle trips</i>
<i>Peak hour vehicle trips</i>	<i>3.4 (0.85 per dwelling)</i>	<i>27.5</i>

In terms of the impact of the development on the road network, this can be ascertained generally by the capacity of the affected intersections to cater for the increased traffic loading. Considering that Lamond Drive is a cul-de-sac, placing the net additional traffic figures at the Pacific Highway/Lamond Drive intersection is not considered to create a problem, however this is conditional that exit from Lamond Drive onto Pacific Hwy is restricted to the left turn only. The right turn movement from Lamond Ave into the Pacific Hwy is currently permitted, however is considered dangerous due to poor sight distance and approach speed on the highway. The installation of "No right turn" signage is supported in the applicants DA submission traffic report, section 4.5, where it is stated "we concur with this proposal (to install no right turn signage) and the safety benefits of this proposal far outweigh the negative impacts of residents having to travel further to travel south along the Pacific Highway".

Accordingly, it will be a requirement that the applicant seek to install "no-right turn" signage at the intersection, which will restrict access to and from Lamond Ave to a left in, left out movement only. The installation of this signage will be subject to the final approval of the RTA (who will require a Traffic Management Plan (TMP) to be prepared). In the interests of safety during construction, this signage shall be put in place prior to the commencement of any works on site.

As the installation of the signage is dependant upon RTA approval, the necessary condition requiring the applicant to install the signage will be placed as a deferred commencement condition.

Construction Management

A detailed construction management plan must be submitted for re view by Council Engineers prior to the commencement of any works on site. This has been conditioned.

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Vehicle Access and Accommodation layout

Proposed vehicle access and accommodation arrangements have been assessed against the Australian Standard 2890.1 2004 – “Off street Car Parking” and Council DCP 43 – “Car parking”. The following table summarises Development Engineers assessment of the proposed parking arrangements against this Australian Standard.

<i>Aspect</i>	<i>Comment</i>
<i>Dimensions of spaces</i>	<i>Satisfactory,</i>
<i>Circulation aisle widths</i>	<i>Satisfactory for less than 30 vehicle movements per hour and subject to appropriate line marking and signage. Detail to be provided on Construction Certificate plans</i>
<i>Blind aisle situations</i>	<i>Satisfactory</i>
<i>Circulation ramps</i>	<i>Satisfactory, convex mirrors to be shown on Construction Certificate plans</i>
<i>Entrance driveway location</i>	<i>Satisfactory</i>
<i>Sight distances at driveway exit</i>	<i>Satisfactory</i>
<i>Entrance driveway widths</i>	<i>Satisfactory, to be refined on Construction Certificate plans</i>
<i>Entrance driveway grades</i>	<i>Satisfactory</i>
<i>Height clearance in parking area</i>	<i>To be shown on Construction Certificate plans</i>

Conditions are to be applied that will require necessary minor modifications to the parking layout (to be shown on the Construction Certificate plans) in order to achieve a parking and access design that complies with the relevant Australian Standard 2890.1.

Garbage Collection

A waste storage and collection area is required internally under Councils DCP 40 for Waste Management. This has been provided in the basement parking area and there is adequate provision to be provided for Councils waste collection vehicle to enter the subject site, collect the garbage and then exit the site.

Impacts on Council Infrastructure and associated works - comments

The scale of construction work for this site is expected to damage the road shoulder, and possibly the road surface. In addition, the applicant will be required to provide a pedestrian footpath link between the foot entrances on Lamond Drive. Accordingly, the following infrastructure works will be required under this consent:

- *Construction of a fully new concrete footpath over the site frontage in Lamond Drive. Maximum cross fall to be 2.5% towards the gutter.*

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- *New concrete driveway crossings from Lamond Drive.*
- *Removal of all redundant driveway laybacks and re-instatement to upright kerb and gutter.*
- *Repair of all damaged public infrastructure.*

As this site is located within walking distance of the Turrumurra Rail station, the area may experience a higher demand for on-street parking in this location at certain times during the day. This may make on-street parking or queuing in Lamond Drive difficult for construction related vehicles (e.g waiting in the road reserve for loading during spoil removal). Accordingly, it is recommended (subject to approval by the Local Traffic Committee) that a Work Zone be installed in the immediate vicinity of the site. This will assist in preventing non-construction related vehicles interfering with the site frontage during works. Accordingly, a condition will be applied that the applicant obtain a resolution from the Traffic Committee in relation to obtaining a work zone - proceed in accordance with any recommendation from the resolution. The requirement for a work zone is considered reasonable for this scale of development.

As with all development of this scale, there is the direct risk of damage to Council infrastructure during the course of the works. A \$50,000 bond to cover restoration of such damage (or completion of incomplete works by Council) is to be applied.

Site drainage comments

The submitted concept stormwater services plans (refer plan 04042-C01A by Dincel and Associates), have been designed in accordance with the Council requirements contained in the adopted Water Management DCP 47. A minimum stormwater retention requirement of 3000 litres per unit applies – and this water is to be used for toilet flushing, laundry, car washing and irrigation (as a minimum).

The site drains to what is shown as an existing interallotment drainage system which benefits the lower lot at point of discharge. Accordingly, the applicant has shown a component of on-site detention on the proposal to control run-off into the interallotment system. The interallotment drainage right must be transferred to the entire site when the lots are consolidated. The consent of the burdened property will be required. This requirement will be handled by way of condition of consent requiring the applicant to create the necessary drainage easements. Further, it will be the responsibility of the applicant to ensure that the drainage infrastructure within the necessary easement will have adequate capacity. This will be dealt with by way of condition.

Conditions of consent are to be applied which will require the refinement and advancement of the DA concept drainage plans to a detail suitable for Construction Certificate issue.

Flooding and Overland comments

The site is located towards the top of the local catchment (along the ridge of the Pacific Highway) and as such the site will not be affected by trunk flows of sufficient volume around the site to cause concern. The driveway level at the property boundary shall be set a minimum of 150mm above the

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top of the frontage kerb to prevent inundation of the basement level by flows overtopping in the gutter system.

Geotechnical / Structural Comments

In support of the application, the applicant has submitted a "Preliminary Geotechnical Investigation report for Proposed Residential Development, Lamond Drive, Turrumurra" (job 10543/1, dated 11 October 2004) prepared by Geotechnique.

The sub-surface geotechnical investigations (2 boreholes) and subsequent report are considered appropriate for DA assessment purposes on this proposal. The report contains information and recommendations on excavation and construction techniques based on the founding material. Attention is paid to protection of the adjacent property and infrastructure, although a recommendation is made to carry out further borehole testing after demolition.

In geotechnical matters, Council development assessment engineers are guided by the findings and recommendations of the expert geotechnical report submitted with the Development Application. Based on the geotechnical report submitted for this site, I am in a position to conditionally approve the geotechnical aspects of this DA. These conditions will require monitoring, construction and further geotechnical design input as specified in the preliminary expert report.

Recommendation

Based on the formal assessment, Council's Development Engineer has determined that the proposal is satisfactory for development approval, subject to Conditions.

Heritage Advisor

Council's Heritage Advisor, Mr Paul Dignam, commented as follows:

Heritage report

A heritage impact statement was provided as part of this application, prepared by Rappoport Heritage Consultants. The report has investigated the site, but has made a few basic errors/omissions. Under heritage items within the vicinity of the subject site, the report fails to identify 1379 The Pacific Highway, which is on the opposite side of the highway on the corner of Lowther Park Avenue. The report identifies No 1428 Pacific Highway, which is further to the north but on the same side of the subject site. In relation to No 1359 Pacific Highway, it incorrectly refers to it as the "Cherrywood Nursing Home". The building was converted to strata apartments about 10 years ago and a new wing added. The report also fails to mention Urban Conservation Area No 25.

The heritage report largely repeats information prepared by Council on the significance of Kuring-gai and has adopted the standard questions developed by the NSW Heritage Council for

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assessing impacts on heritage items. Council has prepared a similar document to assist in preparation of impact assessments.

Impact on nearby heritage items.

The heritage report considers there is no impact on the nearby heritage items, mainly because they are separated from the heritage items by a reasonable distance. The assumption here is that the curtilage of the heritage items is limited and does not extend to include the subject site. The report maintains that in the case of No 1359 Pacific Highway, almost directly opposite, separation by the Pacific Highway is sufficient and in the case on No 1428 Pacific Highway, separation by Lamond Drive and one other house lot is sufficient. It maintains that 1428 Pacific Highway is too far removed to be affected. While I accept that there is some physical and visual separation, I conclude that the development would have impact as the scale of the development is much wider and higher than the existing context, which is one and two storey residential buildings in garden settings and it would be a visually dominant element in the immediate area. However, I acknowledge that the proposed development would not diminish the view of the heritage items from the public areas, particularly the Pacific Highway.

Impact on Urban Conservation Area.

The subject site is located relatively close to the National Trust UCA No 25 – Heydon Avenue Warrawee. The precinct includes most of the land between the Pacific Highway and the railway line from Redleaf Avenue to Finlay Road. Council has adopted a policy of reviewing the UCAs classified by the National Trust. UCA No 25 was reviewed in October 2004. The draft report extends the precinct along the Pacific Highway to include No 1444, which is part of the subject site.

Although Council has not exhibited the draft review for this area, it is apparent that the subject site has some contributory values to the UCA and the heritage impact assessment has not acknowledged this, or included reference to it in its assessment. The review of this precinct, concludes it has State heritage significance. The following is the Statement of Significance, which supplements the statement in DCP 55:

“The Heydon Avenue Warrawee UCA is one of the historically and aesthetically distinctive residential areas within Ku-ring-gai which exhibit exceptional heritage significance and values in the integrity and qualities of their development pattern and streetscapes, buildings and gardens. The subdivision pattern of the area and its historical evolution remain legible, retaining vestiges of the early estates in the boundaries and streets formed when subdivision were pursued - allowing many of the existing homes, which are the first buildings upon their sites, to be built. Many of these houses are the work of notable contemporary architects and retain their sophisticated garden settings, some of which are in turn the work of prominent landscape architects and gardeners. They are still being studied and their significance better understood.

The areas predominantly residential character, established and maintained by its early residents and interrupted only by the well-known local people and private schools, in

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complemented by the pervading treed landscape of Ku-ring-gai, which is also underpinned by the mature and diverse private gardens of the locality.

The area joins with other parts of Warrawee and Wahroonga, some forming separately recognized conservation areas, to form the distinctive suburb which is quintessential to the character of Ku-ring-gai and to the long established identity of Sydney's Upper North Shore".

Some weight should be given to the significance of this area and the implications of future change. The UCA review has reviewed 11 other areas in depth and found that only one UCA has State heritage significance. The grading that Council's consultant places on this precinct (State significance) should not be ignored. This is an indicator that future change in the precinct should be carefully managed. Clearly this development of five storeys in height does not fit with the existing character and heritage values in the UCA. If we accept the recommended grading and boundaries in the draft report, this application would result in demolition of one contributory item. If the National Trust UCA is considered, this site is on the edge of the UCA and a development of this scale would have considerable visual and contextual impacts.

Heritage impacts of the proposed development

The proposed development is of five storeys height along the Pacific Highway. This is a housing form foreign to the immediate area. It would be a dominant building if built as proposed. If the context of the UCA is considered, this development would be a very poor fit given the existing area. The development would require demolition of a house graded as contributory to the UCA and would be partially within the amended UCA area.

When considering the site, it falls sharply to the west which allows a considerable part of the building to be located below the Pacific Highway level and away from the main public view corridor. However, the western façade, which is the highest part of the building is orientated to the Pacific Highway which increased its visual presence and would have impacts on the adjoining UCA and to a limited extent the nearby heritage items. It is unfortunate that the Pacific Highway elevation was not reduced in scale. I acknowledge that the controls in DCP55 have resulted in the proposed development, but a better outcome might have been achieved if some mechanism was available to allow more density in the parts of the site set down from the Pacific Highway or more density to other sites recently subject to rezoning, such as a mechanism for transfer of floor space potential to other sites.

«Details of Council Consultation»

Urban Design Consultant

Council's Urban Design consultant, Russell Olssen, has commented on the proposal as follows:

Principle 1 - Context

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

The natural environment forming a major part of the context for this development consists of extensive areas of high canopied trees, including blue gums, which create a strong sense of the natural environment as a setting for the development.

The built form in the existing context is comprised of heritage items and detached houses. The heritage items are constructed of brick and timber and the detached houses are predominantly brick and timber. These materials complement with the natural wooded setting and create an overall effect of harmony between the natural and the built environment.

The objectives of LEP 194 and DCP 55 contain numerous references to the importance of relating developments to the natural setting.

The use of rough block, timber and face brick in the building facades is a minor contribution to retaining the existing balance between the natural materials in buildings and the landscaped setting. However the percentage of these materials within the facades is insufficient. The facades are comprised almost entirely of light coloured, painted render. It is recommended that a far greater percentage of the facades is made of materials and finishes, as described below under "Aesthetics", to better relate the building to its natural setting, and the existing built form.

Principle 2 - Scale

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

Acceptable

Principle 3 - Built Form

SEPP 65 : Good design achieves an appropriate built form for a site and the buildings purpose, in terms of building alignments, proportions, building type and the manipulation of building elements...

The setback from Lamond Drive does not comply with the required set back within DCP 55. The street width is not less than 12m, therefore the front setback to the building footprint is to be 12m (40% of the footprint may be at 10m from the boundary) . The building footprint includes balconies, and the front setback is to include basement car parking.

The proposed front setback of the building footprint is predominantly 10m, with one section being 9m and the corner balcony being 7.5m set back. The proposed car parking setback is 7m.

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The setback from the rear boundary is 15m. This could be reduced to 6m if necessary. A rear setback of 12m would allow the front setback in the DCP to be achieved without compromising the other setbacks.

The building will be visually prominent in Lamond Drive, and when viewed from the corner of the Pacific Highway and Lamond Drive, due to the reduced front setback and its generally white appearance, which will contrast strongly with its natural setting.

It is recommended that the building is set back further from Lamond Drive to comply with the DCP setbacks.

Principle 4 - Density

SEPP 65 : Good design has a density appropriate to its site and its context, in terms of floor space yields (or numbers of units or residents)...

Acceptable

Principle 5 - Resources, Energy and Water Efficiency

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

Acceptable

Principle 6 - Landscape

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

Acceptable

Principle 7 - Amenity

SEPP 65 : Optimising amenity requires appropriate room dimensions and shapes, access to sunlight, natural ventilation, visual and acoustic privacy, storage, indoor and outdoor space, efficient layouts, and service areas, outlook and ease of access for all age groups and degrees of mobility.

Acceptable

Principle 8 - Safety and Security

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

Acceptable

Principle 9 - Social dimensions

SEPP 65 : Good design responds to the social context and needs of the local community in terms of lifestyles, affordability and access to social facilities. New developments should optimise the provision of housing to suit the social mix and needs in the neighbourhood, or, in the case of precincts undergoing transition, provide for the desired future community.

Acceptable

Principle 10 - Aesthetics

SEPP 65 : Quality aesthetics require the appropriate composition of building elements, textures, materials and colours and reflect the use, internal design and structure of the development. Aesthetics should respond to the environment and context, particularly to desirable elements of the existing streetscape or, in precincts undergoing transition, contribute to the desired future character of the area.

As noted in Context above, the use of rough block, timber and face brick in the building facades is a minor contribution to retaining the existing balance between the natural materials in buildings and the landscaped setting. However the percentage of these materials within the facades is insufficient. The facades are comprised almost entirely of light coloured, painted render. A high percentage of these areas should be mid-tone or dark colours, and preferably brick.

The pergolas are painted steel. These would be better in timber, to relate to the eucalypt setting. The balustrades are in opaque glass, which is not a finish or material which relates well to a natural setting.

The light colour and smooth surface finishes of this development make it excessively visually prominent in its natural and built form setting.

Recommendations

It is recommended that:

- *the building is set back further from Lamond Drive to comply with the DCP setbacks for both the building footprint and the underground car park*

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- *a far greater percentage of the facades is made of mid-tone or dark colours, and preferably brick, to better relate the building to its natural setting, and the existing built form in the area*
- *timber is used more extensively in pergolas and balconies*

These changes will combine to make the building less prominent when viewed from Lamond Drive and the intersection with the Pacific Highway, and will relate the building better to its natural and built form context.

PROVISIONS OF RELEVANT LEGISLATION

State Environmental Planning Policy No 1 – Development Standards

The applicant has failed to submit SEPP No 1 objection to support the non-compliance with the deep soil landscaping standard contained in Clause 25I(2) of Part III of the Ku-ring-gai Planning Scheme Ordinance. The development standard requires sites with an area of 1800sqm or more to have deep soil landscaping for at least 50% of the site area. Council may not grant consent irrespective in the absence of a SEPP 1 objection - this is a statutory prohibition to consent.

Preliminary calculations indicate that the deep soil landscape area proposed constitutes less than 48% of the site area. This figure may be further reduced by the provision of a substation and associated manoeuvring space required by Energy Australia. Discrepancies between the architectural, landscape and stormwater plans may result in future reductions to the deep soil standard and without clear and unambiguous plans, it is impossible to determine the actual deep soil area. With the information currently available, the reduced deep soil landscape area cannot be supported.

State Environmental Planning Policy No 55 - Remediation of Land

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

State Environmental Planning Policy No 65 - Design quality of residential flat development

The application includes a design verification statement by the project architect Mr A J Ferres of Scott Carver. Mr Ferres has verified that he is a qualified designer and member of the NSW Architects Registration Board and has designed the proposal in accordance with the design quality principles set out in Part 2 of SEPP65.

The application has been assessed in terms of the Design Quality Principles set out in SEPP65. The design quality principles do not generate design solutions but provide a guide to achieving good design and the means of evaluating the merit of the proposal.

The SEPP 65 assessment is as follows:

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Context:

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

The natural environment, forming a major part of the context for this development, consists of extensive areas of high canopy trees, including blue gums, which create a strong sense of the natural environment as a setting for the development.

The combination of the 4.6 storey building height, the shallow setback, the long facade and the white colour will make this development very prominent in the streetscapes of Lamond Drive and Pacific Highway. All other existing buildings in the area are either detached houses in a substantial landscape setting or medium density developments set substantially back from the road behind substantial landscaping.

The development will be highly visible from the street due to its height, setbacks, length and lack of substantial landscaping. This prominence will be exacerbated by the light colour of the facades.

The facades are comprised almost entirely of light coloured, painted render, with some small amount of concrete block and timber. It is recommended that a far greater percentage of the facades is of materials and finishes, as described below under "Aesthetics", that better relate the building to its natural setting and the existing built form. (see reason for refusal re 2.7)

Scale:

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

The building height complies with LEP 194 and is acceptable. However, the close proximity of the Lamond Drive façade to the street, and the considerable 72m length of the building will accentuate its prominence in the street. The proposed building will be out of scale with the existing detached dwellings and intended built form envisaged by DCP 55. While any 4.6 storey building of this density would be out of scale with its smaller, adjoining neighbours, the extent of this development being unsympathetic is emphasised by its close proximity to the front boundary and its long, relatively unarticulated façade to Lamond Drive. **(Refer reason for refusal No 2).**

Built form:

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‘SEPP 65 : Good design achieves an appropriate built form for a site and the buildings purpose, in terms of building alignments, proportions, building type and the manipulation of building elements...’

The built form of this development is acceptable in terms of its height. However, the inadequate setbacks to Lamond Drive and Pacific Highway along with the 72 metres length of the building will create an overbearing built form in comparison with other buildings in the area. This built form will not have the appearance of a building set in landscaped open space, due to its excessive length and the inadequate landscaping possibilities in the narrow front setback.

Density:

‘SEPP 65 : Good design has a density appropriate to its site and its context, in terms of floor space yields (or numbers of units or residents)...’

Acceptable. The density complies with LEP 194 and DCP 55 requirements.

Resource, energy and water efficiency:

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

The proposal is generally acceptable in this regard. The environmental design of the proposal complies with SEPP 65 and Residential Flat Design Code guidelines. There is, however, a variation in respect of the deep soil requirements and minimum NatHERS thermal requirements specified in DCP 55.

Landscape:

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

Not acceptable. In particular, the proposal does not allow for adequate deep soil landscape zones around the two frontages. In addition, part of the north-eastern boundary cannot be adequately screened due to an inadequate setback and a significant tree on the south-western boundary is likely to be detrimentally affected.

Amenity:

‘SEPP 65 : Optimising amenity requires appropriate room dimensions and shapes, access to sunlight, natural ventilation, visual and acoustic privacy, storage, indoor and outdoor space, efficient layouts, and service areas, outlook and ease of access for all age groups and degrees of mobility.’

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Acceptable.

Safety and security:

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

There are no safety and security issues.

