



**ORDINARY MEETING OF COUNCIL  
TO BE HELD ON TUESDAY, 5 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](http://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 22 March 2005

Minutes numbered 77 to 98

## MINUTES FROM THE MAYOR

## PETITIONS

## REPORTS FROM COMMITTEES

### Minutes of Ku-ring-gai Traffic Committee

File: S02110

Meeting held 17 March 2005

Minutes numbered KTC4 to KTC6

### Minutes of Inspection Committee

File: S02110

Meeting held 2 April 2005

Minutes to be circulated separately

## 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 Council Meeting Cycle For Remainder Of 2005

1

File: S02355

To consider amending the Council Meeting Cycle for the remainder of 2005/early 2006 because of school holidays, Local Government Association Conference and the Christmas Recess.

#### **Recommendation:**

That Council's Meeting Cycle for the remainder of 2005/early 2006 be amended.

- GB.2 **Delegations Of Authority** 6
- File: S02017
- To grant to the General Manager, Delegations of Authority under Section 377 of the Local Government Act 1993.
- Recommendation:**
- To delegate to the General Manager those functions listed in Appendix A.
- GB.3 **Draft Cultural Plan** 22
- File: S02954
- To present the draft Cultural Plan to Council following the public exhibition period.
- Recommendation:**
- That the draft Cultural Plan be adopted by Council.
- GB.4 **Amendment To Development Control Plan No 55 - Nominated Area Provisions For Lindfield And Turramurra** 67
- File: S03730
- To present to Council draft planning controls for consideration to be incorporated into DCP55 to apply to the Milray Street Precinct in Lindfield and planning principles to apply to the Finlay Road, Lamond Avenue and Duff Street Precinct in Turramurra.
- Recommendation:**
- That Council adopts the design controls for the Milray Street precinct as a draft amendment to DCP55. That Council adopts the planning principles for the Finlay Road, Lamond Avenue and Duff Street precinct as a code under clause 33(d) of the KPSO.
- GB.5 **Draft Development Control Plan No 56 – Notification** 82
- File: S03673
- To present to Council draft Development Control Plan No 56 for consideration for exhibition.
- Recommendation:**
- That Draft Development Control Plan No 56 be exhibited.

**GB.6 Draft (Heritage Conservation) Local Environmental Plan No 29 - 27 Richmond Avenue And 400 Mona Vale Road, St Ives 108**

File: S03716

That Council consider Draft (Heritage Conservation) Local Environmental Plan No 29 (DLEP 29) following the exhibition period.

**Recommendation:**

That Council adopt Draft (Heritage Conservation) Local Environmental Plan No 29 and submit the Draft Plan to the Minister with a report under Section 69 of the Environmental Planning and Assessment Act with a request that the Plan be made.

**GB.7 Queen Elizabeth Reserve Remediation Tender 308**

File: S02946

For Council to authorise the selective tender process for Remediation works at Queen Elizabeth Reserve in accordance with the Environmental Management Plan, prepared documents and Section 55 of the Local Government Act (1993) as amended.

**Recommendation:**

That Council authorise the selective tender process for Remediation works at Queen Elizabeth Reserve in accordance with the Environmental Management Plan and prepared documents.

<b>GB.8</b>	<b>Adoption Of Masterplan For Carlotta Avenue Depot Site</b>	<b>311</b>
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File: S02054

To report to Council on the public exhibition of the draft Masterplan and traffic study for the redevelopment of the Carlotta Avenue Depot and to present a final Masterplan to Council for adoption.

**Recommendation:**

That Council adopt the Masterplan for the Council Depot site at Carlotta Avenue, Gordon as included in Attachment A.

That Section 7 of Development Control Plan No 55 be amended to incorporate the design controls contained in the Masterplan.