Social dimensions:

‘SEPP 65: Good design responds to the social context and needs of the local community in terms of lifestyles, affordability and access to social facilities. New developments should optimise the provision of housing to suit the social mix and needs in the neighbourhood, or, in the case of precincts undergoing transition, provide for the desired future community.’

A reasonable mix of apartments has been provided to allow housing choice.

Aesthetics:

‘SEPP 65 : Quality aesthetics require the appropriate composition of building elements, textures, materials and colours and reflect the use, internal design and structure of the development. Aesthetics should respond to the environment and context, particularly to desirable elements of the existing streetscape or, in precincts undergoing transition, contribute to the desired future character of the area.’

The existing built character of the area is almost exclusively brick facades and brick fences. These colours and materials are not as strident within their landscape setting as the white buildings proposed, which will contrast significantly with the landscape. The colour and materials of the development need to be substantially more warm, mid tone to dark colours featuring brick and timber materials.

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

COMPLIANCE TABLE		
Development standard	Proposed	Complies
Site area (min): 2400m ²	4240m ²	YES
Deep landscaping (min): 50%	Less than 48% (<2035 m ²)	NO
Street frontage (min): 30m	54.5m and 61.1m	YES

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Number of storeys (max): 6 (under provision 25K)	6	YES
Site coverage (max): 35%	33%	YES
Top floor area (max): 60% of level below	828m ² or 59% of storey below.	YES
Storeys and ceiling height (max): Pursuant to cl 25(K): 6 storeys and max 15.4 metres in height	6 storeys and <15.4metres	YES
Car parking spaces (min): Residents spaces: One space per dwelling, and one additional space for dwellings of three + bedrooms (total of 89 required) Visitor spaces: 12.75 spaces	89 resident spaces provided. 13 visitors spaces provided	YES YES
Manageable housing (min): 10% (5.1 units)	73% or 37 apartments are visitable by wheelchair units; 22% or 11 apartments are adaptable in accordance with the requirements of AS1428 and AS4299.	YES
Lift access: required if greater than three storeys	Provided to all units	YES

Deep soil landscaping (cl.25I(2)):

The application does not comply with the deep soil requirement of 50%. This is due to the following which is excluded from the calculation:

- the insufficient width of the terraces in Lamond Drive which are excluded as deep soil area. (There is a discrepancy between the architectural plans, sections and the landscape plans.)
- the elevated timber walkways along the length of the northern boundary are shown on the landscape plans and stormwater design but not in the architectural plans. In addition these are more than 1m wide and are therefore excluded from the deep soil planting area.
- stormwater drainage plans show additional extensive paved areas in the western (rear) and northern (side) setback areas which are not reflected in either the landscape or the architectural plans. The architectural plans show these areas as being levelled.
- paved areas north of Unit A11 and the series of retaining walls required in this area do not satisfy the requirements and do not constitute deep soil area by some 10m².
- the provision of an electrical substation and associated manoeuvring space required by Energy Australia will further reduce the deep soil area.

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This fails to satisfy the development standard contained in Clause 25I 1(2) of LEP 194 which requires sites with an area of 1,800m² or more to have deep soil landscaping for at least 50% of the site area.

A SEPP 1 objection has not been submitted to justify why it is unreasonable and unnecessary to apply the standard in this instance. Accordingly, in the absence of a SEPP 1 objection, Council cannot legally approve the application even it were considered to be acceptable in this regard, notwithstanding the non-compliance. **(See Reason for Refusal No 1.1)**

Maximum number of storeys and ceiling height (Clause 25k)

Clause 25k allows a concession in height (up to an additional 3 metres) and up to 1 additional storey over not more than 75% of the footprint of the development on sites that have slopes greater than 15%.

The proposal satisfies this standard as only 20.6% of the footprint utilises this height and storey concession.

Residential zone objectives

The development fails to satisfy the objectives for residential zones as prescribed in clause 25D. In particular, the following objectives have not been met:

- (b) to encourage the protection of existing trees within setback areas and to encourage the provision of sufficient viable deep soil landscaping and tall trees in rear and front gardens where new development is carried out;
- (c) to provide side setbacks that enable effective landscaping, tree planting between buildings, separation of buildings for privacy and views from the street to rear landscaping,
- (e) to provide built upon area controls to protect the tree canopy of Ku-ring-gai, and to ensure particularly the provision of viable deep soil landscaping in order to maintain and improve the tree canopy in a sustainable way, so that tree canopy will be in scale with the built form,

The above objectives have not been met due to:

- The front and side setbacks being inadequate to allow for the replenishment of the tree canopy; (Refer **Reasons for Refusal Nos 2.3 and 2.5**)
- The insufficient amount of deep soil landscaping; (Refer **Reason for Refusal No 2.1**)
- The impact on significant trees; (Refer **Reason for Refusal No 3**)
- The use of the front setback to Lamond Drive and the Pacific Highway for courtyard areas and (Refer **Reasons for Refusal Nos 2.4 and 2.5**)
- The length of the front elevation (at 72 metres) without substantial articulation. (**Refer Reason for Refusal No 2.2**)

POLICY PROVISIONS

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

COMPLIANCE TABLE		
Development control	Proposed	Complies
Part 3 Local context:		
Development adjacent to a heritage item:		
<ul style="list-style-type: none"> First and second storeys at least 10 metres from adjacent heritage building; 	Exceeds 35 metres from any heritage item	YES
<ul style="list-style-type: none"> Third and fourth storeys set at least 15 metres from adjacent heritage building 	Exceeds 35 metres from any heritage item	YES
<ul style="list-style-type: none"> Setback from the front boundary so that it is no closer than adj heritage building 	Not applicable	YES
Part 4.1 Landscape design:		
Deep soil landscaping (min)		
<ul style="list-style-type: none"> 150m² per 1000m² of site area = 636m² 	750m ² (side setback area to the north of the building)	YES
No. of tall trees required (min): 14 trees	21	YES
Part 4.2 Density:		
Building footprint (max):		
<ul style="list-style-type: none"> 35% of total site area 	33%	YES
Floor space ratio (max):		
<ul style="list-style-type: none"> 1.3:1 (5512m²) 	1.179 (4998m ²)	YES
Part 4.3 Setbacks:		
Street boundary setback (min):		
<ul style="list-style-type: none"> 10-12 metres 13-15 metres on Lamond Drive, Pacific Highway (<40% of the zone occupied by building footprint) 	Pacific Highway: 7 metres (basement carpark), 10-12 metres above ground Lamond Drive: 7 metres (basement carpark) 11 metres above ground	NO NO
Rear boundary setback (min):		
<ul style="list-style-type: none"> 6m 	6 metres (western boundary)	YES
Side boundary setback (min):		

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<ul style="list-style-type: none"> 6m 	6 metres to 14 metres (northern boundary)	YES
Setback of ground floor terraces/courtyards to street boundary (min): <ul style="list-style-type: none"> 8m 	5 metres to Pacific Highway 4.8 metres to Lamond Drive	NO
% of total area of front setback occupied by private courtyards (max): <ul style="list-style-type: none"> 15% 	Pacific Highway 30% (180m ² of 560m ²) <i>More courtyard area extends forward of the 10 metre line</i> Lamond Drive 20% (136m ² of 672m ²)	NO
Part 4.4 Built form and articulation:		
Façade articulation: <ul style="list-style-type: none"> Wall plane depth >600mm Wall plane area <81m² 	All wall plane depths >600mm All wall plane areas <81m ²	YES YES
Built form: <ul style="list-style-type: none"> Building width < 36m 	72 metres as measured from the west to the east.	NO
<ul style="list-style-type: none"> Balcony projection < 1.2m 	Unit A21, A31, A41 (2.4 metres), Unit A23, A33, A43 (1.8 metres), Unit B21, B31 (2.0 metres) Unit E23, E33, E43 (3.4 metres)	NO
Part 4.5 Residential amenity		
Solar access: <ul style="list-style-type: none"> >70% of units receive 3+ hours direct sunlight in winter solstice >50% of the principle common open space of the development receives 3+ hours direct sunlight in the winter solstice <15% of the total units are single aspect with a western orientation 	More than 70% More than 70% Nil, but 6% of single aspect units have a southern orientation	YES YES YES
Visual privacy:		

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<p>Separation b/w windows and balconies of a building and any neighbouring building on site or adjoining site:</p> <p>Storeys 1 to 4</p> <ul style="list-style-type: none"> • 12m b/w habitable rooms • 9m b/w habitable and non-habitable rooms • 6m b/w non-habitable rooms <p>5th Storey</p> <ul style="list-style-type: none"> • 18m b/w habitable rooms • 13m b/w habitable and non-habitable rooms • 9m b/w non-habitable rooms 	<p>Only direct relationship is with neighbouring buildings that all have a Residential 2(d3) zoning. `</p> <p><10 metres to No. 5 Lamond Drive (west), <12 metres to No. 5 Lamond Drive (west),</p> <p>>8 metres to No. 5 Lamond Drive (west).</p> <p>15 metres to closest No. 5 Lamond Drive. 15 metres between western most point of building and No.5 Lamond Drive.</p> <p>>20 metres to No. 5 Lamond Drive</p>	<p>NO</p> <p>YES</p> <p>YES</p> <p>NO</p> <p>YES</p> <p>YES</p>
<p>Internal amenity:</p> <ul style="list-style-type: none"> • Habitable rooms have a minimum floor to ceiling height of 2.7m • Non-habitable rooms have a minimum floor to ceiling height of 2.4m • 3+ bedroom units have a minimum plan dimension of 3m in at least two bedrooms • Single corridors: <ul style="list-style-type: none"> - serve a maximum of 8 units - >1.5m wide - >1.8m wide at lift lobbies 	<p>2.7m</p> <p>2.4m</p> <p>At least two bedrooms >3.0m</p> <p>Maximum 4 units.</p> <p>1.6 to 1.8 metres 1.6 metres</p>	<p>YES</p> <p>YES</p> <p>YES</p> <p>YES</p> <p>YES</p> <p>NO</p>
<p>Outdoor living:</p> <ul style="list-style-type: none"> • ground floor apartments have a terrace or private courtyard greater than 25m² in area • Balcony sizes: 1 bedroom unit: 10m² 2 bedroom unit: 12m² 3 bedroom unit: 15m² • primary outdoor space has a minimum dimension of 2.4m 	<p>E11 (13m²), E12(12m²), B11 (16m²)</p> <p>All >10m² A22, A32, A42, A23, A33, A43(11m²) B21, B31 (6m²), B32 (nil) A22, A32, A42, A23, A33, A43, B21, B31, B32</p>	<p>NO</p> <p>YES</p> <p>NO</p> <p>NO</p> <p>NO</p>

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Part 4.7 Social dimensions:		
Visitable units (min): • 70%	73% (37 apartments)	YES
Housing mix: • Mix of sizes and types	4 x 1 bedroom apartments 34 x 2 bedroom apartments 13 x 3 bedroom apartments	YES
Part 4.8 Resource, energy and water efficiency:		
Energy efficiency: • >65% of units are to have natural cross ventilation	78% (40) have two aspects or more allowing for cross-ventilation	YES
• single aspect units are to have a maximum depth of 10m	11 units are single aspect, all are < 10m deep.	YES
• 25% of kitchens are to have an external wall for natural ventilation and light	26% have an external wall.	YES
• >90% of units are to have a 4.5 star NatHERS rating with the remainder achieving at least 3.5 star rating	80% achieve 4.5 star rating or above (40) 20% achieve a 3.5 star rating or above (11)	NO YES
Part 5 Parking and vehicular access:		
Car parking (min): • 89 resident spaces • 13 visitor spaces	89 spaces 13 marked visitor spaces	YES YES

Part 3 Local context:

One of the most important desired visions of DCP55 is to accommodate additional housing whilst at the same time achieving a landscaped setting. A tall tree canopy should be the dominant impression. This is also strongly reflected throughout LEP194. This vision is to be achieved through the retention of existing significant trees and the planting of additional trees to reach a minimum height of 13 metres within a generous front setback.

The application has failed to achieve this due to insufficient setbacks and through the encroachment of private courtyards and basement car parking that inhibit adequate canopy tree replenishment to occur. (See **Reasons for Refusal Nos 2.4 and 2.5**)

Part 4.1 Landscape design

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In addition to the associated landscape issues raised in Part 4.3 below, a further concern is raised with regard to insufficient detail contained in the landscape plan. The site analysis plan shows the retention of only 6 of the 55 trees identified as being associated with the site, of which three (3) or 50% are located off site. The trees to be retained are No's 382, 383, 426, 428, 436, and 424. Tree No's 395-419 are part of an existing tree grouping/stand located centrally on site. Given the scale of development, it is not possible to retain these trees due to their central location.

The removal of Tree No. 427 *Eucalyptus saligna* (Bluegum) misidentified as a *Eucalyptus pilularis* (Blackbutt) is unacceptable and cannot be supported. The tree, which is located adjacent to the southern site boundary is in excellent health and condition, has not suffered storm damage and is significant within the broader landscape. The tree forms part of the interconnecting canopy that typifies the locality.

Part 4.3 Setbacks:

The 7 metres setback to Lamond Drive and the 72 metres length of the building will create an overbearing built form in Lamond Drive. The built form will undermine the streetscape setting, by reason of its limited landscaped character; prominence to the street boundaries and the cramped arrangement of the structure due to the disproportionate distribution of the open space areas compared to the existing character of the locality.

The already limited scope for landscaping within the 7 metres setback is further reduced by:

- the extensive retaining walls required in the setback area due to the >5 metres height difference between street level and ground levels;
- the resulting stepped planter boxes (<2000mm clear width) are not capable of supporting significant landscaping such as canopy trees,
- only a strip of 2800mm wide is available between the first retaining wall and the street boundary for screening at the Lamond Drive level;
- the remainder of available landscaping area is taken up by private courtyards, the car park access ramp, pedestrian access ramps and the basement car park;
- a large part of the front setback area is also affected by the stormwater drainage system which further reduces the landscape area;

The above issues do not adequately allow for tree replenishment within the Lamond Drive frontage that is characteristic of the site and immediate area. This is clearly evident within the proposed landscape works that show no canopy trees within this setback. Trees proposed are small to medium sized species, none of which are locally occurring species. This goes against LEP site requirements and standards which states the "desirability of adequate landscaping so that the built form does not dominate the landscape". The site and surrounding areas character is one of large Eucalypts and a continuous interconnecting tree canopy. The proposed development, particularly within the Lamond Dr frontage, does not provide for effective landscaping to lessen the dominance of the built form.

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The proposal fails to maintain a front setback zone to the Pacific Highway of 10-12 metres as required by Clause 4.3 C-1 of DCP 55.

- a) The basement car park and acoustic fence are shown with setbacks of 7.2 metres and 5 metres, respectively.
- b) The limited scope for landscaping within the reduced setback areas is further reduced by the private courtyards that:
 - make significant screen planting highly unlikely (within the courtyards) and;
 - undermine the preservation of a coordinated landscape theme in the long term.

A large percentage of the Pacific Hwy site frontage is taken up by private courtyards, leaving a front setback less than 5m as communal open space that is available for large tree replenishment. Eucalyptus saligna (Bluegum) have been nominated within the site frontage in close proximity to a proposed front wall. In the long term, this is impractical as the expanding roots from the trees will crack and compromise the integrity of the wall.

The proposal will not achieve appropriate separation with properties to the north (1446 and 1446A Pacific Highway) due to the inadequate side setback and lack of substantial screen planting and canopy trees.

A 6 metres setback is proposed between the terrace/pergola of Unit A11 and the northern boundary (No 1446 Pacific Highway). The 6 metres available for landscaping is reduced by:

- A series of retaining walls that create a planter box approx. 1.6 metres wide and 2-3 metres high,
- a path (1.2 metres wide) almost stretching the entire length of the rear boundary
- in addition 2 metres to 3.6 metres of the remaining setback area currently forms part of the concreted area of Kirawa Close. Kirawa Close is a private access road, originally created to provide access to 5 lots. These lots have reciprocal rights of carriageway over this driveway. The necessary consent has not been provided to demolish part of the driveway and replace those areas with landscaping.

With or without the above consent, the effective area for deep soil landscaping in the side setback adjacent to Unit A11 is greatly reduced. This is not sufficient to ensure the establishment of effective landscaping and canopy trees that would screen the adjacent property No. 1446 Pacific Highway or provide appropriate separation. This is especially relevant in light of the fact that No 1446 was not incorporated into DA 0077/05 and may end up as an isolated dwelling between the two high density developments. (Refer **Reason for Refusal No 2.6**)

The development will not maintain the existing character of this area nor appropriately respond to the desired future medium density character of the area as envisaged by LEP 194 and DCP 55.

Part 4.4 Built form and articulation:

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There is a concern with regard to the length of the building. At 72 metres, it fills up the entire Lamond Drive frontage. The resulting tunnel effect will block out all views/glimpses to the north and to the east (especially relevant when No's 3–11 Lamond Drive are developed).

An improved outcome may be achieved by splitting the development into two more sympathetically scaled modules which more appropriately reflect the character of the locality. (**Refer Reason For Refusal No 2.2**)

Part 4.5 Residential Amenity

4.5.2 Visual Privacy

The application fails to satisfy the minimum separation requirements for the adjoining property at No 5 Lamond Drive. Overlooking from the roof terraces to this property will also have a detrimental impact on that property's amenity. However, these concerns are diminished as No 5 Lamond Drive is included in the adjacent Development Application (No. 0077/05). In that scheme, the dwelling is demolished to make way for an elevated driveway to the basement car park.

4.5.5 Outdoor living

The application fails to provide for outdoor living which is compliant with the provisions of DCP55. Specifically, Units A22, A32, A42, A23, A33 and A43 do not provide for at least 12m² as required for two bedroom units. Additionally, Units B21, B31 and B32 do not provide the required 15m² which is necessary for 3 bedroom units. The above units are generally located closer to the Pacific Highway where the use of these areas may be limited due to poise and pollution impacts.

Part 4.6 Safety and security:

The proposed development will have high levels of safety and security due to its extensive length along Finlay Road and resultant possibilities for street surveillance.

The three pedestrian pathways are clearly visible from the streets, with unimpeded sightlines, and will be provided with lighting. Further, the residents' basement parking areas all provide for lift access to units without the need to enter on to Finlay Road.

All of the common open space areas will be overlooked by apartments, with no concealed or entrapment areas.

Part 4.7 Social dimensions:

The application provides for an acceptable housing mix, as is required by Control 5 of Part 4.7. This is evidenced by the fact that a range, comprising of 4 x 1 bedroom apartments, 22 x 2 bedroom apartments and 16 x 3 bedroom apartments, is proposed.

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Part 4.8 Resource, energy and water efficiency:

DCP55 requires 90% of units to meet with the NatHERS rating of 4.5 stars and above. The application proposes 100% of the units meet the 3.5 star NatHERS rating and 80% of units that comply with the NatHERS 4.5 star rating. 65% of the units actually achieve a 5 star rating which exceeds the DCP requirements.

Part 5.0 Parking and vehicular access:

Car parking, vehicular access and egress to the site are satisfactory. A condition could be imposed by the Development Engineer requires that the applicant seek to install no-right turn signage at the intersection which will restrict access to and from Lamond Ave to a left in, left out movement only. The installation of this signage would be subject to the final approval of the RTA (who will require a Traffic Management Plan (TMP) to be prepared). In the interests of safety during construction, this signage would be put in place prior to the commencement of any works on site.

Development Control Code - Finlay Road, Lamond Drive and Duff Street precinct, Turramurra - Design Principles.

The purpose of the Code (adopted 5 April 2005) is to provide design principles to guide the future development of land in the vicinity of Finlay Road, Lamond Drive and Duff Street, Turramurra for the purpose of residential flat buildings.

The design principles contained in this code are to be considered in the assessment of any application for a residential flat building on land covered by this Code in accordance with clause 33(d) of the Ku-ring-gai Planning Scheme Ordinance 1971 (as amended).

1. *New development will respond to the site topography (Figure 1) by:*
 - (a) *Locating new buildings within existing terraced areas formed by existing pools;*
 - (b) *Avoiding the steep lower (southern) slopes of the site (refer site analysis);*
 - (c) *Allow for natural overland flow so as to minimise changes to the site hydrology; and*
 - (d) *New buildings to be located to align with the topography (perpendicular to, or parallel to, the contours).*

The building footprint will occupy the area of four dwellings, part of the tennis court and the two pools already on site. Although the building is not designed parallel to the contours, it is of a receding tier design that responds to the steep slope. The natural overland flow of the property is affected through the extensive excavation required for the five basement parking levels.

2. *The existing tree canopy and remnant vegetation on the site (Figure 2 & 3) will be protected by:*
 - (a) *Locating new buildings within the areas currently occupied by the footprints of existing dwellings and other large structures such as pools and tennis courts;*
 - (b) *Locating buildings outside the drip-line of trees in the central area of the site;*
 - (c) *Protecting the vegetation on the steep lower slopes;*

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- (d) *Planting canopy trees to the Pacific Highway frontage.*

The proposal is largely within the already developed area of the site. It is not in accordance with Figure 3 of the Code as the building is not split into two more sympathetically scaled modules that would allow the retention of a view corridor. The placement of the building also results in the loss of a tree at the southern end of the site, as discussed by the Landscape Development Officer.

3. *Regional public views to the south from the Pacific Highway will be protected by:*
(a) *Providing a 10m wide view corridor through the site between Finlay Road and Lamond Drive; and*
(b) *Providing a 10m wide view corridor through the site between Lamond Drive and Duff Street.*

The extensive width of the building elevation to Lamond Drive (72 metres) does not allow for the retention of a view corridor to the north.

4. *The significance of the two heritage buildings on the site will be protected by:*
(a) *Providing a minimum curtilage of 10 metres around each heritage building;*
(b) *Siting new development so that no part of the heritage item is obstructed from the adjoining street or streets;*
(c) *Siting new development so that it forms a subtle backdrop to the heritage item and is partially screened by vegetation.*
(Figure 4)

Not applicable as the setbacks to these properties are in excess of 35 metres and will not be obstructed.

5. *Pedestrian access to Turrumurra rail station will be enhanced by:*
(a) *Providing a new public access way through the sites between Duff Street and Lamond Street and between Finlay Road and Lamond Drive.*

Pedestrian access through the site has not been provided in accordance with this requirement. A path is provided along the northern perimeter of the site which provides access to Pacific Highway.

6. *The impact of access roads will be minimised by:*
(a) *Minimising the number of access roads, driveways and pathways*
(b) *Minimising the length of access roads and driveways and ensuring access roads follow the contours (i.e. run parallel to the contours)*
(c) *Elevating driveways (for example on piers) and paths where possible*
(d) *Allowing vehicle access to the site only from Finlay Road, Lamond Drive and Duff Street only*

Only one vehicular access is provided and is located in the upper portion of the site where the slope presents the least difficulties. The length of this driveway is only 11 metres due to the restricted front setback.

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7. *The Pacific Highway is to remain a primary street address for buildings located at the northern end of the site*

The elevational treatment to Pacific Highway is sufficiently articulated and its sense of address to that road is considered acceptable.

8. *The impact on adjoining properties will be minimised by:*
(a) *Locating new buildings away from the interface boundaries*
(b) *Maintaining significant vegetation at the interface boundaries.*

Not applicable, the property does not have any interface boundaries.

9. *Adequate internal amenity of apartments will be provided by:*
(a) *Minimising single orientation apartments facing north/north east on the lower slopes or against steep cut embankments*

Adequate amenity is provided and only three single aspect units have a southern orientation.

10. *Manage the impacts of site construction in relation to soil levels, tree protection, hydrology and soil erosion by:*
(a) *Providing a detailed construction plan identifying construction processes and methods addressing the relevant design principles.*

Council's Development Engineer is satisfied this matter could be addressed by means of a condition requiring a Construction Management Plan to be submitted before the commencement of works.

Development Control Plan 31 - Access

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

Development Control Plan 40 - Construction and Demolition Waste Management

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

Development Control Plan No 43 - Car Parking

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

Development Control Plan 47 - Water Management

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

Section 94 Plan

If approved, the development would attract a section 94 contribution pursuant to the Ku-ring-gai Section 94 Contributions Plan 2004-2009 Residential Development as of 30 June 2004.

Likely Impacts

All likely impacts have been assessed in this report.

Suitability of The Site

The site is suitable for increased residential development. This development proposal however, will not result in good town planning and is, in its current form, not suited to the site.

Any Submissions

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

Public Interest

The proposal is not considered to be in the public interest.

Any other Relevant Matters Considerations Not Already Addressed

There are no other matters for assessment.

CONCLUSION

Having regard to the provisions of section 79C of the Environmental Planning and Assessment Act 1979, the proposed development is not considered to be satisfactory. Therefore, it is recommended that the application be refused.

RECOMMENDATION

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

THAT Council, as the consent authority, refuse development consent to Development Application No 1099/04 for the demolition of existing structures on site and construction of 51 apartments within one building, associated access, basement parking and landscaping on land at 1-1A Lamond Drive, Turrumurra as shown on plans A-000, A102 to A110, A201-A202, A301-A302 (all received 14 March 2005), for the following reasons:

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1. **Inadequate Information**

The documentation and plans submitted are inadequate and fail to provide information in order for Council to properly assess the application.

Particulars

1.1 SEPP 1 objection - Deep soil landscaping

The application proposes deep soil landscaping amounting to less than 50% of the site area. This discrepancy is due to:

- the insufficient width of the terraces in Lamond Drive which are excluded as deep soil area. (There is a discrepancy between the architectural plans, sections and the landscape plans.)
- the elevated timber walkways along the length of the northern boundary are shown on the landscape plans and storm water designs but not in the architectural plans. In addition these are more than 1m wide and are therefore excluded from the deep soil planting area.
- storm water drainage plans show additional extensive paved areas in the western (rear) and northern (side) setback areas which are not reflected in the landscape nor in the architectural plans. The architectural plans show these areas as being levelled.
- paved areas north of Unit A11 and the series of retaining walls required in this area do not satisfy the requirements and do not constitute deep soil area.
- the provision of an electrical substation and associated manoeuvring space required by Energy Australia will further reduce the deep soil area.

This fails to satisfy the standard contained in Clause 25I 1(2) of LEP 194 that requires sites with an area of 1,800 square metres or more to have deep soil landscaping for at least 50% of the site area.

A SEPP 1 objection, which should justify why it is unreasonable and unnecessary to apply the standard in this instance, has not been provided.

1.2 Owner's consent

The applicant proposes demolition works to structures within an existing right of carriage way. The necessary consent from the owners of the dominant tenement has not been obtained.

The applicant proposes to reduce the width of Kirawa Close and introduce landscaping in its stead. The driveway is reduced in width by 2m to 3.6m thus effectively halving its width and reducing its usability. The owners of No. 1446 Pacific Highway are benefitted by a right of carriage way over the concrete driveway and their consent has not been obtained.

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1.3 Discrepancies between plans and level of detail

The landscape plan does not contain sufficient information to enable an assessment of the proposed landscape works. Numerous discrepancies between the landscape plans, architectural plans and the stormwater plans are evident.

- a) The landscape plan does not indicate existing and proposed levels. This is particularly relevant to determine the accessibility and functionality of the common open space areas in light of the various discrepancies highlighted in paragraph 1.1.
- b) Discrepancies in the paved areas on the various plans should be addressed.

2. **Streetscape Impact**

The proposal is inconsistent with Clause 25I (1)(a), (c), (d) and (e) of Part IIIA of the Ku-ring-gai Planning Scheme Ordinance in that the proposal will have a detrimental impact on the residential character of the area and adjoining properties due to the scale of the built form, lack of area proposed for landscaping and minimal setbacks proposed.

Particulars

- 2.1 Less than 50% of the site area is proposed as deep soil landscaping and fails to satisfy Clause 25I 1(2) of LEP 194 which requires 50%.
- 2.2. The building width to Lamond Drive measures approximately 72m and exceeds the 36m maximum required by Clause 4.4 C-3 of DCP55. There is a concern with the length of the building as it “fills up” the entire Lamond Drive frontage which only measures 61m. The resulting tunnel effect blocks out all views/glimpses to the north and to the west.

An improved outcome may be achieved by splitting the development into two more sympathetically scaled modules which reflect the character of the locality. The scale of these modules should be in keeping with the recommended building envelopes provided in DCP 55 - Multi-unit Housing: Railway/Pacific Highway Corridor and St Ives Centre.
- 2.3 The proposal fails to maintain a front setback zone to Lamond Drive of 13-15m as required by Clause 4.3 C-1 of DCP 55. Terraces and the basement car park are shown with setbacks of 7m.
- 2.4 The 7m setback to Lamond Drive and the 72m length of the building will create an overbearing built form to Lamond Drive. The built form will undermine the streetscape setting, by reason of its limited landscaped character; prominence to the street boundaries and the cramped arrangement of the structure due to the disproportionate distribution of the open space areas compared to the existing character of the locality.

The already limited scope for landscaping within the 7m setback is further reduced by:

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- a) the extensive retaining walls required in the setback area due to the >5m height difference between street level and ground levels;
- b) the resulting stepped planter boxes (<2000mm clear width) are not capable of supporting significant landscaping such as canopy trees,
- c) only a strip of 2800mm wide is available between the first retaining wall and the street boundary for screening at the Lamond Drive level;
- d) the remainder of available landscaping area is taken up by private courtyards, the car park access ramp, pedestrian access ramps and the basement car park;
- e) a large part of the front setback area is also affected by the stormwater drainage system which further reduces the landscape area;

The above does not adequately allow for tree replenishment within the Lamond Drive frontage that is characteristic of the site and immediate area. This is highlighted within the proposed landscape works that show no canopy trees within this setback. Trees proposed are small to medium sized species, none of which are locally occurring. This goes against LEP site requirements and standards which states the “desirability of adequate landscaping so that the built form does not dominate the landscape”. The site and surrounding area’s character is one of large Eucalypts and a continuous interconnecting tree canopy. The proposed development, particularly within the Lamond Dr frontage, does not provide for effective landscaping to lessen the dominance of the built form.

2.5 The proposal fails to maintain a front setback zone to the Pacific Highway of 10-12m as required by Clause 4.3 C-1 of DCP 55.

2.5.1 The basement car park and acoustic fence are shown with setbacks of 7.2m and 5m, respectively.

2.5.2 The limited scope for landscaping within the reduced setback areas is further reduced by the private courtyards that:

- a) make significant screen planting highly unlikely (within the courtyards) and;
- b) undermine the preservation of a co-coordinated landscape theme in the long term.

A large percentage of the Pacific Hwy site frontage is taken up by private courtyards, leaving a front setback less than 5m as communal open space that is available for large tree replenishment. It is noted that Eucalyptus saligna (Bluegum) have been nominated within the site frontage in close proximity to a proposed front wall. In the long term, this is impractical as the expanding roots from the trees will likely crack and compromise the integrity of the wall.

2.6 The proposal will not achieve appropriate separation with properties to the north (1446 and 1446A Pacific Highway) due to the inadequate side setback and lack of substantial screen planting and canopy trees.

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A 6m setback is proposed between the terrace/pergola of Unit A11 and the northern boundary (1446 Pacific Highway). The 6m available for landscaping is reduced by:

- a) A series of retaining walls that create a planter box app. 1.6m wide and 2-3m high,
- b) a path (1.2m wide) almost stretching the entire length of the rear boundary and
- c) in addition 2m to 3.6m of the remaining setback area currently forms part of the concreted area of Kirawa Close. The necessary consent has not been provided to demolish part of the driveway and replace those areas with landscaping.

With or without the above consent, the effective area for deep soil landscaping in the side setback adjacent to Unit A11 is greatly reduced. This is not sufficient to ensure the establishment of effective landscaping and canopy trees that would screen the adjacent property No. 1446 Pacific Highway or provide appropriate separation. This is especially relevant in light of the fact that No 1446 was not incorporated into DA 0077/05 and may end up as an isolated dwelling between the two high density developments.

- 2.7 The proposed finishes of the development is considered inappropriate as it fails to harmonise with existing environment and context which reflects mid tone to dark colours and greater use of brick and timber.

3. ***IMPACT ON TREES***

The proposed development will result in the clearing of the site. The site analysis plan shows the retention of only 6 of the 55 trees identified as being associated with the site, of which three (3) or 50% are located off site. The trees to be retained are No's 382, 383, 426, 428, 436, and 424. Tree No's 395 - 419 are part of an existing tree grouping/stand located centrally on site. Given the scale of development for the site, it is not possible to retain these trees due to their central location.

The removal of Tree No. 427 Eucalyptus saligna (Bluegum), misidentified as Eucalyptus pilularis (Blackbutt), is unacceptable and cannot be supported. The tree, which is located adjacent to the southern site boundary, is outwardly in excellent health and condition, has not suffered storm damage and is significant within the broader landscape. The tree forms part of the interconnecting canopy that typifies the locality and as the consulting arborist states "the retention of the these trees [including #427] allows them as components of the current curtilage to be transferred to the new dwellings, maintaining elements of a continuous landscape, providing a more harmonious integration and transition of the use of the land".

C Swanepoel
Executive Assessment Officer

R Kinninmont
Team Leader
Development Assessment - South

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M Prendergast
Manager
Development Assessment Services

M Miocic
Director
Development and Regulation

Attachments: **Site location plan**
 Survey plan
 Floor plans
 Section plans
 Elevation plans
 Shadow diagrams
 Landscape plan

DEVELOPMENT APPLICATION

SUMMARY SHEET

REPORT TITLE:	26 TO 30 MARIAN STREET, KILLARA - DEMOLITION OF THREE (3) RESIDENTIAL DWELLING HOUSES AND CONSTRUCTION OF A FIVE (5) STOREY RESIDENTIAL FLAT BUILDING CONTAINING TWENTY-SEVEN (27) UNITS AND BASEMENT CAR PARKING FOR SIXTY-ONE (61) VEHICLES
WARD:	Roseville
DEVELOPMENT APPLICATION N^o:	1243/04
SUBJECT LAND:	26 to 30 Marian Street, Killara
APPLICANT:	Marian Street Pty Ltd
OWNER:	26 Marian Street - A & R McVicar, 28 Marian Street - S Donnellan, 30 Marian Street - S Julian
DESIGNER:	Ercole Palazzetti Pty Ltd
PRESENT USE:	Residential Dwellings
ZONING:	Residential 2(d3)
HERITAGE:	No
PERMISSIBLE UNDER:	Ku-ring-gai Planning Scheme Ordinance – LEP 194
COUNCIL'S POLICIES APPLICABLE:	Ku-ring-gai Planning Scheme Ordinance - LEP 194, Development Control Plan No.31 - Access, Development Control Plan No.40 - Waste Management, Development Control Plan No.43 - Car parking, Development Control Plan No.47 - Water Management
COMPLIANCE WITH CODES/POLICIES:	Yes
GOVERNMENT POLICIES APPLICABLE:	State Environmental Planning Policy 55, State Environmental Planning Policy 65
COMPLIANCE WITH GOVERNMENT POLICIES:	Yes
DATE LODGED:	23 November 2004 18 February 2005 (Amended plans)
40 DAY PERIOD EXPIRED:	2 January 2005
PROPOSAL:	Demolition of three (3) residential dwelling houses and construction of a five (5) storey residential flat building containing twenty- seven (27) units and basement car parking for sixty-one (61) vehicles
RECOMMENDATION:	Approval

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DEVELOPMENT APPLICATION N^o 1243/04
PREMISES: 26-30 MARIAN STREET, KILLARA
PROPOSAL: DEMOLITION OF THREE (3) RESIDENTIAL DWELLING HOUSES AND CONSTRUCTION OF A FIVE (5) STOREY RESIDENTIAL FLAT BUILDING CONTAINING TWENTY-SEVEN (27) UNITS AND BASEMENT CAR PARKING FOR SIXTY-ONE (61) VEHICLES
APPLICANT: MARIAN STREET PTY LTD
OWNER: 26 MARIAN STREET - A & R MCVICAR, 28 MARIAN STREET - S DONNELLAN, 30 MARIAN STREET - S JULIAN
DESIGNER ERCOLE PALAZZETTI PTY LTD

PURPOSE FOR REPORT

To determine DA1243/04 which seeks consent for the demolition of 3 residential dwelling houses and construction of a 5 storey residential flat building containing 27 units and basement car parking for 61 vehicles.

EXECUTIVE SUMMARY

Issues:

- Setbacks
- Impact on nearby heritage items
- Privacy
- Overshadowing

Submissions: Thirteen submissions received (twelve in objection to the application and one in support subject to conditions)

Pre DA Consultation: Yes

Land & Environment Court Appeal: Not applicable

Recommendation: Approval

HISTORY

Site history:

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

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Development Application history:

DA 1243/04

<i>29 September 2004</i>	Pre-development application consultation held between Council Officers and applicant. Particular concern was raised about: the proposed roof design which resulted in undue scale, bulk and overall height of the building; the lack of architectural relief and dominance of built form to the Caithness Street elevation; non-compliance with 12m setback control to Marian Street; and definition of entry areas.
<i>23 November 2004</i>	Application lodged.
<i>6 December 2004</i>	Request from Council for further landscaping information.
<i>10 December 2004</i>	Further information received by Council, including a supplementary arborist's report.
<i>4 February 2005</i>	Request from Council for further engineering and landscaping information in response to receipt of engineering and landscaping referrals.
<i>18 February 2005</i>	Further information received by Council, including amended hydraulic plans and deep soil calculations.
<i>24 February 2005</i>	Supplementary arborist's provided.
<i>4 March 2005</i>	Letter to applicant advising that arborist's report and requested landscaping information unsatisfactory.
<i>10 March 2005</i>	Updated arborist report and root mapping report received.

THE SITE AND SURROUNDING AREA

Visual Character Study Category:	1945-1968 and Post 1968
Lot Number:	1, 2 and 5
DP Number:	378243, 378243 and 3100770
Heritage Affected:	No
Bush Fire Prone Land:	No
Endangered Species:	No
Urban Bushland:	No
Contaminated Land:	No

The subject site is located on the southern side of Marian Street, and the south-eastern corner of Caithness and Marian Street, Killara. The site has a 77.8m frontage to Marian Street and a secondary 50.3m frontage to Caithness Street. The site has a total area of 3628m² and a cross-fall of 4m from the south-west corner to the north-east corner. The frontage to Marian Street is level

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while the frontage to Caithness Street has a fall of 3m from north to south. A 1.22m wide drainage easement traverses Lots 1 & 2 from north to south-east.

The site comprises three allotments as follows:

26 Marian Street – Lot 5 in DP 310770

28 Marian Street – Lot 2 in DP 378243

30 Marian Street – Lot 1 in DP378243

Number 26 Marian Street, is a corner site and has a secondary frontage to Caithness Street. The site is currently occupied by a two storey dwelling built c.1950. Vehicular access to the site is via an 8m wide driveway off Caithness Street. The site contains several mature trees, the most significant being two 24m high Sydney Blue Gum located on the Marian Street boundary.

Number 28 Marian Street contains a large single storey dwelling built c.1970. A two car garage is accessible via a concrete driveway off Marian Street. This site contains a 24m high Sydney Blue Gum located in the north-west corner.

Number 30 Marian Street is occupied by a single storey dwelling built c.1950. The dwelling is set back 10m from Marian Street. The site contains several mature trees at the rear.

The site is bound to the south and west by allotments zoned Residential 2(d3) which allows for multi-unit development. The site is located 50m from Pacific Highway to the west and 500m from the Killara Railway Station to the east.



Number 26 Marian Street occupied by a two-storey dwelling with vehicular access from Caithness Street. (Photo taken at front boundary)

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Number 28 Marian Street (Photo taken at front boundary).



Number 30 Marian Street (Photo taken at front boundary)



Western end of Marian Street – southern side (from left to right): No.1 Caithness Street, No.26 Marian Street, No.28 Marian Street, No.30 Marian Street, and No.32 Marian Street. (Photo taken from northern side of Marian Street)



Western end of Marian Street - northern side (from left to right): No.39 Marian Street, No.37 Marian Street, No 35.Marian Street, No 33.Marian Street and No 31.Marian Street.

Surrounding development:

The subject site is located within the block defined by Pacific Highway, Marian Street and Caithness Street, which has been recently rezoned Residential 2(D3) to allow for multi-unit housing development.

To the immediate west of the site, No 32 Marian Street is occupied by a two-storey dwelling house located 8m from the common boundary. This site is included within the Residential 2(D3) zone and Council is in receipt of a development application (DA1415/04) for construction of a residential flat building at this address.

Also a Residential 2(D3) site, No 2 Caithness Street, located immediately to the south (rear) of the site, is occupied by a single storey cottage located 4m from the common boundary. Further east of the subject site, across Caithness Street, No 24 Marian Street (corner of Caithness and Marian Streets) is occupied by a large one and part two storey dwelling. Further east, the southern frontage to Marian Street is characterised by a mixture of one and two storey dwellings and a four storey residential flat building (No.18 Marian Street).

With the exception of No.1 Caithness Street which is zoned Residential 2(b) and listed as a heritage item within the Ku-ring-gai Planning Scheme Ordinance, the remainder of sites within Caithness Street are zoned Residential 2(d3), as are a large proportion of sites along the southern side of Marian Street, which allow for multi –unit development.

The northern side of Marian Street is characterised by one and two storey dwellings, some of which (9, 11, 33 and 39) are listed as heritage items in the Ku-ring-gai Planning Scheme Ordinance.



Photo montage showing North West view of Marian Street - Existing



Photo montage showing north-west view of proposal from Marian Street.