## EXTRA REPORTS CIRCULATED AT MEETING

**MOTIONS OF WHICH DUE NOTICE HAS BEEN GIVEN**

**BUSINESS WITHOUT NOTICE - SUBJECT TO CLAUSE 14 OF MEETING  
REGULATION**

**QUESTIONS WITHOUT NOTICE**

**INSPECTIONS COMMITTEE - SETTING OF TIME, DATE AND RENDEZVOUS**

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

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## COUNCIL MEETING CYCLE FOR REMAINDER OF 2005

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### EXECUTIVE SUMMARY

**PURPOSE OF REPORT:**

To consider amending the Council Meeting Cycle for the remainder of 2005/early 2006 because of school holidays, Local Government Association Conference and the Christmas Recess.

**BACKGROUND:**

Council has in the past resolved to amend its meeting cycle to take into account the school holiday breaks, the Local Government Association Conference and the Christmas Recess.

**COMMENTS:**

Options for Council's consideration.

**RECOMMENDATION:**

That Council's Meeting Cycle for the remainder of 2005/early 2006 be amended.

## PURPOSE OF REPORT

To consider amending the Council Meeting Cycle for the remainder of 2005/early 2006 because of school holidays, Local Government Association Conference and the Christmas Recess.

## BACKGROUND

The scheduled meeting cycle for the remainder of 2005 is:

April 2005 - Amended and resolved at Ordinary Meeting of Council held on 8 March 2005, Minute No 65:

5 April 2005	Ordinary Meeting of Council
12 April 2005	(transferred to 5 April 2005)
26 April 2005	Ordinary Meeting of Council

May 2005:

10 May 2005	Ordinary Meeting of Council
24 May 2005	Ordinary Meeting of Council

June 2005:

14 June 2005	Ordinary Meeting of Council
28 June 2005	Ordinary Meeting of Council

July 2005:

12 July 2005	Ordinary Meeting of Council
26 July 2005	Ordinary Meeting of Council

August 2005:

9 August 2005	Ordinary Meeting of Council
23 August 2005	Ordinary Meeting of Council

September 2005:

13 September 2005	Ordinary Meeting of Council
27 September 2005	Ordinary Meeting of Council

October 2005:

11 October 2005	Ordinary Meeting of Council
25 October 2005	Ordinary Meeting of Council

Item 1

S02355  
18 March 2005

November 2005:

8 November 2005	Ordinary Meeting of Council
22 November 2005	Ordinary Meeting of Council

December 2005

13 December 2005	Ordinary Meeting of Council
27 December 2005	Ordinary Meeting of Council

## COMMENTS

The school holiday periods for the remainder of 2005 are:

Autumn	Monday, 11 April 2005 to Monday, 25 April 2005
Winter	Monday, 4 July 2005 to Friday, 15 July 2005
Spring	Monday, 26 September 2005 to 7 October 2005
Summer	Thursday, 22 December 2005 to Friday, 27 January 2006

The Local Government Association Conference will be held from 22 October to 27 October 2005.

The scheduled Council meetings for the remainder of 2005 fall within these periods.

Council has in the past resolved to cancel scheduled meetings during school holidays.

Council could amend the meeting cycle for the remainder of the year, as follows:

### School Holidays: 4 July to 15 July 2005

12 July 2005	(transferred to 19 July 2005)
19 July 2005	Ordinary Meeting of Council
26 July 2005	Ordinary Meeting of Council

### School Holidays: 26 September to 7 October 2005

6 September 2005	Ordinary Meeting of Council
13 September 2005	(transferred to 6 September 2005)
20 September 2005	Ordinary Meeting of Council
27 September 2005	(transferred to 20 September 2005)

### Local Government Association Conference: 22 October to 27 October 2005

11 October 2005	Ordinary Meeting of Council
18 October 2005	Ordinary Meeting of Council
25 October 2005	(transferred to 18 October 2005)



Item 1

S02355  
18 March 2005

Christmas Recess 2005:

Council has traditionally held the last Council meeting for the year on the second Tuesday in December and resumed on the first Tuesday in the meeting cycle in February.