Photo montage showing North East view of Marian Street - Existing

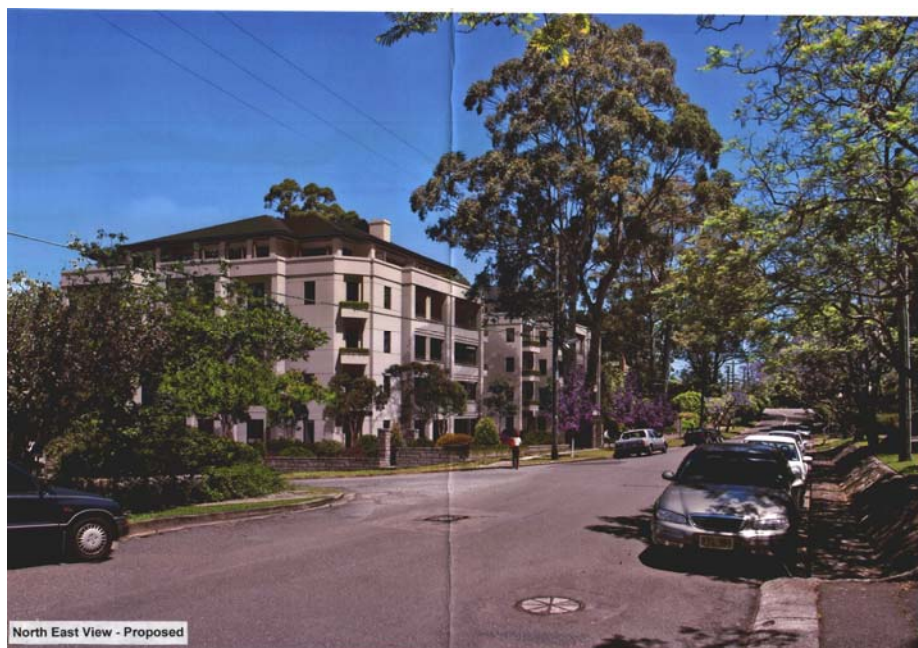


Photo Montage showing North East view of Marian Street – Proposed

THE PROPOSAL

The proposal is for the demolition of three dwellings and construction of a five storey residential flat building comprising twenty-seven units and two levels of basement car parking for sixty one vehicles.

Details of the proposed development are as follows:

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The building will be set back between 12-19m from Marian Street, and 10m to 16m from Caithness Street, with a maximum perimeter ceiling height of 13.2m, and an additional 6.8m to the maximum ridge height, with a total floor space ratio of 1.397:1.

The development comprises 1 x 2-bedroom unit and 26 x 3-bedroom units ranging from 153m² to 222m² in area, with balconies or ground level open space. Each level will accommodate 6 units per floor, with the exception of Level 4 which will accommodate 3 units in total.

The basement will comprise two levels, providing 54 resident parking spaces, at a ratio of two (2) parking spaces per unit and seven (7) visitor spaces.

Pedestrian access to the building will be gained from Marian Street via one of two entry lobbies, while vehicle access to the basement car park will be accessible via a 6m wide driveway off Caithness Street, located in the north-east corner of the site.

The development proposes to retain two mature 24m high Sydney Gum trees along the front boundary of the site and the planting of an additional thirteen large trees.

Amended plans dated: 18 February 2005

Revised ground floor drawing No.04B showing:

- Deletion of stormwater pit and underground pipe from south, east and north courtyards, relocation of landscape runoff pit and proposed location for electric substation.
- Revised deep soil landscaping calculation plan
- Concept Stormwater Management Plan indicating proposed relocation of drainage easement and proposed substation.

CONSULTATION - COMMUNITY

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

Original scheme dated 26 November 2004

1. Hyperlinked Planning & Architectural Consultants
2. M Middleton – 1 Caithness Street, Killara
3. A B Colvin – 5/18 Marian Street, Killara
4. B Hanson – 8 Caithness Street, Killara
5. K Subagyo & L Peng Chan – 35 Marian Street, Killara
6. C & A Szatow – 25 Marian Street, Killara
7. K & D Smith – 1/567 Pacific Highway
8. Rutlands Law Firm on behalf of T.H. Tsai – 2 Caithness Place
9. B & S Watson – 37 Marian Street, Killara
10. J Morgan – 3/567 Pacific Highway
11. D & M Smith – 29 Marian Street, Killara

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12. Energy Australia – GPO Box 4009, Sydney NSW 2001.
13. F Scott – 1/1 Marian Street, Killara

The submissions raised the following issues:

Cumulative effects of multi-unit residential development in Marian Street

The rezoning of the subject allotment under LEP194 to a 2(D3) zone, confers a development potential pursuant to the development standards and controls set out in LEP194 and DCP55. In accordance with these statutory planning instrument and policy, sites within the 2(D3) zone have the potential to be development for the purposes of residential flat buildings to a maximum height of five to six storeys. The intent of rezoning for multi-unit development is to establish high density living in proximity to transport nodes, educational and health facilities and local business centres.

Therefore, any cumulative impacts on residential character and density resultant from development of the subject site and similarly zoned allotments, in accordance with LEP194 and DCP 55 provisions, are anticipated and provided for by the zoning.

Acknowledgement of cumulative impacts associated with multi-unit development consistent with SEPP 65, LEP194 and DCP 55 provisions is made elsewhere in this report. However, in assessment of individual development applications, it is important to consider whether the proposal will result in a departure from the cumulative impacts anticipated and provided for under the zoning and associated controls.

In this regard, the proposal is generally compliant with the relevant building envelope controls (i.e. maximum height, number of storeys, setbacks, FSR, site coverage, deep soil landscaping, car parking and vehicle access). Departures from the street frontage setback controls are discussed in Part 4.3 of this report and found to be acceptable on merit. Council's Development Engineer has no objection to the proposal, subject to conditions, and does not believe that this development will have an undue cumulative impact on traffic flow and safety.

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

Loss of distant views from dwellings along the northern side of Marian Street

The development has been contained within the prescribed building envelope controls which apply to the site under LEP194. Therefore the proposed building is of a scale, bulk and height anticipated for sites zoned Residential 2(D3).

In comparison to the existing structures on the site, the proposed building will obstruct distant views from dwellings opposite the subject site, however; the building will not obstruct views from any dwellings in Marian Street to the road, street or any public outdoor open space areas. The impact upon distant views does not warrant the refusal of the application.

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Furthermore, the site adjoining the southern (rear) boundary of the development is zoned for multi unit residential development, as are sites beyond. This zoning will result in buildings of a similar scale, bulk and height being constructed behind and around the proposed development.

Five storey development is out of character with the existing built environment.

Five-storey multi-unit residential developments are permissible under the zoning and are therefore anticipated within the area. The development complies with the prescribed controls of LEP194, in particular maximum height, number of storeys and site coverage, and has adequate provision of deep soil landscaping and large tree planting, consistent with the established landscaped character of the area.

Adjoining properties to the west and south of the development site are also zoned for multi-unit residential development. This proposal responds effectively to the objectives and development standards of LEP194 and DCP55 and is therefore in accordance with the desired future character of the area.

Personal security for residents of Marian Street potentially compromised as a result of the proposed development.

The development provides open common spaces, clear definition between public and private spaces and enhances street level activity through higher density living. Due consideration to security has been given through the siting and design of the building and the large terrace and balcony areas provided for each dwelling to ensure a high level of informal surveillance of the street.

Potential reduction of parking availability along Marian Street

The development will provide a total of 61 car parking spaces within a two level basement car park. This number of parking spaces is well in excess of the requirements under DCP 55 and provides a total of two spaces per unit with seven visitor spaces. Accordingly, there is more than adequate on site parking available for residents and visitors of the development with no dependency for parking on Marian Street itself.

Property values

The proposal is permissible under the zoning of the site and potential impacts on property values is not a valid planning consideration under s79C of the Environmental Planning and Assessment 1979.

Insufficient tree protection and landscaping

The development complies with the 50% deep soil landscaping development standard under LEP194 and provides for extensive landscaping throughout the site, including planting of an additional thirteen large canopy trees. The proposal also retains two 24m high Sydney Gum trees along the front boundary of the site which contribute significantly to the streetscape. Councils Landscape Officer Mr Geoff Bird has reviewed the proposal in relation to tree protection and supports the development subject to conditions (**Refer Condition No's 43-56, 85-87, 105-108**).

Insufficient geotechnical assessment, pressure on existing infrastructure, depth and stability of excavation

Council's Engineering Assessment Team Leader, Robin Howard, has reviewed the proposal in relation to proposed excavation, geotechnical and infrastructural aspects of the development. Based on this assessment, Mr Howard has determined that the geotechnical and excavation aspects of the proposal are satisfactory for development approval on engineering grounds, subject to conditions. Such conditions will require geotechnical and hydro geological monitoring, and further professional geotechnical input as warranted. Ongoing investigation by a consulting geotechnical engineer will also be required as will dilapidation reports for neighbouring properties and infrastructure. **(Refer Condition No's 57-75, 88-103, 109-125).**

Traffic and parking implications (vehicle access, traffic flows, parking, driver sight lines, driver and pedestrian safety, traffic generation)

The application has been reviewed by Council's Engineering Assessment Team Leader, Robin Howard, in relation to traffic generation, vehicle access and parking. Mr Howard concludes that adverse traffic issues in the surrounding road network are not anticipated as a result of this development as sufficient on-site parking is provided along with appropriate access to and from the site. *(See comments under Consultation with Council).*

LEP194 requires that the proposal provides a minimum of 34 car parking spaces, including 7 visitor car parks. The proposal provides 61 car parking spaces in total and complies accordingly. Vehicles will enter and exit the development in a forward movement, with adequate driver sightlines for both driver and pedestrian safety. Appropriate on site truck access and manoeuvring areas for waste collection vehicles is provided, preventing potential traffic congestion in Caithness and Marian Streets during waste collection periods.

Heritage impacts on surrounding properties

Council's Heritage Advisor, Paul Dignam, has reviewed the application and concludes that the heritage provisions in DCP 55 are satisfied and that the heritage items at No's 33 & 39 Marian Street will not be unduly affected by the proposed development, given their separation distance from the subject site. Mr Dignam further comments that the heritage item at No.1 Caithness Street is separated from the proposed building by 57m, is located on the opposite side of the road and screened by substantial landscape elements.

Inappropriate Roof structure

The low pitch multi-ridge hip roof has been designed to respond to prevailing roof forms of surrounding dwellings and to contribute to the integration of the proposed building within the established streetscape. The upper floor of the building is setback from the building perimeter, which reduces the apparent bulk and scale of the building and the overall size of the roof structure. Due to the setback of the roof, the upper level roof element will not be prominent when viewed from street level.

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Council's Heritage Advisor has reviewed the proposal and comments that due to the setback of the top floor, the larger terraces and smaller dwelling sizes that the pitched roof would not be a dominant element in the street. Council's Urban Design Consultant has also reviewed the proposal against the design quality principles of SEPP 65 – Design Quality of Residential Flat Developments and raises no concern in relation to the roof structure.

Non-compliance with development standards.

The development complies with all development standards LEP194 and complies with the majority of the controls DCP 55. Where the development does depart from DCP 55 numeric standards, it is considered that the development still satisfies the objectives of the DCP with the departures being minor in nature and indiscernible in the visual context. Areas of non-compliance are indicated in the DCP 55 compliance table and discussed in detail in Parts 4.2, 4.3, 4.4 and 4.5 of this report.

Scale and bulk of the development

The development is permissible and complies with the prescribed requirements of LEP194, including maximum height, site coverage, number of storeys and deep soil landscaping. The building setbacks to Marian Street and Caithness Street are also acceptable on merit. In particular, the development will have an overall height of 13.2m (from ground floor to the upper floor ceiling as defined in LEP194) and will be set back 12m-19m and 10-16m from the Marian Street and Caithness Street frontages, respectively.

The building will be 55m in length to Marian Street, however the building design reduces the perceived scale of the building mass significantly through the creation of two pavilions rather than one continuous building. This is achieved with the central portion of the building being setback 19m for 9.5m from Marian Street and 21m to the rear boundary.

In regard to the Caithness Street elevation the building will be 27m in length. As a result of the fall in land away from Marian Street, the building will appear higher when viewed from the Caithness Street elevation, being 12m in height (from natural ground level to the ceiling height of the upper floor) at the intersection with Marian Street with a 10m setback, to 13.2m in height at the south-east (rear) corner which is setback 16m from the alignment of Caithness Street. The irregular shape of the site results in an increased setback with height and offsets undue visual dominance at crucial points effectively.

Building mass overall along all elevations is further reduced by strong articulation that contributes to the break down of flat wall areas and provides visual interest. The height of the building will be visually reduced by recession of the top floor from the perimeter of the building and the fall in of the site from Marian Street. The ground floor of the development will be largely concealed when viewed from Marian Street.

The setback from Marian Street allows for the retention of two significant 24m high Sydney Gum trees and extensive landscaping along the Marian Street frontage of the site. Sufficient areas for deep soil landscaping are provided for tree planting and replenishment throughout the site, thereby contributing to the visual aesthetics of the building when viewed from adjoining properties and the

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public domain. The building will be appropriately sited in a curtilage containing extensive landscaping and large canopy trees. This is consistent with the objectives of LEP194 and DCP 55.

It is further noted that Council's Urban Design Consultant, Mr Russell Olsson, has reviewed the proposal and raises no concerns in relation to the scale or bulk of the development.

The proposal is consistent with the objectives and policies of LEP194 and DCP 55.

Insufficient separation distances and lack of transition between existing dwellings and proposed development.

The proposed development is located within an area recently rezoned Residential 2(D3) for multi unit housing and will initiate the transition from existing development that comprises one to two storey development to the future context of the area characterised by five storey development.

The development complies with the zone interface 9m setback requirements of LEP194 that apply to the Marian Street and Caithness Street frontages. It is noted however that the zone interface (Residential 2(C2)) properties are further separated from the development by their location on the opposite sides of Marian and Caithness Streets (up to 22m).

With the exception of minor variations along the Marian Street frontage, the development provides complying setbacks to the site boundaries and in some areas exceeds the necessary setback requirements of LEP194 and DCP 55. In particular, the Marian Street elevation is setback up to 19m in the central portion of the building and up to 16m along the Caithness Street elevation towards south eastern corner.

It is further noted that adjoining properties have been included in the Residential 2(D3) zone and therefore likely to contain development of a similar scale and height to the subject development, in the future.

Accordingly, the separation distances between existing dwellings and the proposed development are considered sufficient.

Disruption during the construction period – e.g. vehicle access, safety for drivers and pedestrians, potential blockages for vehicle access to Caithness Street residents, noise, dust, and fumes during construction

A detailed construction and traffic management plan is required as a condition of consent for review and approval by Council Engineers prior to the commencement of any works on site. **(Refer Condition No 72).**

Streetscape

The building complies with the prescribed requirements of LEP194 in terms of overall height, site coverage and deep soil landscaping. The building is well articulated with horizontal and vertical elements with balconies and terraces further contributing to breaking up the facades. The centre of the building has been recessed substantially thereby reducing the perceived scale of building mass

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by creating two pavilions rather than one continuous building. The upper floor has been further set back from the perimeter of the building and contains only three large dwellings, reducing the overall bulk and scale of the building.

The building will be set back between 12-19m along the Marian Street frontage and 9m-16m along the Caithness Street (secondary) frontage. The fall of the site away from Marian Street, substantially reduces the profile of the building to Marian Street, concealing almost the entire ground level from the street. Substantial landscaping within the Marian Street setback affords a high level of amenity to the street, particularly with the retention of two 24m high mature blue gum trees that contribute to softening of the built form and canopy cover that is characteristic of the area.

Along the Caithness Street frontage, the fall of the site from Marian Street creates a 1.2m variation in height (from ground level to ceiling level of the uppermost floor) from the intersection with Marian Street 12m to the south-east (rear) corner 13.2m in height. This is offset, however, by a corresponding increase in setbacks with height and reduces dominance of built form effectively. Deep soil landscaping can be adequately accommodated within the setbacks provided for visual amenity and softening of built form.

The building responds effectively to the streetscape objectives of DCP 55 and reflects development consistent with the desired future character of the area.

Privacy to the occupants of 2 Caithness Street

The proposal has been set back from the southern (rear) boundary that adjoins No. 2 Caithness Street in accordance with the controls of DCP 55 that require a 6m setback from the rear boundary.

In particular, the southern elevation is set back a minimum of 6m from the rear boundary, with the centre of the building (for a length of 13m) set back in excess of 21m from the common boundary to provide for a large landscaped area on site and assist in reducing dominance of built form and potential overlooking to the adjoining site at No. 2 Caithness Street. The remaining part of the southern elevation is broken up into two parts at the east and west end of the building, each being approximately 16.5m in length and set back 6m from the rear boundary.

Glazing to the southern elevation of the development is necessary to provide effective cross ventilation, energy efficiency and solar access to the proposed units. The top floor of the development has been further set back from the perimeter of the building avoiding direct overlooking from windows.

Further, the boundary to the rear of the site will be adequately landscaped to ensure that sufficient screening of the development is afforded to No. 2 Caithness Street in terms of softening of built form and privacy. This is achieved through planting of up to 10 large canopy trees along the rear boundary with infill planting.

CONSULTATION - WITHIN COUNCIL

Urban Design Consultant

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Council's Urban Design Consultant, Russell Olssen, has commented on the proposal as follows:

Context

'The existing context is comprised of the natural setting and the existing built form. The natural setting includes large eucalypt trees in the street frontage of the subject property, which are to be retained in the development.'

The heritage items in close proximity to the site are:

- *39 Marion Street*
- *33 Marion Street*
- *11 Buckingham Road*
- *10 Buckingham Road*
- *Item in Caithness Street*

Other buildings in the area include detached houses and 4 storey apartment buildings on the southern side of Marian Street. The general built form characteristics of these buildings include:

- *Detached houses with large setbacks from front, side and rear boundaries*
- *Apartment buildings set well back from the street, with tall trees in the front setback*
- *Predominantly brick or rendered brick construction*
- *Predominantly brick or stone front fences or front hedges*

The future context for this site will be 4 and 5 storey apartment buildings in the 2 (d3) zone. While this is a substantial change of scale from the existing houses, it is not unlike the scale of the 4 storey apartment buildings on the southern side of Marian Street.

The proposed development relates well to the existing and future contexts as it

- *Provides sufficiently large setbacks from the streets. This minimises the visual impact of these larger scale buildings within the streetscape.*
- *Provides sufficient area with deep soil within the front setbacks for tree planting.*
- *Retains existing mature trees.*
- *Breaks down the scale of the proposed development into 2 pavilions. These will read, as far as possible within a development of this scale, as 2 pavilions within a landscaped setting, rather than a perimeter block development*
- *The neo classical proportions of the development will relate as well as possible (given the substantial scale change), to the heritage items in the area, which include*
- *Federation, Colonial Revival, Mediterranean and Art Deco buildings*

Principle 2: Scale

The building complies with the site coverage and height controls, and reduces the perceived scale of the building mass by creating 2 "pavilions" rather than 1 continuous building. As

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well as reducing the perceived scale of the building, this provides opportunities for good cross ventilation and sunlight access to apartments.

Principle 3: Built Form

The setbacks comply with the setbacks in DCP 55, as the front setback from Marian Street is a minimum 12m and the setback from Caithness Street is in the range of 12m to 10m, with 40% of this frontage being approximately 10m. The narrowest point is 9.82m. This minor encroachment is acceptable, as the DCP also allows for lesser setbacks on streets less than 12m wide. Caithness Street is 12m wide. The objective of the DCP controls is being met by setbacks along this street, and the minor infringement is negligible.

Principle 4 : Density

Acceptable

Principle 5 : Resource, energy and water efficiency

100% of apartments are cross ventilated and 70% of apartments have a northerly or north-easterly orientation, gaining more than 3 hours sunlight to the living room windows between 9am and 3pm in mid winter. Over 50% of the site is deep soil areas and water retention is proposed.

Principle 6 : Landscape

The proposed landscape design is appropriate to the site.

Principle 7 : Amenity

There are no amenity issues regarding the above criteria.

Principle 8 : Safety and Security

Acceptable

Principle 9 : Social Dimensions

Acceptable

Principle 10 : Aesthetics

The facades are strongly articulated at a large scale in plan, and the elevations are articulated with small scale details which will break down the size of flat wall areas and provide visual interest. The neo-classical facade composition will relate as well as possible (given the substantial scale change), to the heritage items in the area. It is recommended that the paint colour of the rendered walls is a mid-tonal range colour rather than white, to complement, rather than contrast with, the muted tones of the native landscape setting.

Conclusion and recommendations

This is an acceptable design in that it complies almost entirely with relevant development controls. It also meets the design guidelines in the SEPP 65 Residential Flat Design Code. It is recommended that the external colours complement the natural setting with mid-tonal range colours.'

Heritage

Council's Heritage Advisor has commented on the proposal as follows:

'The application proposes demolition of three existing houses and construction of a new residential flat building. The existing houses are all single storey and make a positive contribution to the streetscape in terms of scale, materials, variety in exterior textures, styles, subdivision pattern and their mature gardens. No 26 would date to the post WW2 period, No 28 is a Sydney School house c1970 and No 30 is a reasonable example of an Inter War Georgian Revival house. None of the houses have been identified as potential heritage items, but they do have contributory value to the streetscape and National Trust UCA. I do not oppose demolition, but recommend recording to the Heritage Council guidelines for local significance.

The proposed new residential flat building is designed in two main blocks with a linking element setback from both front and rear elevations. It is set down almost one storey from the Marian Street level but due to the fall in Caithness Street the southern end is about 2metres above the ground level. There is an existing stone retaining wall at the boundary of the site with the house at 2 Caithness which would help to visually reduce the impact of the additional height and the car park entrance in Caithness Street.

The building is well articulated with horizontal and vertical elements and the pattern of balconies and terraces breaking up the facades. The top floor is set back in line with DCP 55 and contains only 3 large dwellings. I note that the layout and planning of the individual dwellings is satisfactory and note the larger dwellings would reach the amenity of many houses in Ku-ring-gai. The pitched roof is a form typical of the area, but does increase the overall height of the building. Due to the large terraces and smaller floor areas, the higher roof would not be a dominant element in the street. The building is contemporary but has a formality about it that would assist its fit within the existing streetscape and UCA. The colours chosen are fairly neutral – grey and beige. I suggest that earthy recessive colours would be better to provide more visual interest and further break the bulk and scale of the facades. I also suggest a different texture at the lower level such as a face brick or stone cladding.

There are several heritage items within the immediate vicinity including:

33 Marian Street – Griffin design.

39 Marian Street – large Federation period house.

1 Caithness Street – low Georgian Revival Inter War house.

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33 Marian Street is a Walter Burley Griffin design and one of his larger commissions in Australia. It is considered to be of State heritage significance, but not currently included on the State Heritage Register. It is included in most non statutory heritage registers including the National Trust and the Australian Heritage Commission. It is considered that the curtilage of the item will not be affected by the proposed development as it does not extend to the opposite side of the road. The heritage provisions in DCP 55 are satisfied. The northern side of Marian Street has not been rezoned, so the relationship of No 33 Marian Street with its immediately neighbours will not be altered.

The heritage item at 39 Marian Street is a large Federation period house that has been altered before. Its primary elevation is to Marian Street, but its other more public elevation is to the Pacific Highway. In my opinion the curtilage of this item will not be affected by the proposed development. The heritage requirements in DCP 555 are met.

The building at No 1 Caithness Street is located at the southern end of the lot and the northern part of the garden is planted with substantial trees which screen the house from Marian Street and would largely screen views to and from the proposed medium density building. Give the controls in DCP 55, adequate physical and visual separation would be achieved.

I note that several sites immediately adjoining No 1 Caithness Street have also been rezoned and that the impact from possible future developments on those adjoining sites may potentially be more severe than any impacts from this proposed development. Future developments on the sites adjoining No 1 Caithness Street will need to be carefully addressed when applications for those sites are received.

The applicant submitted a heritage report with the application. It states that the nearby heritage items would not be adversely affected by the proposed development:

There will be no diminution of appreciation of the nearby heritage items in Marian Street, Caithness Street or their visibility from publicly accessible sections of the street arising from the application.

I note that the heritage item at 1 Caithness Street was not mentioned in the heritage report prepared by the applicant's consultant, Noel Bell Ridley Smith and Partners. A letter from the consultant dated 7 February 2005 was submitted to address the omission. It states:

There was no purpose in not specifically referring to the item but simply as acceptance that the impacts would be very limited.

The letter states that No 1 Caithness Street is 57m from the proposed building, separated by a roadway and screened by substantial landscape elements.

Conclusions:

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The houses at No 26, 28 & 30 Marian Street have some contributory value to the streetscape but as they have not been identified as having any specific heritage significance, I do not oppose their demolition but recommend that they should be recorded before demolition occurs. Draft conditions for recording are attached to this memo.

Impacts from the proposed development on the nearby heritage items generally comply with the requirements in DCP 55. I wish to note that several sites immediately adjoining the heritage item at No 1 Caithness Street have been rezoned for medium density residential flats and that future development on those sites will need to be carefully assessed by Council.

The design of the proposed development is in my opinion acceptable, but I suggest that more variation in the texture and colours of exterior walls would assist in respecting the character of the existing area. I have attached a draft condition to this memo that could be attached to any consent issued by Council.' (Refer Condition No's. 37, 76, 84).

Landscaping

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

'It is proposed to demolish the existing three dwellings and associated structures and construct a five storey residential flat building with basement car parking on the amalgamated corner site of 3628sqm, with vehicular access from Caithness St. The site is characterised by a mature landscape setting with established trees and shrubs within formal garden beds and lawn expanses. The site frontage is dominated by three highly significant, possibly remnant, Eucalyptus saligna (Bluegum). The three trees are approximately 25m high, outwardly healthy and in good condition, which provide habitat for local fauna. There is an understorey planting of predominantly exotic small trees and shrubs.

The rear of the site likewise is characterised by a mature landscape setting with established trees and shrubs. Trees located at the rear of the site are not as significant within the broader landscape, but they do provide a valuable corridor of vegetation at the rear of numerous properties. These trees are being retained as part of the proposed development works.

Impacts on trees/Trees to be removed/Tree replenishment

The proposed development will result in the removal of numerous trees and shrubs, predominantly through the core of the site. The most significant tree to be removed is a mature Eucalyptus saligna (Bluegum) T14, located centrally adjacent to the rear boundary. The tree is prominent within the broader landscape, but has a structural defect due to previous storm damage. The tree has been previously poorly pruned and is in fair condition. The consulting Arborist has recommended its removal and replacement with the same species. The tree has now been removed with Council consent by a separate tree removal application.

There is no objection raised to the removal of the nominated trees as they are not considered significant within the broader landscape and are located centrally on site within the proposed

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building footprint. One magnolia soulangeana (Soul's Magnolia) is to be transplanted and incorporated within the proposed landscape.

It should be noted that an additional fourteen (14) Eucalyptus saligna (Bluegum) have been proposed for the site, two of which are inappropriately placed. These can be relocated to more appropriate positions by consent conditions. Other intermediate sized trees have been required to be planted adjacent to the site boundaries to add to the proposed screen planting.

Landscape plan

The landscape plan submitted with the proposal will in time provide a filtered view of the building from the public domain as thirteen (13) large trees are proposed within the two frontages. Planting proposed is typical of the broader Killara landscape being native endemic 'canopy' trees, with an understorey planting of exotic trees and shrubs within formal garden beds and lawn expanses. The landscape, given the extent of development proposed, will in time maintain some continuity and context to the existing landscape character, although the built form is changing.

It is noted that the proposed garden bed adjacent to the western site boundary narrows to a minimum 1.0m wide. Given the extent and height of the proposed development it is required that the garden bed in this area have a minimum width of 2.0metres to accommodate substantial screen planting and trees.

A low sandstone wall is proposed adjacent to the Marian St and Caithness St frontages. This is consistent with the existing streetscape character and can be supported.

Arborists report

A detailed Arborists report has been submitted with the application which details the health and significance of existing trees located on site.

Drainage Plan

A revised proposal is to place the existing drainage easement within the Marian St road reserve. Root mapping has been undertaken by the consulting Arborist and inspected by Council's landscape development Officer. Only minor roots were uncovered. These have been detailed in a report submitted to Council. Landscape services are in agreement with the Arborist, that the trees will not be adversely impacted upon by the severance of these roots.

Other proposed drainage works have been located with landscape consideration to avoid conflicts.

Deep Soil Areas

The relocation of the drainage easement within the Marian St road reserve overcomes previous concerns with regard to deep soil landscaping areas.

The application can be supported with conditions.'

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Engineering

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

Summary

'In summary the engineering aspects of the application are considered satisfactory by Development Engineers, subject to the imposition of the engineering conditions of consent shown (including the schedule A – deferred commencement conditions).

A pre-DA meeting was held for this site in which the applicant was presented with assessment criteria and issues related to the engineering aspects. Generally the Applicant has had regard to the engineering issues raised at this pre-DA meeting (after subsequent requests for additional information) and has submitted the requested engineering information.

Subdivision, energy requirements

The DA Application form indicates that strata subdivision IS NOT proposed under this DA; hence strata subdivision conditions will NOT be applied in this referral response. So that the building is not constructed across lot boundaries, the Applicant will be required to consolidate all the Torrens lots prior to issue of the Construction Certificate.

Please also have regard to the comments from Energy Australia contained in TRIM document 457717. Development Engineers have placed a condition of consent in this referral response that the Applicant liaise with Energy Australia regarding their power supply requirements, and comply with such prior to occupation and issue of the Occupation Certificate.

Site drainage comments

I refer to the Concept Stormwater Management & Environmental Site Management Concept Plans, C1A, C2D, C3A, C4A & C5A, dated November 2004 and February 2005, by Appleyard Forrest Consulting Engineers. This drainage submission incorporates the following stormwater management facilities and works for the development:

On site retention of stormwater for domestic re-use within the buildings and landscape irrigation (total volume of 81m³).

- *Diverting an existing Council drainage easement and associated piped drainage system from within the subject development site to the frontage road reserve.*
- *An overland flow path through the building structure, which will then reconnect into the existing system downstream.*

The Applicant will need to have the existing drainage easement in Councils favour, and which burdens the subject site, extinguished. A resolution must be obtained from Ku-ring-gai Council to extinguish this easement for drainage. The associated drainage infrastructure within the easement to be extinguished must be decommissioned and relocated to the frontage

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road reserve (refer drawing C2D for indicative alignment). These engineering works are satisfactory in principle and will facilitate:

- New constructed drainage assets for Council (i.e. less future maintenance costs and increased capacity) and,
- Easier access to infrastructure for any future maintenance.

At this stage of the development assessment, the applicant has not completed easement negotiations with Council, including obtaining a Council resolution for the extinguishment. A resolution is required before Council can activate the DA consent as the extinguishment involves a separate assessment report to Council by Technical Services.

Accordingly, obtaining Council resolution for the extinguishment of the drainage easement will be imposed as a schedule A – deferred commencement condition, as shown.

Traffic generation and vehicle access and accommodation arrangements

The Applicant has submitted a Traffic Assessment Report with the Development Application (refer “Assessment of Traffic and Parking Implications” by Transport and Traffic Planning Associates, dated November 2004). The report is generally to an acceptable standard on which to base an assessment of the traffic related impacts of the subject Development.

Based on the requirements of the LEP, the proposal requires a minimum total of 34 spaces which includes the required 7 visitor spaces. The proposal provides 61 spaces and complies with the LEP.

The Traffic Generation of this Development has been estimated using the RTA “Guide to Traffic Generating Developments” as follows:

	<i>Pre-Developed</i>	<i>Post-developed</i>
<i>No of dwellings</i>	3 dwelling houses	1 x 2 bedroom unit 26 x 3 bedroom unit
<i>Daily vehicle trips Combined in/out</i>	27 (9 per dwelling)	174 Based) on medium density averages: 4-5 per dwelling (2 or less bedrooms) 5 to 6.5 per dwelling ((3 or more bedrooms)
<i>Peak hour vehicle trips Combined in/out</i>	3.4 (0.85 per dwelling) 1 vehicle every 18 minutes average	17.6 (0.65 per unit) 1 vehicle every 3.4 minutes average
<i>Net increase in peak hour traffic</i>	AM peak: 11 vehicles out of consolidated site, 3 vehicles into site based on 80% out, 20% in PM peak: 11 vehicles into consolidated site, 3 vehicles out of site based on 80% in, 20% out	

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The assignment of an additional (net) 14 vehicles peak hour trips in and out combined (see table above) into the affected intersections (broken down into 80% outgoing and 20% incoming at am peak and the reverse at pm peak) is not expected to statistically lower the operating levels of service at any nearby intersections.

The 18 trips over the respective peak hours (am and pm) generated by the subject development (in and out combined) is an average of one vehicle movement over the proposed driveway crossing every 3.4 minutes in the peak hour. This is not considered significant.

Accordingly, while the development may result in the surrounding road network becoming marginally busier in terms of increased traffic movements, the subject development being assessed is not expected to create additional traffic issues in the surrounding road network.

Construction Management

Based on the scale of works and expected construction vehicle movements, a detailed construction traffic management plan must be submitted for review by Council Engineers prior to the commencement of any works on site. This has been conditioned.

Impacts on Council Infrastructure and associated works – comments

The scale of construction work for this site has potential to damage the frontage road reserve. Accordingly, and for the amenity of the development, the following infrastructure works will be required as part of the consent:

- *Drainage works in Road Reserve, to Council specifications.*
- *Construction of a fully new concrete footpath over the full site frontage on Caithness Street. To be designed and constructed in accordance with Councils Technical Services specifications.*
- *New concrete driveway crossing to access the site from Caithness Street.*
- *Removal of all redundant driveway laybacks and re-instatement to upright kerb and gutter.*
- *Replacement of the verge area to turfed verge between new footpath and existing kerb alignment.*

As with all development of this scale, there is the direct risk of damage to Council infrastructure during the course of the works. A \$50,000 bond to cover restoration of such damage (or completion of unsatisfactory works by Council) is to be applied.

Geotechnical / Structural Comments

In support of the application, the Applicant has submitted a Report on Geotechnical Investigation by Jeffery and Katauskas Consulting Engineers (refer report 18987Vrpt dated 5th November 2004).

The borehole field assessment and subsequent report on the findings are considered appropriate for DA assessment based on the scale and location of excavations proposed

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within the site. The report contains information and recommendations on appropriate excavation and construction techniques based on subsoil and hydro geological conditions. Attention is paid to support of the excavation faces. It is generally expected that the majority of excavation will be in residual clays and shale of weak strengths. This implies that excavation can be carried out with earth moving machinery such as excavators. This has advantages in that the need for rock breaking machinery (and hence transmission of vibrations) is expected to be minimal, if at all.

Based on the preliminary geotechnical report and location of excavations on this site, I am satisfied that the geotechnical and excavation aspects of this DA can be addressed through suitable conditions of consent. These conditions will require geotechnical and hydro geological monitoring, excavation, construction and further professional geotechnical input as warranted. A condition is to be applied which requires ongoing investigation by a consulting geotechnical engineer, with action as appropriate. Dilapidation reports are to be completed on neighbouring property and infrastructure.

Conclusion

Based on the formal engineering assessment, Councils Development Engineer has determined that the proposal is satisfactory for development approval on engineering grounds, subject to the engineering conditions being imposed.'. (Refer Conditions No. 57-75, 88-103, 109-125).

STATUTORY PROVISIONS

State Environmental Planning Policy No. 65 – Design quality of residential flat development

Context:

The proposed development is located within an area recently rezoned Residential 2(D3) for multi unit housing and will initiate the transition from existing development that comprises one to two storey development to the future context of the area characterised by five storey development

Whilst higher than the surrounding one to two-storey dwellings, the development acknowledges the established low density character and achieves transition of scale through large front setbacks, a high level of modelling and façade articulation, cement rendered masonry facades, and a low pitch hip roof form. The overall scale of the building is reduced by the recession of the central part of the building creating two pavilions so that the building is not read as one continuous building.

The development further provides sufficient areas of deep soil within the front setbacks for tree planting and retention of existing mature trees. In this regard, the development respects the landscaped character that currently exists and provides for future amenity to residents of the site and the surrounding area.

Scale:

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The development meets the prescribed building envelope requirements of LEP194, including building height, deep soil landscaping, site coverage and setbacks to zone interfaces.

The perceived mass and scale of the building are reduced by creating two "pavilions" rather than 1 continuous building and recession of the top floor from the building perimeter.

Built form:

The building is strongly modelled and articulated with small scale details which break down the size of flat wall areas and provide visual interest. This is also achieved through recessed and projecting balconies, and the setback of the upper floor which contributes to reducing overall scale and height.

Setbacks to the street boundaries vary (e.g. 12m-19m along Marian Street) creating visual interest and at points exceed the setback requirements of DCP 55, substantially reducing the scale and mass of the building. In particular, along the Marian Street elevation the central portion of the building will be set back 19.8m from the boundary for 9.5m being 5.5m further than the closest part of the building line to Marian Street at 12.2m. Along the Caithness Street elevation, the building setback extends up to 16m.

Density:

The proposed density reflects the desired future character of the area, is appropriate for the site and can be serviced adequately by existing physical infrastructure with no adverse impact to the area. The floor area of the development is slightly larger than anticipated, however, minimal in the numerical sense and indiscernible in the visual context.

Resource, energy and water efficiency:

100% of the apartments have dual aspects, are cross ventilated, and 70% of apartments have a northerly or north-easterly orientation, gaining more than 3 hours sunlight to the living room windows between 9am and 3pm in mid winter. Over 50% of the site is deep soil areas and water retention is proposed.

The proposal further achieves a 4.5 NatHERS energy rating for 90% (24/27) of dwelling units, with all units achieving the minimum standard of 3.5 stars.

Amenity:

The development contains 27 dwellings, ranging from 153m² to 222m² with balconies or ground level private open space. The dwelling layout, design and orientation ensure high levels of acoustic and visual privacy and internal amenity in terms of natural light and cross ventilation. Access to all units complies with access and mobility standards.

Safety and security:

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Siting, internal planning and design of the building ensures high level of surveillance of the street and the internal open space. This is achieved by the provision of large terrace and balcony areas provided for each dwelling unit and the large landscaped area between units at the rear of the building. The development provides quality common spaces, clear definition between public and private spaces and enhances the street level activity.

Social dimensions:

The application provides for one x 2-bedroom dwelling and twenty six x 3-bedroom dwellings. This is not strictly compliant with Council's requirements to provide a range of dwelling sizes. However, the apartments are generously sized (153m² to 222m²) and will provide high quality living environments for existing residents in the locality who wish to 'downsize' and remain in the locality. Further, the development is in an accessible location in close proximity to public transport modes.

Aesthetics:

The facades are strongly articulated with small scale details which will break down the size of flat wall areas and provide visual interest through recessed and projected balconies. The upper floor is set back from the building perimeter which reduces the apparent scale and bulk of the building. The neo-classical façade composition will relate as well as possible (given the substantial scale change) to the heritage items in the area.

The break up of the building to present as two pavilions is effective in reducing its perceived scale. Further softening is achieved by the retention of two large 24m high mature Blue Gum trees and extensive provision for deep soil landscaping and large canopy tree planting throughout site.

The development is also consistent with considerations of the Residential Flat Design Code. These considerations include how the development relates to the local context, building design and site analysis. Each of these matters are satisfactory and have been discussed elsewhere in this report.

State Environmental Planning Policy No. 55 – Remediation of Land

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

Ku-ring-gai Planning Scheme Ordinance (KPSO)

COMPLIANCE TABLE		
Development standard	Proposed	Complies
Site area (min): 1200m ²	3628m ²	YES
Deep landscaping (min): 50%	50%	YES
Street frontage (min): 23m	77m (Marian Street) 50m (Caithness Street)	YES
Number of storeys (max): Five (5)	Five(5)	YES

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Site coverage (max): 35%	35%	YES
Top floor area (max): 60% of level below	60% (682.85m ²)	YES
Storeys and ceiling height (max): 4 storeys and 13.4m	4 & 11.49-13.24m	YES
Car parking spaces (min): • 7 (visitors) • 27(residents) • 34(total)	7 (visitors) 54 (residents) 61 (total)	YES YES YES
Zone interface setback (min): 9m	23-30m Sites on opposite side of Caithness Place zoned 2(c2) and 2(b)	YES
Manegeable housing (min): 10% (2.7 units)	11.1% (3 units)	YES
Lift access: required if greater than three storeys	Two (2) lifts provided and will service all floors including basement level.	YES

Heritage /conservation areas (cl.61D – 61I):

The site is not located within a Conservation Area for under the KPSO but is in the vicinity of several heritage items, including No.33 & 39 Marian Street and No.1 Caithness Street. Councils' Heritage Advisor has reviewed the proposal and potential impacts of the development to the existing dwellings and those heritage properties identified within the vicinity of the site.

In his opinion, due to the recent rezoning of the site, demolition of the existing dwellings is not opposed, however a condition is recommended that photographic recording of these items shall be undertaken prior to demolition. **(Refer Conditions No. 37, 76, 84)**

Furthermore, it is concluded that the heritage items will not be adversely affected by the development due to the adequate separation distances from the development, and through screening by substantial landscape elements.

Residential zone objectives and impact on heritage:

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

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

COMPLIANCE TABLE		
Development control	Proposed	Complies
Part 3 Local context:		
Development adjacent to a heritage item:	Site within vicinity of heritage items but not adjacent to any.	