The normal meeting cycle for December 2005 will be:

13 December 2005	Ordinary Meeting of Council
27 December 2005	Ordinary Meeting of Council

As the fourth Tuesday is a Public Holiday, it is recommended that the meeting be brought forward to the first Tuesday - 6 December 2005 with the last Ordinary Meeting of Council being held on Tuesday, 13 December 2005 and the first meeting for 2006 being held on Tuesday, 7 February with the normal meeting cycle to resume on 28 February 2006.

## CONSULTATION

Not applicable.

## FINANCIAL CONSIDERATIONS

Not applicable.

## CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

Not applicable.

## SUMMARY

Not applicable

## RECOMMENDATION

- A. That Council amend its meeting cycle for the remainder of 2005/early 2006, as follows:

12 July 2005	(transferred to 19 July 2005)
19 July 2005	Ordinary Meeting of Council
26 July 2005	Ordinary Meeting of Council
6 September 2005	Ordinary Meeting of Council
13 September 2005	(transferred to 6 September 2005)
20 September 2005	Ordinary Meeting of Council

Item 1

**S02355**  
**18 March 2005**

27 September 2005 (transferred to 20 September 2005)

11 October 2005 Ordinary Meeting of Council

18 October 2005 Ordinary Meeting of Council

25 October 2005 (transferred to 18 October 2005)

6 December 2005 Ordinary Meeting of Council

13 December 2005 Ordinary Meeting of Council

- B. That the first meeting for 2006 be held on 7 February and the normal meeting cycle resume on 28 February 2006.

Geoff O'Rourke  
**Senior Governance Officer**

Brian Bell  
**General Manager**

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## DELEGATIONS OF AUTHORITY

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### EXECUTIVE SUMMARY

**PURPOSE OF REPORT:**

To grant to the General Manager, Delegations of Authority under Section 377 of the Local Government Act 1993.

**BACKGROUND:**

Section 377 of the Local Government Act provides that Council may delegate to the General Manager any functions of the Council except those listed in that Section of the Act.

**COMMENTS:**

The Delegations are in addition to the General Manager's functions as set out in Section 335 of the Local Government Act and may be sub-delegated by the General Manager to other Staff in accordance with Section 378 of the Local Government Act 1993.

**RECOMMENDATION:**

To delegate to the General Manager those functions listed in Appendix A.

## PURPOSE OF REPORT

To grant to the General Manager, Delegations of Authority under Section 377 of the Local Government Act 1993.

## BACKGROUND

Section 377 of the Local Government Act 1993 provides that Council may delegate to the General Manager any functions of the Council except those listed in Section 377.

Delegation of functions is an essential aspect in the smooth functioning of the Council. This is recognised in Section 377 of the Local Government Act 1993. Section 377 allows Council to delegate its functions (with the exceptions listed under Section 377) to the General Manager, that is:

### **377 General power of the council to delegate**

- (1) *A council may, by resolution, delegate to the general manager or any other person or body (not including another employee of the council) any of the functions of the council, other than the following:*
- *the appointment of a general manager*
  - *the making of a rate*
  - *a determination under section 549 as to the levying of a rate*
  - *the making of a charge*
  - *the fixing of a fee*
  - *the borrowing of money*
  - *the voting of money for expenditure on its works, services or operations*
  - *the compulsory acquisition, purchase, sale, exchange or surrender of any land or other property (but not including the sale of items of plant or equipment)*
  - *the acceptance of tenders which are required under this Act to be invited by the council*
  - *the adoption of a management plan under section 406*
  - *the adoption of a financial statement included in an annual financial report*
  - *a decision to classify or reclassify public land under Division 1 of Part 2 of Chapter 6*
  - *the fixing of an amount or rate for the carrying out by the council of work on private land*