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<ul style="list-style-type: none"> 10m setback (1st & 2nd storeys) 15m setback (3rd & 4th storeys) 	<p>>10m</p> <p>>15m</p>	<p>YES</p> <p>YES</p>
Part 4.1 Landscape design:		
Deep soil landscaping (min) <ul style="list-style-type: none"> 150m² per 1000m² of site area = 450m² 	1841m ²	YES
No. of tall trees required (min): 12 trees	13 trees	YES
Part 4.2 Density:		
Building footprint (max): <ul style="list-style-type: none"> 35% of total site area 	35% (1268.8m2)	YES
Floor space ratio (max): <ul style="list-style-type: none"> 1.3:1 	1.397:1	NO
Part 4.3 Setbacks:		
Street boundary setback (min): <ul style="list-style-type: none"> 13-15 metres (<40% of the zone occupied by building footprint) 	12.2m – 12.8m to balconies, 13-14m to primary building line, 19.8m to building line at centre of the building -Marian Street frontage 10-16m Caithness Street frontage	<p>NO</p> <p>NO</p>
Rear boundary setback (min): <ul style="list-style-type: none"> 6m 	8m-21m	YES
Side boundary setback (min): <ul style="list-style-type: none"> 6m 	6m	YES
Setback of ground floor courtyards to street boundary (min): <ul style="list-style-type: none"> 8m/11m 	12m	YES
% of total area of front setback occupied by private courtyards (max): <ul style="list-style-type: none"> 15% 	Less than 15%	YES
Part 4.4 Built form and articulation:		
Façade articulation: <ul style="list-style-type: none"> Wall plane depth >600mm Wall plane area <81m² 	<p>>600mm</p> <p><81m²</p>	<p>YES</p> <p>YES</p>
Built form: <ul style="list-style-type: none"> Building width < 36m 	55m	NO

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<ul style="list-style-type: none"> Balcony projection < 1.2m 	<1.2m	YES
Part 4.5 Residential amenity		
Solar access: <ul style="list-style-type: none"> >70% of units receive 3+ hours direct sunlight in winter solstice >50% of the principle common open space of the development receives 3+ hours direct sunlight in the winter solstice <15% of the total units are single aspect with a western orientation 	<p>70% (19 units) to living rooms</p> <p>85% (23 units) to private open space</p> <p>All units have dual aspect.</p>	<p>YES</p> <p>YES</p> <p>YES</p>
Visual privacy: Separation b/w windows and balconies of a building and any neighbouring building on site or adjoining site: Storeys 1 to 4 <ul style="list-style-type: none"> 12m b/w habitable rooms 9m b/w habitable and non-habitable rooms 6m b/w non-habitable rooms 5th Storey <ul style="list-style-type: none"> 18m b/w habitable rooms 13m b/w habitable and non-habitable rooms 9m b/w non-habitable rooms 	<p>22-45m</p> <p>9.4m - >12m (units 1, 4, 7, 10, 16, 19, 22, 25) 9.5m to adjoining sites</p> <p>>9m (within site) >9m to adjoining sites</p> <p>>6m</p> <p>18+m</p> <p>13+m</p> <p>9+m</p>	<p>NO</p> <p>YES</p> <p>YES</p> <p>YES</p> <p>YES</p> <p>YES</p> <p>YES</p>
Internal amenity: <ul style="list-style-type: none"> Habitable rooms have a minimum floor to ceiling height of 2.7m Non-habitable rooms have a minimum floor to ceiling height of 2.4m 1-2 bedroom units have a minimum plan dimension of 3m in all bedroom 	<p>2.8m (Levels 1,2 & 3)</p> <p>2.9m (Level 4)</p> <p>3.1m (Ground Floor)</p> <p>> 2.4m</p> <p>>3m</p>	<p>YES</p> <p>YES</p> <p>YES</p>

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<ul style="list-style-type: none"> 3+ bedroom units have a minimum plan dimension of 3m in at least two bedrooms 	>3m	YES
<ul style="list-style-type: none"> Single corridors: <ul style="list-style-type: none"> - serve a maximum of 8 units 	3 units	YES
->1.5m wide	>1.5m (2m)	YES
->1.8m wide at lift lobbies	>1.8m (2m)	YES
Outdoor living: <ul style="list-style-type: none"> ground floor apartments have a terrace or private courtyard greater than 25m² in area Balcony sizes: <ul style="list-style-type: none"> - 10m² – 1 bedroom unit - 12m² – 2 bedroom unit - 15m² – 3 bedroom unit 	>25m ² (78.6m ² -284m ²) No 1 bedroom units 13+m ² 15+m ²	YES N/A YES YES
NB. At least one space >10m ²		
<ul style="list-style-type: none"> primary outdoor space has a minimum dimension of 2.4m 	>2.4m	YES
Part 4.7 Social dimensions:		
Visitable units (min): <ul style="list-style-type: none"> 70% 	100%	YES
Housing mix: <ul style="list-style-type: none"> Mix of sizes and types 	Mix of 2 & 3 bedroom units	YES
Part 4.8 Resource, energy and water efficiency:		
Energy efficiency: <ul style="list-style-type: none"> >65% of units are to have natural cross ventilation single aspect units are to have a maximum depth of 10m 25% of kitchens are to have an external wall for natural ventilation and light >90% of units are to have a 4.5 star NatHERS rating with 10% achieving a 3.5 star rating 	100% - all units have dual aspects N/A – no single aspect units >25% 4.5 star rating = 90% 3.5 star rating = 10%	YES YES YES YES YES
Part 5 Parking and vehicular access:		
Car parking (min):		

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• resident spaces	54 spaces	YES
• 7 visitor spaces	7 spaces	YES
• 61 total spaces	61 spaces	YES

Part 4.2 Density

The development proposes a floor space ratio of 1.397:1 and reflects the desired future character of the area. The density is appropriate for the site and can be serviced adequately by existing physical infrastructure with no adverse impact to the area. Each dwelling within the development will be afforded appropriate solar access and cross ventilation due to the considered size and layout. The floor area of the development is slightly larger than anticipated, however, the departure is minimal in the numerical sense and indiscernible in the visual context. Accordingly, the proposed floor space ratio is acceptable.

Part 4.3 Setbacks:

The proposal complies with the side (western) and rear (southern) setback requirements of 6m. The subject site is a corner allotment with frontages of 77m and 50m to Marian Street and Caithness Street, respectively.

Pursuant to DCP55, the respective street frontages require a building line setback of 13-15m. In relation to Marian Street, being the primary frontage, the proposed setback is between 12.2m-19.8m. The proposed setback from the Caithness Street (secondary) frontage is between 10m-16m.

In relation to the proposed non-compliance with the setback from Marian Street, the following comments are made.

The Marian Street elevation of the building measures 55m in length. The building line setback is broken down as follows

43% - 12.2m setback,
28% - 14.2m setback,
17% - 19.8m setback,
9% - 13m setback.

Accordingly, 54% of the building line setback to Marian Street will be in excess of 13m.

The upper floor will be recessed from the perimeter of the building, and further setback from the Marian Street frontage by between 14.3m -22m. The ground floor of the building will be largely concealed from the street due to the fall of the site away from Marian Street and landscaping within the setback, reducing the overall height of building when viewed from Marian Street.

Recession of the central part of the building for up to almost 20m (19.8m on northern elevation to Marian Street) significantly reduces the perceived building mass by creating two pavilions at either end of the Marian Street elevation rather than reading as one continuous building. Extensive articulation and modelling of the building further assist in breaking up flat wall areas and reduce the bulk of built form to the street. The Marian Street setbacks will further maintain a 44m separation

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distance from the south facing windows of dwelling houses on the northern side of Marian Street. Retention of two 24m high blue gum trees and extensive landscaping are proposed within this setback.

In relation to the proposed non-compliance with the setback from Caithness Street, the following comments are made.

The Caithness Street elevation is approximately 26.5m in length and set back between 10-12m for the majority of the elevation, 14m for 3.3m in the centre of the elevation, then increases to 16.4 m for 4m (in excess of setback requirements) at the south-eastern corner of the building, where the site widens.

The site is irregular in shape, being narrow at the Marian and Caithness intersection and widening to the rear. As a result of this configuration, the setbacks vary considerably despite the uniformity of the building line, as reflected in the setbacks proposed.

To offset any undue dominance of built form the building has addressed the corner (at the narrowest point of the site) through effective building articulation that breaks down the size of the building at this point. Adequate area for deep soil landscaping is provided within the setback. The building will be separated from the west facing windows of the dwelling house at 24 Marian Street by 22m and provides adequate separation for privacy. It is further noted that DCP55 allows for a lesser setback on streets less than 12m wide, such as Caithness Street. Accordingly, the setback proposed is acceptable.

Having regard to the above, the setbacks of the proposed development are satisfactory, and consistent with the objectives of DCP 55.

Part 4.4 Built form and articulation:

The total building width to the Marian Street frontage is greater than 36m but reads to the street as two pavilions due to the recession of the central part of the building (19.5m from the Marian Street frontage and 21m from the southern (rear) boundary). This reduces the overall perceived scale and bulk of built form and provides for extensive landscaped outdoor areas contributing to on site amenity and occupants of the development.

The elevations are strongly modelled and articulated. This is mainly achieved through recessed and projecting balconies, a deep central recess, and the increased setback of the upper floor which contributes to reducing overall scale.

Pedestrian entrances to Marian Street are defined by pathways and visible entry points to the site providing satisfactory address to the street.

Part 4.5 Residential amenity

Unit numbers 1, 4, 7, 10, 16, 19, 22, 25 towards the centre of the building have a maximum separation distance of 9.5m between family room windows. The primary windows for these rooms are located along the northern elevation and these family rooms are further separated by private

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patio areas with established screening between them comprising a dense area of screen planting 2m in width. It is not considered that this departure will result in any adverse amenity or privacy impacts to occupants of these units nor would it compromise the objectives of DCP 55.

Development Control Plan 31 – Access

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

Development Control Plan 40 – Construction and Demolition Waste Management

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

Development Control Plan No. 43 – Car Parking

Matters for assessment under DCP 43 have been taken into account in the assessment of this application against DCP 55.

Development Control Plan 47 – Water Management

Matters for assessment under DCP 47 have been taken into account in the assessment of this application by Council's Engineering Assessment Team Leader, who raises no objection to the proposal, subject to conditions.

Section 94 Plan

The development attracts a section 94 contribution of \$759,946.08, which is required to be paid by **Condition No. 83**.

This figure is calculated on the following basis, utilising the Ku-ring-gai Section 94 Contributions Plan 2004-2009 Residential Development as of 30 June 2004:

- 27 very large dwellings (150m² or larger) – 3 existing dwellings = \$759,946.08.

LIKELY IMPACTS

All likely impacts have been assessed elsewhere in this report.

SUITABILITY OF THE SITE

The site is suitable for the proposed development.

ANY SUBMISSIONS

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

PUBLIC INTEREST

The approval of the application is considered to be in the in the public interest.

ANY OTHER RELEVANT MATTERS CONSIDERATIONS NOT ALREADY ADDRESSED

There are no other matters for discussion.

CONCLUSION

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

RECOMMENDATION

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

THAT the Council, as the consent authority, grant development consent to DA 1243/04 for the demolition of three (3) residential dwellings and construction of a five (5) storey residential flat building containing twenty seven (27) units and basement car parking for sixty one (61) vehicles on land at 26-30 Marian Street, Killara, on a Deferred Commencement basis, for a period of two (2) years from the date of the Notice of Determination subject to the following conditions:

SCHEDULE A

1. In order to activate the consent, the Applicant shall obtain a resolution from Ku-ring-gai Council that it will consent to the extinguishment of the existing Council easement(s) for drainage which currently burden the subject property. As the easement for drainage will no longer be required over the subject site (pipes are to be re-diverted in the frontage road reserve), approval is not required to re-create easements for drainage on the subject property. Councils Technical Services department will be responsible for preparing the necessary report to Council regarding the extinguishment of the existing easement burdening the site, subject to payment of the adopted fee for the preparation of such reports.

NOTE: The matters referred to in Schedule A must be completed to Council's satisfaction within TWO YEARS from the date of this Deferred Commencement Approval before the Consent operates.

NOTE: It is the applicant's responsibility to check the title of the subject land to establish if the application is affected by any easements, covenants or restrictions on the use of the land that may affect the proposed structure.

THIS CONSENT will be ISSUED SUBJECT TO CONDITIONS OF APPROVAL as specified hereunder in Schedule B.

This permit shall be read in conjunction with the approved plans and specifications.

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The following conditions specified hereunder in Schedule B shall be imposed on Development Application.

SCHEDULE B

GENERAL CONDITIONS

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

Dwg No:	Rev.	Description	Author	Dated	Lodged
DWG 01	A	Roof, Site & Location Plans	Ercole Palazzetti Pty Ltd	Oct 2004	26-11-2004
DWG 02	A	Car ParkBasement 1	Ercole Palazzetti Pty Ltd	Oct 2004	26-11-2004
DWG 03	A	Car Park Basement 2 -	Ercole Palazzetti Pty Ltd	Oct 2004	26-11-2004
DWG 04	B	Ground Floor	Ercole Palazzetti Pty Ltd	Oct 2004	18-02-2005
DWG 05	A	Levels 1, 2 & 3	Ercole Palazzetti Pty Ltd	Oct 2004	26-11-2004
DWG 06	A	Level 4	Ercole Palazzetti Pty Ltd	Oct 2004	26-11-2004
DWG 07	A	Sections A-A & B-B	Ercole Palazzetti Pty Ltd	Oct 2004	26-11-2004
DWG 08	A	Elevations (N&E)	Ercole Palazzetti Pty Ltd	Oct 2004	26-11-2004
DWG 09	A	Elevations (S&W)	Ercole Palazzetti Pty Ltd	Oct 2004	26-11-2004
DWG 10	A	Site Analysis Plan	Ercole Palazzetti Pty Ltd	Oct 2004	26-11-2004

2. The approved building shall not be occupied unless the development has been completed in accordance with all conditions of consent and the approved plans and a Occupation Certificate has been issued.
3. The opening of any footway, roadway, road shoulder or any part of the road reserve shall not be carried out without a Road Opening Permit being obtained from the Council (upon payment of the required fee) beforehand.
4. 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.

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5. 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.

6. 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.
7. A sign shall be erected in a prominent position on the site which states the name and contact details of the Principal Certifying Authority.
8. All excavations shall be properly guarded and protected with hoardings or fencing to prevent them from being dangerous to life and property.
9. To maintain existing ground levels all excavated material shall be removed from the site.
10. 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.
11. No rock breaking or other machinery for the excavation, drilling or removal of rock shall be used on the site without the prior approval of the Principal Certifying Authority. Should rock breaking or associated machinery be required, the following details are to be submitted to the Principal Certifying Authority for consideration:
- a. The type and size of machinery proposed.
 - b. The routes of all trucks to convey material to and from the site.
 - c. A report by a Geotechnical Engineer detailing the measures recommended in undertaking the work so as to prevent any damage to any adjoining or nearby buildings.
12. The applicant is advised that the Construction Certificate plans and specifications must comply with the provisions of the Building Code of Australia.
13. All excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with appropriate professional standards.

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

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.

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.

15. 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.
16. To maintain residential amenity, all electrical services to the site are to be provided underground and must not disturb the root system of any trees. Please contact the energy supply authority's local customer service office to obtain documentary evidence that the authority has been consulted and that their requirements have been met. This information is to be submitted to Council prior to the release of the Occupation Certificate.
17. If the work involved in the erection or demolition of a building:
 - a. is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or
 - b. building involves the enclosure of a public place, a hoarding or fence must be erected between the work site and the public place.

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

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

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

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

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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 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. Where a new development is not commencing immediately following demolition, the demolition shall be limited to the extent of the footprint of the building/s on the site and no excavation shall be carried out.
23. Demolition work, including removal of material or debris from the site, on any building in a residential area shall only be carried out during the following hours: Mondays to Fridays inclusive: 7.00am to 5.30pm. Saturdays: 8.00am to 12.00 noon. Sundays and Public Holidays: Not Permitted.
24. 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.

25. Erosion control measures shall be provided on demolition sites to prevent the siltation of watercourses and drainage systems.
26. Dust control measures shall be taken on all demolition sites so as to avoid a nuisance to adjoining properties and harm to the environment.
 - a. A person taking down or demolishing or causing to be taken down or demolished any building or portion of any building shall:
 - i. cause the windows or other openings in the external walls to be close boarded or otherwise covered;
 - ii. cause screens of canvas, hessian, boards, mats or other suitable material to be fitted in appropriate locations;
 - iii. cause areas, components and debris to be wetted down; in such a manner as to minimise, as far as practicable, the nuisance arising from the escape of dust during such taking down or demolition.

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- b. Such person shall not chute, throw or let fall or cause to chute, throw or let fall from the floor to floor or into any basement of such building any building materials or any other matter so as to cause dust to escape from the building or cause any such material to fall or cast upon a public way to the annoyance, inconvenience, or danger of persons using such public way.
- 27. 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.
 - 28. A temporary construction exit and sediment trap to reduce the transport of sediment from the site onto public roads shall be provided before demolition commences.
 - 29. All combustible material shall be removed from the site on a daily basis. Material shall not be burnt on the site.
 - 30. Materials salvaged from a demolition may be stored on site provided they are non combustible, neatly and safety stockpiled and not likely to become a harbourage for vermin.
 - 31. Trees and vegetation on a site shall not be disturbed except with the approval of the Council.
 - 32. Fire hoses are to be maintained on site during the course of demolition.
 - 33. Adequate precautions shall be taken to ensure the protection of adjoining premises and persons therein from damage and injury during the process of demolition.
 - 34. A traffic management plan shall be submitted to and approved by the Principal Certifying Authority, where major demolitions are likely to impact on arterial or main roads.
 - 35. Buildings built prior to the 1970's may contain lead based paint. Lead dust is a hazardous substance. You are advised to follow the attached WorkCover guidelines to prevent personal and environmental contamination.
 - 36. The applicant or builder/developer is responsible for the cost of making good any damage that may be caused to any Council property as a result of work associated with the demolition.
 - 37. A photo record of the buildings to be demolished and vegetation on site is to be submitted to Council for archival purposes.
 - 38. 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.

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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.

39. All demolition materials of value for re-use either on-site or elsewhere, shall be separated and made available for re-cycling.
40. The burning of undergrowth, foliage, building refuse and like matter on the site is prohibited.
41. Sites shall not be re-shaped, re-contoured, excavated nor the levels on any part of the site altered without the Consent of the Council being obtained beforehand.
42. For the purpose of health and amenity, effective measures are to be taken at all times to prevent any nuisance being caused by noise, vibrations smells, fumes, dust, smoke, waste water products and the like.
43. A Tree Preservation Order exists within the Ku-ring-gai Council area whereby the removal, lopping or destruction of any tree exceeding 5.0 metres in height or 4.0 metres in canopy spread (except where exempt as defined under Council's Tree Preservation Order) without prior written consent of Council is prohibited.

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

44. The landscape works shall be completed prior to issue of the Occupation Certificate and maintained in a satisfactory condition at all times.
45. Landscape works shall be carried out in accordance with Landscape Drawing No DA-L-01 Rev B, DA-L-02 Rev B and DA- 1-03 Rev A, prepared by Oculus and dated 19/11/2004 submitted with the Development Application, except as amended by the following:
 - The Eucalyptus saligna (Bluegum) proposed immediately adjacent to the western side of the proposed building is to be relocated so that it is no closer than 5.0m from the building footprint, but still within the western side area.
 - The proposed planting adjacent to the western site boundary is to include an additional eight (8) Elaeocarpus reticulatus (Blueberry Ash) to enhance privacy and neighbour amenity. The proposed planting is to be spread over the western site boundary length rather than grouped together in one location.
 - An additional Eucalyptus saligna (Bluegum) is to be planted adjacent to the south western site corner within the proposed garden bed.

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- The proposed *Eucalyptus saligna* (Bluegum) located adjacent to the proposed driveway and eastern site boundary is to be replaced with a *Nyssa sylvatica* (Tupelo). The tree is to be located so that it is no closer than 3.0m from any structure including the proposed drainage pit and existing retaining walls.
- The planting adjacent to the southern/rear site boundary is to be supplemented with an additional three *Angophora floribunda* (Rough barked apple). The trees are to be planted within the proposed garden bed areas. A minimum pot size of 15 Litre is required.
- The proposed garden bed/planting area adjacent to the western site boundary is to have a minimum width of 2.0m to allow adequate area for the establishment and growth of screen planting and tree replenishment.

46. Canopy and/or root pruning of the following tree/s which is necessary to accommodate the approved building works shall be undertaken by an experienced and practicing Arborist/Horticulturist, with a minimum qualification of the Horticulture Certificate or Tree Surgery Certificate:

Tree/Location

No's 6, 31, 32 *Eucalyptus saligna* (Bluegum)
Adjacent to the Marian St/Northern site frontage

47. 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.