Item 2

S02017  
18 March 2005

- *the decision to carry out work on private land for an amount that is less than the amount or rate fixed by the council for the carrying out of any such work*
  - *the review of a determination made by the council, and not by a delegate of the council, of an application for approval or an application that may be reviewed under section 82A of the [Environmental Planning and Assessment Act 1979](#)*
  - *the power of the council to authorise the use of reasonable force for the purpose of gaining entry to premises under section 194*
  - *a decision under section 356 to contribute money or otherwise grant financial assistance to persons*
  - *the making of an application, or the giving of a notice, to the Governor or Minister*
  - *this power of delegation*
  - *any function under this or any other Act that is expressly required to be exercised by resolution of the council.*
- (2) *A council may, by resolution, sub-delegate to the general manager or any other person or body (not including another employee of the council) any function delegated to the council by the Director-General except as provided by the instrument of delegation to the council.*

In addition, the Act provides for the General Manager to sub-delegate any function delegated to him by Council, as follows:

**378 Delegations by the general manager**

- (1) *The general manager may delegate any of the functions of the general manager, other than this power of delegation.*

The functions delegated under Section 377 are separate to those vested in the General Manager as set out in Section 335 of the Local Government Act 1993. These day-to-day operational functions relating to the General Manager's responsibilities under Section 335 are set out in the Act, that is:

**335 Functions of general manager**

- (1) *The general manager is generally responsible for the efficient and effective operation of the council's organisation and for ensuring the implementation, without undue delay, of decisions of the council.*
- (2) *The general manager has the following particular functions:*
- *the day-to-day management of the council*
  - *to exercise such of the functions of the council as are delegated by the council to the general manager*

Item 2

S02017  
18 March 2005

- *to appoint staff in accordance with an organisation structure and resources approved by the council*
  - *to direct and dismiss staff*
  - *to implement the council's equal employment opportunity management plan.*
- (3) *The general manager has such other functions as may be conferred or imposed on the general manager by or under this or any other Act.*

The functions of the Council that are able to be delegated to the General Manager are attached to this report in "Delegations of Authority - Council to the General Manager", Appendix A.

## **CHANGES TO LEGISLATION**

There have been some changes to legislation, which required an updating of some former delegations.

## **COUNCIL'S CONSIDERATION**

Council must review all its Delegations during the first 12 months of each term of office (Section 380 of the Local Government Act 1993).

## **COMMENTS**

Not applicable.

## **CONSULTATION**

Not applicable.

## **FINANCIAL CONSIDERATIONS**

Not applicable.

## **CONSULTATION WITH OTHER COUNCIL DEPARTMENTS**

Not applicable.

## **SUMMARY**

Not applicable.

## RECOMMENDATION

- A. That the Delegations of Authority, as set out in Appendix A, be delegated to the General Manager, Mr Brian Bell, in accordance with Section 377 of the Local Government Act 1993.
- B. That Council acknowledge these Delegations are in addition to the functions of the General Manager as set out in Section 335 of the Local Government Act 1993.

Brian Bell  
**General Manager**

**Attachments:**      **Appendix A**

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## DRAFT CULTURAL PLAN

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### EXECUTIVE SUMMARY

**PURPOSE OF REPORT:**

To present the draft Cultural Plan to Council following the public exhibition period.

**BACKGROUND:**

The draft Cultural Plan was presented to Council in October 2004, where it was resolved that the plan be placed on public exhibition.

**COMMENTS:**

Council received a total of three letters from the community commenting on the draft Cultural Plan.

**RECOMMENDATION:**

That the draft Cultural Plan be adopted by Council.



## PURPOSE OF REPORT

To present the draft Cultural Plan to Council following the public exhibition period.

## BACKGROUND

Ku-ring-gai Council recently reviewed its Cultural Plan based on the guidelines set by Local Government and Shires Association, and by the State Government. The guidelines provide the framework for Councils to produce and revise their Cultural Plans. The Cultural Plan will assist Council to access additional funding from the NSW Ministry for the Arts and other Arts related funding organisations.

Ku-ring-gai Council undertook an extensive community consultation during the months of November 2003 and January 2004 in association with the new Cultural Plan. More than 1000 responses were received from members of the community and a range of organisations, through surveys and focus groups.

The draft Cultural Plan was presented to Council on 12 October 2004. Council resolved to place the document on public exhibition from 25 October 2004.

## COMMENTS

Most local Councils in NSW have revised and developed Cultural Plans over the last twelve months in order to satisfy the request by the Local Government and Shires Association to have these plans in place by 2004. It is envisaged that Cultural Plans will guide local Councils to develop cultural strategies that are coherent and foster growth and understanding of cultural environment.

Council received a total of three letters from the community commenting on the plan. The submissions received were from Ms Jocelyn Brennan Horley, a Friend of Tulkiyan, Ms Helen Whitsed Davies, and Mr Peter Lacey on behalf of the Eryldene Trust. (See attachment A).

The letters received relate to matters that can be addressed at a later stage during the implementation of goals set through the Cultural Plan. These comments relate to specific requests by organisations, rather than general community expectations. These suggestions can be addressed through the goals set in the Cultural Plan and at a Business Plan level, and are not outside the intent of the set goals.

The Local Government and Shires Association has created a register of recently completed Cultural Plans. Ku-ring-gai Council will also be included in this register once the plan has been adopted by Council.

## **CONSULTATION**

Council has exhibited its draft Cultural Plan at the various library branches and has advised community groups, the general public and Cultural Plan participants of the exhibition period.

## **FINANCIAL CONSIDERATIONS**

The majority of strategies and performance targets in the Cultural Plan can be achieved within existing operational budgets. Any new projects that require additional funding will be reported to Council. There are also possibilities, once the Cultural Plan has been adopted by Council, to source funding from other bodies, such as the NSW Ministry, Australia Council for the Arts, Festivals Australia, NSW Heritage Grants, and possible private sponsorship.

## **CONSULTATION WITH OTHER COUNCIL DEPARTMENTS**

Not applicable.

## **SUMMARY**

The Draft Cultural Plan was presented to Council and placed on public exhibition from 4 November 2004. There were no objections to the Draft Cultural Plan. There was one letter of support thanking Council, and two letters requesting further support from Council during the implementation of the goals.

## **RECOMMENDATION**

That the draft Cultural Plan be adopted by Council.

Juan Perez  
**Manager Cultural Development**

Janice Bevan  
**Director Community Services**

**Attachments:**      **A - Submissions**  
                             **B - Draft Cultural Plan**

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## **AMENDMENT TO DEVELOPMENT CONTROL PLAN NO 55 - NOMINATED AREA PROVISIONS FOR LINDFIELD AND TURRAMURRA**

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### **EXECUTIVE SUMMARY**

<b>PURPOSE OF REPORT:</b>	To present to Council draft planning controls for consideration to be incorporated into DCP55 to apply to the Milray Street Precinct in Lindfield and planning principles to apply to the Finlay Road, Lamond Avenue and Duff Street Precinct in Turramurra.
<b>BACKGROUND:</b>	The Ku-ring-gai Multi-unit Housing DCP55 was adopted by Council on 14 December 2004. Section 7 of the DCP provides detailed design objectives and controls that apply to a number of the former Special Areas contained in Draft LEP194.
<b>COMMENTS:</b>	Detailed design principles and controls have been prepared for the Milray Street Precinct in Lindfield and the Finlay Road, Lamond Avenue and Duff Street Precinct in Turramurra. It is proposed that the principles and controls for the Milray Street Precinct be exhibited as a draft amendment to Section 7 of DCP55. The planning principles for the Turramurra precinct should be adopted as a code for the purposes of clause 33(d) of the Ku-ring-gai Planning Scheme Ordinance.
<b>RECOMMENDATION:</b>	That Council adopts the design controls for the Milray Street precinct as a draft amendment to DCP55. That Council adopts the planning principles for the Finlay Road, Lamond Avenue and Duff Street precinct as a code under clause 33(d) of the KPSO.