48. No tree roots of 50mm or greater in diameter located within the specified radius of the trunk/s of the following, tree/s shall be severed or injured in the process of any site works during the construction period. Tree numbers refer to Tree Survey plan submitted with the development application.

Tree/Location

Radius From Trunk

No's 31, 32, 6 *Eucalyptus saligna* (Bluegum)
Adjacent to the Marian St/Northern site frontage

9.0m

No.34 *Nyssa sylvatica* (Tupelo)
Adjacent to south east site corner

4.0m

No's 27, 28, 29 *Jacaranda mimosifolia* (Jacaranda)
Marian St nature strip planting

3.0m

No.21 *Cupressus macrocarpa* (Lamberts Cypress)
Adjacent to western site boundary

3.0m

No.16 *Cedrus deodar* (Himalayan Cedar)

4.0m

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Adjacent to southern site boundary

No.15 *Cedrus deodar* (Himalayan Cedar) 4.0m

Adjacent to southern site boundary

No.4 *Agonis flexuosa* (Weeping Myrtle) 4.0m

Adjacent to southern site boundary in
neighbouring property

No.3 *Melaleuca bracteata* (White Cloud Tree) 3.0m

Adjacent to southern site boundary

No.2 *Tibouchina lepidota* 'Alsonville' 3.0m

Adjacent to southern site boundary

No.1 *Magnolia soulangeana* (Soul's magnolia) 3.0m

Adjacent to southern site corner

No.33 *Cornus florida* (Dogwood) 4.0m

Adjacent to south east site corner

49. The trees to be retained shall be inspected, monitored and treated when necessary by a qualified Arborist before, during and after completion of development works to ensure their long term survival. Regular reports from the Arborist to the principal certifying authority with a copy to Council shall be required at quarterly/three monthly intervals. Documentary evidence of compliance with this condition shall be submitted to Council with the Occupation Certificate.

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

Tree/Location

Radius From Trunk

No.'s 31, 32, 6 *Eucalyptus saligna* (Bluegum)

8.0m on site or 4.0m within Council's
nature strip

Adjacent to the Marian St/Northern site frontage

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

Tree/Location

Radius From Trunk

No.'s 31, 32, 6 *Eucalyptus saligna* (Bluegum)

8.0m on site

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Adjacent to the Marian St/Northern site frontage

No.34 *Nyssa sylvatica* (Tupelo) 4.0m
Adjacent to south east site corner

52. 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.
53. The following tree species shall be planted, at no cost to Council, in the nature strip fronting the property along Marian St and Caithness St. The trees are to be evenly spaced and planted as a formal avenue planting within the existing nature strip. The tree/s used shall be 25 litre container size specimen/s:

Tree Species

Jacaranda mimosifolia (Jacaranda) x 7
(Four in Marian St and three in Caithness St)

54. Transplanting of the following trees/shrubs shall be directly supervised by an experienced Arborist/Horticulturist with a minimum qualification of the Horticulture Certificate or Tree Surgery Certificate.

Species/Location

No.30 *Magnolia soulangeana* ((Soul's Magnolia)
Within proposed building footprint adjacent to western site boundary

55. On completion of the LANDSCAPE WORKS/TREE PLANTING OR SCREEN PLANTING, a Landscape Architect or qualified Landscape Designer shall submit a report certifying correct installation, faithful to the landscape plan to the Principal Certifying Authority with a copy to Council, prior to issue of final Certificate of Compliance.
56. 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.
57. Stormwater runoff from new hard surfaces generating runoff or landscaped areas that are not at natural ground level shall be piped to the (new) in ground street drainage system in Caithness Street, via the approved site stormwater management system. New drainage line connections shall conform and comply with the requirements described in sections 5.3 and 5.4 of Councils Water Management Development Control Plan 47. A pit shall be constructed to facilitate connection to the street drainage system.
58. A mandatory rainwater re-use tank system comprising stormwater tanks and rainwater tanks of minimum volume required in chapter 6 of Councils Water Management Development Control Plan 47 (DCP47), must be provided for the development. Retained water must be made available for garden irrigation, car washing, all toilet flushing and laundry use within

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each unit. A mains top-up shall be provided for periods of low rainfall, with a void space left for runoff storage purposes.

59. For stormwater control the overland flow path through the site (conveyed through the basement structure) must re-enter the downstream system so that the pre-developed overland flow regimes are maintained without detriment to downstream property. This will require the installation of suitable cut-off structures, re-grading, inlets and/or barriers that direct the overland flows to the drainage system in Caithness Street.
60. For stormwater control, 200mm wide grated channel/trench drains with heavy-duty removable galvanised grates are to be strategically placed to collect driveway runoff and must be connected to the main stormwater drainage system. The channel drain shall have an outlet of minimum diameter 150mm to prevent blockage by debris.
61. A maintenance period of six (6) months shall apply to all works in the public road reserve carried out by the applicant after works have been completed to Council's satisfaction. In that period, the applicant shall be liable for any section of the work which fails to perform in the manner outlined in Council's specifications, or as would reasonably be expected under the operating conditions.
62. Where required, the adjustment or additions 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.
63. All public footways and accessways 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.**
64. 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.
65. 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

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constructed to comply with Australian Standard 2890.1 – 2004 “Off-Street car parking” as a minimum requirement.

66. For the purpose of any further plan assessment and works inspections by Council engineers, the corresponding fees set out in Councils adopted Schedule of Fees and Charges are payable to Council. A re-inspection fee per visit may be charged where work is unprepared at the requested time of inspection, or where remedial work is unsatisfactory and a further inspection is required. Engineering fees must be paid in full prior to any final sign-off from Council.
67. 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. Applicant shall 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.
68. During construction, stormwater runoff must be disposed in a controlled manner that is compatible with the erosion and sediment controls on the site. Immediately upon completion of any impervious areas on the site (including roofs, driveways, paving) and where the final drainage system is incomplete, the necessary temporary drainage systems shall be installed to control runoff as far as the approved point of stormwater discharge. Such measures shall be to the satisfaction of the Principal Certifying Authority (PCA).
69. Geotechnical aspects of the development works, particularly excavation, support, retention and hydrogeological considerations must be undertaken in accordance with the recommendations of the Report on Geotechnical Investigation by Jeffery and Katauskas Consulting Engineers (refer report 18987Vrpt dated 5th November 2004) and the subsequent geotechnical investigations carried out for construction purposes.
70. The geotechnical and hydrogeological works implementation, inspection, testing and monitoring program for the construction works must be in accordance with the Report on Geotechnical Investigation by Jeffery and Katauskas Consulting Engineers (refer report 18987Vrpt dated 5th November 2004). Over the course of the works a qualified Geotechnical/hydrogeological Engineer must complete the following:
 - Further geotechnical investigations and testing recommended in the above report(s) and as determined necessary,
 - Further monitoring and inspection at the hold points recommended in the above report(s) and as determined necessary,
 - Written report(s) including certification(s) of the geotechnical inspection, testing and monitoring programs.
71. Approval is to be obtained from Ku-ring-gai Council Traffic Committee for any temporary public road closures and/or placement of cranes on public land.

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72. All construction traffic control and management measures shall be implemented in accordance with an approved *Construction Traffic Management Plan* to be submitted and approved by Council prior to the commencement of works. The Principal Certifying Authority shall monitor the traffic control and management situation over the course of construction works, and shall pay particular attention to traffic control during school drop off and collection hours. Where it is found that the Traffic control and management measures may be improved, this shall be undertaken under the supervision of qualified traffic control persons and in consultation with Council.
73. In order to allow unrestricted access for Council waste collection vehicles to the basement garbage storage/collection area, no doors or gates shall be provided in the access driveways to the basement carpark which would prevent this service.
74. All new public utility services, or appropriate conduits for the same, including electricity, gas, telephone, water and sewerage shall be provided underground by the developer in accordance with the specifications of the supply authorities.
75. Staging of trunk drainage diversion works must take place in the following sequence:
 1. Ku-ring-gai Council approves through resolution the extinguishment of the Council drainage easement through the site (in accordance with schedule A condition).
 2. Applicant prepares construction detail drainage plans for the new drainage line in the frontage road reserve, to Council specifications.
 3. Plans reviewed, approved and stamped by Council Technical Services department prior to commencement of **any** works within site and prior to issue of the Construction Certificate by the Principal Certifying Authority. Plan assessment and inspection fees paid to Council.
 4. The Council approved drainage works in the road reserve are completed by Applicant in accordance with terms of Council *Roads Act* approval and prior to commencement any works within the site. The existing operating Council drainage line through the site is maintained during pipe laying works in road reserve.
 5. The Council drainage line traversing site is decommissioned and new drainage line in road reserve made operative.
 6. Applicant may commence works in site to remove the decommissioned Council drainage system, subject to Principal Certifying Authority approval.
76. In order to achieve an acceptable fit with the nearby heritage items and the National Trust UCA, external masonry finishes to the basement and ground floor of the building are to be clad with face brick or stone. The colour of the face brick or stone is to be approved by Council. The colour should be an earthy tone and should be common in the immediate streetscape.

A colour scheme for the exterior colours of the external walls is to be submitted and approved by Council. The colour scheme should use two or three colours for the external walls to assist in blending the massing of the new building into the existing streetscape. Earthy recessive colours are suggested with one of two lighter colours.

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77. "Peep holes" shall be provided to the entrance doors of all units for personal security.

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

78. Prior to issue of the Construction Certificate, the Applicant must consolidate the existing four Torrens lots. Evidence of lot consolidation, in the form of a plan registered with Land and Property Information, must be submitted for approval of the Principal Certifying Authority prior to the issue of the Construction Certificate. The condition is imposed to ensure a continuous structure will not be placed across separate titles.
79. 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.

80. 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).
81. 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.

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82. Prior to commencing any construction or subdivision work, the following provisions of the Environmental Planning & Assessment Act, 1979 (the 'Act') are to be complied with:
- A Construction Certificate is to be obtained in accordance with Section 81A(2)(a) of the Act.
 - A Principal Certifying Authority is to be appointed and Council is to be notified of the appointment in accordance with Section 81A(2)(b) of the Act.
 - Council is to be notified in writing, at least two (2) days prior to the intention of commencing buildings works, in accordance with Section 81A(2)(c) of the Act.
 - Should the development be certified by a Principal Certifying Authority other than Council, a fee for each Part 4A Certificate is to be paid to Council on lodgement of those Certificates with Council.
83. A contribution is to be paid for the provision, extension or augmentation of community facilities, recreation facilities, open space and administration that will, or are likely to be, required as a consequence of development in the area.

TOTAL CONTRIBUTION FOR THIS DEVELOPMENT OF TWENTY-FOUR (24) ADDITIONAL DWELLINGS IS CURRENTLY \$759,946.08. The amount of the payment shall be in accordance with the Section 94 charges as at the date of payment. The charges may vary at the time of payment in accordance with Council's Section 94 Contributions Plan to reflect changes in land values, construction costs and the consumer price index.

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

1. Community Facilities (If Seniors Living \$412.07)	\$1 117.76
2. Park Acquisition and Embellishment Works - Killara	\$6 384.75
3. Sportsgrounds Works	\$1 318.32
4. Aquatic / Leisure Centres	\$27.82
5. Traffic and Transport	\$150.28
6. Section 94 Plan Administration	\$100.04

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

OCCUPANCY RATES FOR DIFFERENT DWELLING SIZES

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

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84. A report is to be submitted to Council and approved by the heritage officer prior to commencement of the work and prior to issue of a Construction Certificate.

The report is to be prepared by a heritage consultant included in the NSW Heritage Office list of recognized consultants or other suitably qualified consultants who have knowledge and experience in preparing archival recording documents.

The report is to be a bound A4 report and must include copies of drawings submitted with the application including site surveys and specialist reports such as heritage assessments, dilapidation report, and builders or engineers reports. Three copies of the report is to be submitted, one copy with negatives. Any archival documents such as family records, old photographs should also be included.

All photographs to be to be mounted, labeled and cross-referenced to the relevant site plan and floor plans and showing position of camera. A photographic recording sheet is to be included. Photographs of the following:

- Each elevation
- Photographs of specific details nominated by Council
- All structures on site such as sheds, outhouses and significant landscape features
- Several photographs of house from public streets or laneways including several views showing relationship to neighboring buildings.

Minimum requirements:

- Title page
- Statement of reasons the recording was made
- Location Plan showing relationship of site to nearby area
- Site plan to scale (1:200 – 1:500) showing all structures and site elements
- Floor Plan (1:100)
- Black & White archival quality photographs, contact prints with negatives and selected prints (one copy of negatives other copies with contact sheets and selected prints)
- Colour slides (one set)
- Colour photographs (one copy with negatives)

Digital images and CDs may be submitted as supplementary information.

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

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

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

86. A CASH BOND/BANK GUARANTEE of \$32 000.00 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

No's 31, 32, 6 *Eucalyptus saligna* (Bluegum) \$10 000.00 each
Adjacent to the Marian St/Northern site frontage

No.34 *Nyssa sylvatica* (Tupelo) \$2 000.00
Adjacent to south east site corner

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

The location and details of the footings shall be submitted to the principal certifying authority and be approved prior to release of the Construction Certificate.

Tree/Location

Radius in Metres

No's 31, 32, 6 *Eucalyptus saligna* (Bluegum) 8.0m
Adjacent to the Marian St/Northern site frontage

No.34 *Nyssa sylvatica* (Tupelo) 4.0m
Adjacent to south east site corner

88. Prior to issue of the Construction Certificate the Applicant must have engineering plans and specifications prepared (to a detail satisfactory for construction) and **approved by** Council engineers, which detail the following infrastructure works required in Marian Street and Caithness Street:

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- A fully new in-ground piped drainage system in Marian Street and Caithness Street, comprising inlet/junction pits and Reinforced concrete piping of nominal 750mm diameter, at suitable alignment to avoid damage to significant trees and accommodate existing services. This drainage line is to replace the Council drainage system which currently traverses the subject site.
- Construction of a fully new concrete footpath, minimum 1.2 metres wide or as directed, over the full site frontage on Caithness Street.

Development Consent under the EP&A Act does NOT give approval to these works on Council property. **THE APPLICANT MUST OBTAIN A SEPARATE APPROVAL UNDER SECTION 138 AND 139 OF THE ROADS ACT 1993** for the works in the Road Reserve, required by this consent. The Construction Certificate must not be issued, and these works must not proceed, until Council has issued a formal written consent under the *Roads Act 1993*. Construction of the works must proceed in accordance with any conditions attached to the Council *Roads Act 1993* approval. All works are to be designed in accordance with the *General Specification for the Construction of Road and Drainage Works in Ku-ring-gai Council*, dated November 2004 and Council Water Management DCP 47, chapter 9. The drawings must detail existing services and trees affected by the works, erosion control requirements and traffic management requirements during the course of works. Traffic management is to be certified on the drawings as being in accordance with the documents SAA HB81.1 – 1996 – Field Guide for Traffic Control at Works on Roads – Part 1 and RTA Traffic Control at Work Sites (1998).

A minimum of three (3) weeks will be required for assessment of Roads Act submissions. Early submission is highly recommended to avoid delays in obtaining a Construction Certificate. An engineering assessment and inspection fee (set out in Council's adopted fees and charges) is payable and Council will withhold any consent and approved plans until full payment of the correct fees. Plans and specifications must be marked to the attention of Council's Development Engineers. In addition, a copy of this condition must be provided, together with a covering letter stating the full address of the property and the accompanying DA number.

89. Prior to issue of the Construction Certificate, the approved drainage works must be completed in the road reserve, in accordance with the Council approved *Roads Act 1993* drawings, conditions and specifications. The works must be supervised by the applicant's designing engineer and the works shall be completed and approved in full to the satisfaction of Council's Engineers. The supervising consulting engineer is to provide certification upon completion that the works were constructed in accordance with the Council approved drawings. The works are also to be subject to inspection by Council at the hold points noted on the approved drawings. Any conditions attached to the approved drawings for these works must be met in full. At the completion of these works the existing Council drainage line traversing the subject site must be decommissioned. A letter from Ku-ring-gai Council stating that the works have been completed in full and this condition has been satisfied must be submitted to the Principal Certifying Authority prior to issue of any Construction Certificate.

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90. Prior to issue of the Construction Certificate the Applicant must consolidate the existing Torrens lots which will form the development site. Evidence of lot consolidation, in the form of a plan registered with Land and Property Information, must be submitted for approval of the Principal Certifying Authority prior to issue of the Construction Certificate. This condition is imposed to ensure continuous structures will not be placed across separate titles.
91. Prior to issue of the Construction Certificate any security gate, grille or door shown on the DA plans, which would prevent unrestricted access for Council waste collection vehicles to the basement garbage storage/collection area, must be deleted from the plans to be approved with the Construction Certificate. Such details shall be to the satisfaction of the Principal Certifying Authority (PCA).
92. Prior to issue of the Construction Certificate, a plan detailing services trenches in accordance with the relevant supply authorities (including electricity, gas, telephone, water and sewerage), shall be submitted for approval by the Principal Certifying Authority (PCA). The notice of requirements for Sydney Water must be obtained prior to issue of the Construction Certificate.
93. Prior to issue of the Construction Certificate the Applicant shall contact Energy Australia regarding power supply for the subject development. A written response detailing the full requirements of Energy Australia (including cabling, need for substations or similar within the development) shall be submitted to the Principal Certifying Authority (PCA) for approval prior to Construction Certificate issue. Any structures or requirements of Energy Australia shall be reflected on the plans issued with the Construction Certificate to the satisfaction of the PCA. The requirements of the utility provider shall be met in full prior to issue of the Occupation Certificate.
94. Prior to issue of any Construction Certificate the applicant shall submit, for approval by the Principal Certifying Authority (with a copy forwarded to Council) a full dilapidation report on the visible and structural condition of all neighbouring buildings within the 'zone of influence' of the excavation. This is to be defined as the horizontal distance from the edge of the excavation face to twice the excavation depth. The report must be completed by a consulting structural/geotechnical engineer as determined necessary by that professional based on the excavations for the proposal and the recommendations of the submitted Report on Geotechnical Investigation by Jeffery and Katauskas Consulting Engineers (refer report 18987Vrpt dated 5th November 2004). A second dilapidation report, recording structural conditions of all structures originally assessed prior to issue of the Construction Certificate, must be carried out at the completion of the works and be submitted to Council. The report shall have regard to protecting the Applicant from spurious claims for structural damage and shall be verified by all stakeholders as far as practicable.
95. Prior to issue of the Construction Certificate, footpath and driveway levels for the required driveway crossing between the property boundary and road alignment must be obtained from Council. Such levels are only able to be issued by Council under the *Roads Act 1993*. All footpath crossings, laybacks and driveways are to be constructed according to Council's specifications "Construction of Gutter Crossings and Footpath Crossings" or as specified by

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Council. These are issued with alignment levels after completing the necessary application form at Customer Services and payment of the adopted fee.

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

96. Prior to issue of the Construction Certificate the applicant shall submit, for approval by the Principal Certifying Authority (PCA), a Soil and Erosion Control Plan prepared in accordance with the LANDCOM document "Soils and Construction" (2004). A suitably qualified and experienced civil/environmental engineer or surveyor shall prepare this plan in accordance with the above guidelines and section 8.2.1 of Councils Water Management DCP 47 (available on the Council website). The design may be generally in accordance with the Concept Stormwater Management & Environmental Site Management Concept Plans, C1A, C2D, C3A, C4A & C5A, dated November 2004 and February 2005, by Appleyard Forrest Consulting Engineers submitted with the development application, and advanced as necessary for construction issue purposes.
97. Prior to issue of the Construction Certificate the applicant shall submit, for approval by the Principal Certifying Authority (PCA), construction details and specifications for the proposed overland flow conveyance structures through the site. The plans, with all supporting documentation, are to be prepared by a qualified and experienced civil/hydraulic engineer who shall recommend an appropriate design storm event (1:100 year storm as an absolute minimum) in order to reasonably protect all ground floor units from inundation over the life of the development. Inlet pits for the system on the upstream side of the basement must be located on common property.
98. Prior to issue of the Construction Certificate the applicant shall submit, for approval by the Principal Certifying Authority (PCA), construction details for the proposed method of achieving Council requirements for the mandatory re-use of water on the property including general garden irrigation, carwashing, laundry and toilet flushing within each unit. The necessary plumbing components for re-use, including pumps and back up power supply in the event of blackout, shall be shown on these plans to a detail suitable for installation by the plumbing services contractors. The plans, with all supporting documentation, are to be prepared by a qualified and experienced civil/hydraulic engineer.