## PURPOSE OF REPORT

To present to Council draft planning controls for consideration to be incorporated into DCP55 to apply to the Milray Street Precinct in Lindfield and planning principles to apply to the Finlay Road, Lamond Avenue and Duff Street Precinct in Turramurra.

## BACKGROUND

The draft LEP 194 adopted by Council in November 2003 included the provisions for the development of Special Area Plans. The 'Special Areas' were considered as areas in Ku-ring-gai that more detailed planning if they were to be developed for the purpose of multi unit housing. The Minister removed the Special Area provisions from LEP 194 prior to gazettal.

The Ku-ring-gai Multi-unit Housing DCP 55 was adopted by Council on 14 December 2004. Section 7 of the DCP 55 provides detailed design objectives and controls that apply to nominated areas in Roseville (former Special Area 1), Wahroonga (former Special Area 6) and St Ives (former Special Area 7).

## COMMENTS

Urban design consultants have been engaged to prepare detailed design principles and controls have been prepared for the Milray Street Precinct in Lindfield (former Special Area 3) and the Finlay Road, Lamond Avenue and Duff Streets precinct in Turramurra (former Special Area 5).

The consultants provided a briefing to Councillors at the Planning Committee meeting on 22 February 2005. Following feedback from Councillors, amendments have been made to the proposed planning principles and controls to apply to these areas.

### Milray Street Precinct in Lindfield

The Milray Street precinct was included as Special Area 3 under Draft LEP 194 and includes sites in Milray Street, Woodside Avenue, Havilah Road, Havilah Lane, Kochia Lane and Tryon Road. A map showing the area and the proposed draft nominated controls to apply to the precinct are included as **Attachment A**.

Key features of the nominated controls include the following:

- *Lot amalgamations*  
The proposed lot amalgamations have been based on known site ownerships and extensive site testing for lot area, dimensions and access. It is noted that Site J is occupied by the Cromehurst School and is unlikely to be developed in the foreseeable future.
- *Building Zones*  
The draft controls specify building zones for each of the proposed amalgamated sites which occupy 36- 38% of site area. While future development on the site will be required to satisfy the

Item 4

S03730  
17 March 2005

maximum 35% site coverage under LEP 194, the larger building zones allow greater flexibility for articulation of buildings within these the nominated zones, leading to better design outcomes.

All building zones have a maximum depth of 18 metres which will provide for good environmental amenity and performance of future buildings.

- *Setbacks*

All setbacks contained in the draft controls are consistent with the setback controls contained in DCP 55, with the following exceptions:

- i. Setbacks along Kochia Lane have been increased to 12 metres to preserve the landscape characteristics and to reinforce the lane's role as a solely residential address.
- ii. Setbacks along Havilah Lane vary from 10 to 12 metres to allow for landscaping on the residential side of the lane, but recognising the lane's role in serving the commercial uses on the adjacent Minister's SEPP 53 Targeted site.

- *Tree retention*

The proposed building zones have been devised so as to maximise the retention of the existing significant trees in the centre and at the perimeter of the blocks.

- *Riparian Zone*

The proposed building zones establish a riparian zone along the creek/drainage reserve between Milray Street and Nelson Road. This is consistent with the Riparian Policy adopted by Council in December 2004.

- *Through block link*

The draft controls propose the establishment of a pedestrian link between Milray Street and Havilah Lane. This would connect directly with the new street proposed on the Minister's Targeted site between Lindfield Avenue and Havilah Lane.

It is proposed that Council incorporate the proposed development principles and controls for the Milray Street precinct into section 7 of DCP 55. This would allow these controls to prevail over the broader development controls in DCP 55, to the extent of any inconsistencies.