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99. Prior to issue of the Construction Certificate the applicant shall submit, for approval by the Principal Certifying Authority (PCA), full construction drawings for the proposed method of achieving Council storage volume requirements for the on-site stormwater retention system. The minimum storage volumes and designs shall comply with Councils Water Management DCP 47 (available on the Council website and at Council customer services), any manufacturers' specifications and the relevant plumbing codes. Rainwater tank(s) shall be designed to capture and retain runoff from the entire roof area as a minimum. Overflow shall revert to the main drainage system. The design and construction plans, with all supporting documentation, are to be prepared by a qualified and experienced civil/hydraulic engineer. The design is to be in accordance with the Concept Stormwater Management & Environmental Site Management Concept Plans, C1A, C2D, C3A, C4A & C5A, dated November 2004 and February 2005, by Appleyard Forrest Consulting Engineers submitted with the development application, and advanced as necessary for construction issue purposes.
100. Prior to issue of the Construction Certificate the applicant shall submit, for approval by the Principal Certifying Authority (PCA), construction design drawings and calculations for the property drainage system components. The property drainage system (including but not limited to gutters, downpipes, pits, joints, flushing facilities and all ancillary plumbing) shall be designed for a 235mm/hour rainfall intensity for a duration of five (5) minutes (1:50 year storm recurrence) and shall be compatible with the necessary retention and detention devices. Plans and calculations are to be prepared by a suitably qualified and experienced civil/hydraulic engineer in accordance with Councils Water Management Development Control Plan 47. New connection points to the Council drainage system must be shown accurately on the plan and shall be made in accordance with the *General Specification for the Construction of Road and Drainage Works in Ku-ring-gai Council*, dated November 2004. The design of these drainage components may be in accordance with the Concept Stormwater Management & Environmental Site Management Concept Plans, C1A, C2D, C3A, C4A & C5A, dated November 2004 and February 2005, by Appleyard Forrest Consulting Engineers submitted with the development application, and advanced as necessary for construction issue purposes.
101. **Prior** to the issue of a Construction Certificate the applicant shall lodge a \$50,000 (fifty thousand dollar) public infrastructure damage bond with Council. This bond is applied under Section 97 of the Local Government Act to cover the restoration by Council of any damage to public infrastructure not repaired in full, caused as a result of construction works, in close proximity to the subject development. The bond will also cover the finishing of any incomplete works required in the road reserve under this consent and/or as part of the approved development. The bond shall be refundable following completion of **all** works relating to the proposed development and **at the end of any maintenance period** stipulated by consent conditions upon approval by Council's Engineers. Further, Council shall have full authority to make use of the bond for such restoration works as deemed necessary by Council in the following circumstances:
 - 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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- c) Works in the public road associated with the development are to an unacceptable quality.
102. Prior to issue of the Construction Certificate for any works excluding excavation and site clearing, the applicant shall submit, for approval by the Principal Certifying Authority (PCA), revised plans for the basement and external vehicle access and accommodation arrangements. These plans shall incorporate the following details:
- a) Removal of all doors, grates or security grilles which would prevent access to the respective garbage collection and visitor parking areas within each building. This requirement is specified in Councils DCP 40 and DCP 55.
103. Prior to issue of the Construction Certificate the Applicant shall submit, for approval by the Principal Certifying Authority (PCA), a scale dimensioned layout plan for all aspects of the vehicle access and accommodation arrangements. A qualified civil/traffic engineer must provide specific written certification with these parking layout plans that:
- a) All parking space dimensions, driveway and aisle widths, grades, transitions, circulation ramps, blind aisle situations and trafficked areas comply with Australian Standard 2890.1 – 2004 “Off-street car parking”.
 - b) A height clearance of 2.5 metres headroom requirement under DCP40 for waste collection trucks over the designated garbage collection truck manoeuvring areas.
 - c) No doors or gates are to be provided in the access driveways to the basement carpark which would prevent unrestricted access for internal garbage collection from the basement garbage storage area.

CONDITIONS TO BE COMPLIED WITH PRIOR TO WORK COMMENCING

104. 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.
105. To preserve the following tree/s, no work shall commence until the area beneath the canopy of the following tree/s is fenced off at the specified radius from the trunk to prevent any activities, storage or the disposal of materials within the fenced area. The fence/s shall be maintained intact until the completion of all demolition/building work on site.

Tree/Location	Radius in Metres
No.34 <i>Nyssa sylvatica</i> (Tupelo) Adjacent to south east site corner	4.0m
No.27, 28, 29 <i>Jacaranda mimosifolia</i> (Jacaranda) Marian St nature strip planting	3.0m
No.21 <i>Cupressus macrocarpa</i> (Lamberts Cypress) Adjacent to western site boundary	3.0m

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No.16 <i>Cedrus deodar</i> (Himalayan Cedar) Adjacent to southern site boundary	4.0m
No.15 <i>Cedrus deodar</i> (Himalayan Cedar) Adjacent to southern site boundary	4.0m
No.4 <i>Agonis flexuosa</i> (Weeping Myrtle) Adjacent to southern site boundary in neighbouring property	4.0m
No.3 <i>Melaleuca bracteata</i> (White Cloud Tree) Adjacent to southern site boundary	3.0m
No.2 <i>Tibouchina lepidota</i> 'Alsonville' Adjacent to southern site boundary	3.0m
No.1 <i>Magnolia soulangeana</i> (Soul's magnolia) Adjacent to southern site corner	3.0m
No.33 <i>Cornus florida</i> (Dogwood) Adjacent to south east site corner	4.0m

106. To preserve the following tree/s, no work shall commence until the area beneath the canopy of the following tree/s excluding that area of the existing pedestrian footpath and roadway shall be fenced off for the specified radius from the trunk to prevent any activities, storage or the disposal of materials within the fenced area. The fence/s shall be maintained intact until the completion of all demolition/building work on site:

Tree/Location	Radius From Trunk
No.'s 31, 32, 6 <i>Eucalyptus saligna</i> (Bluegum) Adjacent to the Marian St/Northern site frontage	8.0m

107. 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.
108. Upon completion of the installation of the required tree protection measures you are required to contact the principal certifying authority to arrange an inspection of the site. Following the carrying out of a satisfactory inspection and subject to the payment of all relevant monies and compliance with any other conditions of approval, work may commence.
109. Prior to the commencement of any works on site the applicant shall submit **to Council** a full dilapidation report on the visible (**including photos**) and structural condition of the following public infrastructure:

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- a) Full road pavement width, including kerb and gutter, of Marian Street and Caithness Street over the site frontage, including the full intersection.
- b) All driveway crossings and laybacks opposite the subject site.

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

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

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

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

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

1. A plan view of the entire site and frontage roadways indicating:
 - Dedicated construction site entrances and exits, controlled by a certified traffic controller, to safely manage any pedestrians and construction related vehicles in the frontage roadways,
 - Turning areas within the site for construction and spoil removal vehicles, allowing a forward egress for all construction vehicles on the site,
 - The locations of any Work Zones in the frontage roadways,
 - Location of proposed crane standing areas
 - A dedicated unloading and loading point within the site for all construction vehicles, plant and deliveries
 - Material, plant and spoil bin storage areas within the site, where all materials are to be dropped off and collected.
 - The provision of an on-site parking area for employees, tradesperson and construction vehicles where possible
2. Traffic Control Plan(s) for the site
 - All traffic control devices installed in the road reserve must be in accordance with the RTA publication “Traffic Control Worksite Manual” and designed by a person

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- licensed to do so (minimum RTA 'red card' qualification). The main stages of the development requiring specific construction management measures are to be identified and specific traffic control measures identified for each.
- Approval is to be obtained from Ku-ring-gai Council for any temporary road closures or crane use from public property.
3. A detailed description and route map of the proposed route for vehicles involved in spoil removal, material delivery and machine floatage must be provided.
- Light traffic roads and those subject to a load or height limit must be avoided at all times.
 - A copy of this route is to be made available to all contractors, and shall be clearly depicted at a location within the site.

In addition, the plan must address:

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

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

111. If a Works Zone is proposed, the Applicant must make a written application to the Ku-ring-gai Local Traffic Committee to install the 'Work Zone'. The application must be made at least 15 days prior to the commencement of any works on site approved under this consent. Works Zones are provided specifically for the set down and pick up of materials and not for the parking of private vehicles associated with the site. Works Zones will generally not be approved where there is sufficient space on-site for the setting down and picking up of goods being taken to or from a construction site. If the Works Zone is approved by the Committee, the Applicant must obtain a written copy of the related resolution from the Ku-ring-gai Local Traffic Committee and submit a copy of this to the Principal Certifying Authority for approval prior to commencement of any works on the site. Where approval of the 'Work Zone' is resolved by the Committee, the necessary 'Work Zone' signage shall be installed (at the cost of the Applicant) and the adopted fee paid prior to commencement of any works on

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the site. Further, at the expiration of the Works Zone approval, the Applicant is required to remove the Works Zone signs and reinstate any previous signs, all at the Applicant's cost.

CONDITIONS TO BE COMPLIED WITH PRIOR TO OCCUPATION

112. Prior to the release of any occupation certificate, a compliance certificate must be obtained from an accredited certifier, certifying that the building works for the building to be occupied comply with the plans and specifications approved by this development consent; and any construction certificate associated with this consent for the buildings to be occupied. If the PCA is not the Council, then this compliance certificate must be submitted to the Council at the same time as the occupation certificate is submitted to the Council in accordance with Clause 151(2) of the E P & A Act regulations.
113. Prior to issue of the Occupation Certificate, a complete record of geotechnical inspections, testing and monitoring with certifications as specified in the Report on Geotechnical Investigation by Jeffery and Katauskas Consulting Engineers (refer report 18987Vrpt dated 5th November 2004), and the professional geotechnical input over the course of the works, must be compiled in report format and submitted to the Principal Certifying Authority for approval.
114. Prior to issue of an Occupation Certificate the following works must be completed to the satisfaction of Council Engineers:
 - a) Completion of the new driveway crossing in accordance with levels and specifications issued by Council.
 - b) Completion of all new footpath works in accordance with the Council approved *Roads Act* plans.
 - c) Removal of **all** redundant driveway crossings and kerb laybacks (or sections thereof). Full reinstatement of these areas to footway, turfed verge and upright kerb and gutter to the satisfaction of Council. Reinstatement works shall match surrounding adjacent infrastructure with respect to integration of levels and materials.
 - d) Full repair and resealing of any road surface damaged during construction.
 - e) Full replacement of damaged sections of grass verge with a non-friable turf of native variety to match existing.

All works must be completed in accordance with the *General Specification for the Construction of Road and Drainage Works in Ku-ring-gai Council*, dated November 2004. Any damaged public infrastructure caused as a result of construction works on the subject site (including damage caused by, but not limited to, delivery vehicles, waste collection, contractors, sub contractors, concrete vehicles, crane use) must be fully repaired to the satisfaction of Council Engineers. This shall be at no cost to Council.

115. Prior to issue of an Occupation Certificate the Council approved footpath 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

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completion that the works were constructed in accordance with the Council approved drawings. The works are also to be subject to inspection by Council at the hold points noted on the approved drawings. Any conditions attached to the approved drawings for these works must be met in full. A letter from Ku-ring-gai Council stating that the works have been completed in full and this condition has been satisfied must be submitted to the Principal Certifying Authority prior to issue of any Occupation Certificate.

116. Prior to issue of an Occupation Certificate the Section 73 Sydney Water compliance certificate must be obtained and submitted to the Principal Certifying Authority (PCA).
117. Prior to issue of an Occupation Certificate a suitably qualified consulting civil/hydraulic engineer is to provide engineering certification for approval by the Principal Certifying Authority (PCA). The certification is to address each of the following aspects of the installed overland flow conveyance infrastructure:
 - a) That the overland flow conveyance infrastructure through the basement (culvert system) has been constructed to convey the design storm through the development site.
 - b) That the necessary overland flow inlet systems, cut-off structures, regrading of landscaped areas on the upstream and downstream sides of the basement structure are suitable to convey the overland flows through the site and back into the trunk drainage system downstream
 - c) That all enclosed floor areas, including habitable and basement levels, are safeguarded from outside stormwater runoff ingress by suitable differences in finished levels, gradings and provision of the suitable stormwater collection devices.
118. Prior to issue of an Occupation Certificate a suitably qualified consulting civil/hydraulic engineer is to provide engineering certification for approval by the Principal Certifying Authority (PCA). The certification is to make **specific reference** to each of the following aspects of the installed drainage and stormwater management measures:
 - a) That construction of the stormwater drainage and management systems has been carried out by a contractor licensed to do so.
 - b) That all necessary Sydney Water approvals have been obtained for the domestic use of reticulated water.
 - c) That the as-built retention systems achieve the design storage volumes approved by the Principal Certifying Authority with the Construction Certificate (engineer must complete the form in the appendices of DCP47 in relation to the system).
 - d) The as-built drainage layout (including pits, pipes and ancillary plumbing) is in accordance with the relevant stormwater management and drainage plans approved by the Principal Certifying Authority with the Construction Certificate,
 - e) The overall as built drainage and stormwater management systems will achieve the discharge control intent of the approved construction plans and Councils Water Management DCP47.
119. Prior to issue of an Occupation Certificate the applicant shall submit a Works-as-Executed (WAE) drawing(s) to the Principal Certifying Authority in relation to the installed stormwater drainage and managements systems. These plans shall show:

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- a) As built location and indicative internal dimensions of the retention structures on the property (plan view) and horizontal distances to nearest adjacent boundaries and buildings on site
- b) As built locations of all access pits and grates in the retention systems, including dimensions.
- c) The achieved capacity of the retention storages and derivative calculations.
- d) Top water levels of storage areas and indicative RL's through the escape flow path in the event of blockage of system.
- e) Size, depth and location of the overland flow path inlet pits, together with surface levels, invert levels and indicative grading levels in surrounding landscaped area.
- f) Location and dimensions of overland flow conveyance culverts through the basement structure.
- g) As built surface and invert levels for all drainage pits and junction points.
- h) Gradients of drainage lines, materials and sizes.
- i) As built level(s) at the approved point of discharge to the public drainage system.

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

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

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

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

121. Prior to occupation or issue of an Occupation Certificate the applicant shall create a Positive Covenant and Restriction on the Use of Land under Section 88B of the Conveyancing Act 1919, burdening the property with the requirement to maintain the on-site stormwater retention facilities on the property. The terms of the instruments are to be generally in accordance with the Council's draft terms of Section 88B instruments for protection of retention facilities - to the satisfaction of Council. Registered title documents showing the covenants and restrictions must be submitted and approved by the Principal Certifying Authority (PCA) prior to issue of an Occupation Certificate. It is assumed that the legal instruments will transfer to any future subdivision plan at the time of registration.

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122. Prior to issue of an Occupation Certificate the applicant shall create a Positive Covenant and Restriction on the Use of Land under Section 88B of the Conveyancing Act 1919, burdening the property with the requirement to maintain the overland flow path conveyance infrastructure provisions on the site. The restriction on use shall be worded to prevent any future interference with the overland flow infrastructure provisions - to the written satisfaction of Council. Registered title documents showing the covenants and restrictions must be submitted and approved by the Principal Certifying Authority (PCA) prior to issue of an Occupation Certificate. It is assumed that the legal instruments will transfer to any future subdivision plan at the time of registration.
123. Prior to issue of the Occupation 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. It is assumed that the legal instruments will transfer to any future subdivision plan at the time of registration.
124. Prior to issue of the Occupation Certificate, a qualified civil/traffic engineer must undertake a site inspection of the completed basement vehicle access and accommodation areas which shall include full dimension measurements as necessary. At the completion of this site inspection, this engineer shall provide certification to the Principal Certifying Authority that:
- a) Vehicle access and accommodation arrangements (including but not limited to space dimensions, aisle, ramp and driveway widths and grades, height clearances and the like) comply with Australian Standard 2890.1 – 2004 "Off-Street car parking" and
 - b) The revisions to the vehicle access and accommodation arrangements necessary under this consent, shown on the relevant approved Construction Certificate drawings, have been constructed, and
 - c) No security doors, grilles or gates are provided which would prevent access to the garbage storage area by Council's waste collection vehicle, including the truck manoeuvring area for forward egress.
125. Prior to issue of the Occupation Certificate the provision of separate underground electricity, gas, phone cable, sewer and water services shall be provided for the development in accordance with those utility providers. A suitably qualified and experienced engineer or surveyor is to provide certification to the Principal Certifying Authority that the development has ready underground access to the services of electricity, gas, phone cable, sewer and water. Alternatively a final compliance letter from the respective supply authorities may be supplied for approval.

BUILDING CONDITIONS

126. The following are required details and must be submitted to the Principal Certifying Authority *prior to issue of the Construction Certificate*. Any matter listed below must have a Certificate

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attached from a suitably qualified person to the effect that the design or matter complies with the relevant design Standard or Code which the Certificate must identify.

- a. Details prepared by a practicing structural engineer for all or any reinforced concrete, structural steel or timber framing.
- b. Wind bracing details complying with AS 1684-1992 National Timber Framing Code, AS 1170.2-1989 Wind Load Code or AS 4055-1992 Wind Loads for Housing Code.
- c. Retaining walls and associated drainage.
- d. Wet area waterproofing details complying with the Building Code of Australia.
- e. Mechanical ventilation details complying with Australian Standard 1668-1993 Mechanical Ventilation & Airconditioning.
- f. Glazing details complying with AS 1288-1989 Glass in Buildings and Installation Code.
- g. Stormwater disposal details complying with Council's Stormwater Management Manual and/or other conditions of this consent.

127. To ensure compliance with this determination the building shall be set out by a Registered Surveyor and the Survey Report shall be lodged with the Principal Certifying Authority prior to the external wall construction proceeding above floor level.

128. For the purpose of safety and convenience a balustrade of 1.0 metre minimum height shall be provided to any landing, verandah, balcony or stairway of a height exceeding 1.0 metre above finished ground level. The design may consist of vertical or horizontal bars but shall not have any opening exceeding 125mm. For floors more than 4.0 metres above the ground, any horizontal elements within the balustrade or other barrier between 150mm and 760mm above the floor must not facilitate climbing.

129. For the purpose of safe ingress and egress the stairs are to be constructed within the following dimensions:

Risers:	Maximum 190mm	Minimum 115mm
Going (Treads):	Maximum 355mm	Minimum 240mm

Note: Dimensions must also comply with limitations of two (2) Risers and one (1) going equalling a maximum 700mm or minimum 550mm. The Risers and Goings shall be uniform throughout the length of the stairway.

130. For fire safety an automatic fire detection and alarm system shall be installed throughout the dwelling in accordance with the following requirements:

- a. A smoke alarm system complying with Part 3.7.2 of the Building Code of Australia Housing Provisions; or
- b. Smoke alarms which:
 - i. comply with Australian Standard 3786 or listed in the Scientific Services Laboratory Register of Accredited Products (all accredited products should have scribed on them the appropriate accreditation notation); and
 - ii. are connected to the mains and have a standby power supply; and

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- iii. are installed in suitable locations on or near the ceiling and as prescribed under Part 3.7.2 of the Building Code of Australia Housing Provisions.

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

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

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

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

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

S Watson
Executive Assessment Officer

R Kinninmont
Team Leader
Development Assessment - South

M Prendergast
Manager
Development Assessment Services

M Miocic
Director
Development & Regulatory Services

Attachments: **Locality sketch**
 Site Plan
 Architectural Plans
 Landscape Plan
 Shadow Diagrams

NOTICE OF MOTION

CONSTRUCTION AND IMPACT ON RESIDENTS OF THE CHATSWOOD TO EPPING RAIL LINK - MAYOR TO WRITE TO PREMIER OF NSW

Notice of Motion from Councillor G Innes dated 15 April 2005.

I move:

"That the Mayor, on behalf of Council, write to the Premier of NSW regarding the construction of the Chatswood to Epping rail link, and its impact on residents of Ku-ring-gai, specifically those living in Lindfield and Roseville.

The letter should:

1. Recognise the State Government's role in the expansion of existing metropolitan rail infrastructure, but express Council's concern at the inconvenience and disturbance caused to Ku-ring-gai residents during the tunnel construction. Also recognise the efforts made by the Government and contractors to notify residents, and minimise the inconvenience caused.
2. Express Council's serious concern about the long-term impact on residents through:
 - (a) No provision of guaranteed compensation through a minimum value clause should property values not return to their former levels and above following the completion of construction. Such provision has been made for residents in other areas of Sydney when similar tunnels have been constructed.
 - (b) The decision not to line the tunnels with material which will reduce the noise and vibration made by trains when the tunnels are in use. Whilst construction noise is inconvenient, this longer-term issue will impact on the quiet enjoyment of affected residents, as well as on the resale value of their properties.
3. Seek an undertaking from the Government to reassess its decision not to line the tunnel with noise-reducing material."

RECOMMENDATION

That the above Notice of Motion as printed be adopted.

Graeme Innes
Councillor for Roseville Ward