For Council to incorporate the proposed controls for the Milray Street precinct into Section 7 of DCP 55, it must resolve to exhibit them as a draft amendment to the DCP and publicly exhibit the proposed controls in accordance with the EP&A Regulations 2000.

## **Finlay Road, Lamond Avenue and Duff Street Precinct**

The Finlay Road, Lamond Avenue and Duff Street precinct was included as Special Area 3 in draft LEP 194. There have already been a number of development applications lodged for this precinct, particularly for the area between Lamond Avenue and Finlay Road. Therefore, it is not considered appropriate to incorporate detailed nominated area controls for this precinct within DCP 55 at this late stage. However, it is considered necessary for Council to apply more detailed design principles

Item 4

S03730  
17 March 2005

to the assessment of development applications for this area that specifically address its unique characteristics.

An urban design consultant has developed a proposed set of design principles to apply to the precinct. These principles are included in full in **Attachment B** and address the following Issues:

- Development that is responsive to the site topography:
- Protection of the existing tree canopy
- Protection of regional public views from the Pacific Highway
- Protection of the two existing heritage items in the precinct.
- Provision of pedestrian links through the precinct
- Minimising the impact of vehicle access within the precinct
- Addressing interface issues
- Preventing poor internal amenity that may result from the topography of the area.
- Minimising construction impacts on trees, soils and hydrology.

Clause 33(d) of KPSO permits Council to adopt, by resolution of Council, a code for the erection of a residential flat building, that can be taken into consideration in the assessment of development applications for the erection of residential flat buildings.

It is proposed that Council adopts the set of design principles that have been developed for the Finlay Road, Lamond Avenue and Duff Street precinct in the form of a code under clause 33(d) of the KPSO that should be considered in the assessment of development applications applying to the area. A proposed code for this purpose has been included as **Attachment B** to this report.

## CONSULTATION

The development of the Milray Street precinct controls included a forum on 28 October 2004 with residents and landholders in the area along with developers and architects.

The proposed controls for the Milray Street precinct are to be publicly exhibit as a draft amendment to DCP 55 in accordance with the EP&A Regulations 2000.

## FINANCIAL CONSIDERATIONS

Nil.

## CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

Consultation has occurred with Planning and Environment, Open Space and Development Control Departments.

## SUMMARY

Urban design consultants have been engaged to prepare detailed design principles and controls for the Milray Street Precinct in Lindfield (former Special Area 3) and the Finlay Road, Lamond Avenue and Duff Street precinct in Turramurra (former Special Area 5).

It is proposed that the principles and controls for the Milray Street precinct be exhibited as a draft amendment to Section 7 of DCP 55.

The planning principles for the Turramurra precinct should be adopted as a code for the purposes of clause 33(d) of the KPSO.

## RECOMMENDATION

- A. That Council adopts for the draft nominated area controls contained in Attachment A to this report as a draft amendment to Ku-ring-gai Multi-unit House Development Control Plan No. 55.
- B. That the draft amendment be publicly exhibited in accordance with Clause 18 of the Environmental Planning and Assessment Regulations 2000.
- C. That Council resolves to adopt the Design Principles applying to the Finlay Road, Lamond Avenue and Duff Streets precinct in Turramurra as contained in Attachment 2 to this report as a policy for consideration under Clause 33(d) of the Ku-ring-gai Planning Scheme Ordinance.

Craige Wyse  
Senior Urban Planner

Leta Webb  
Director Planning & Environment

**Attachments:**      **Attachment A - Nominated Area Controls - Milray Street Precinct, Lindfield.**  
                             **Attachment B - Design Principles - Finlay Road, Lamond Drive and Duff Street, Turramurra.**

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## **DRAFT DEVELOPMENT CONTROL PLAN NO 56 - NOTIFICATION**

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### **EXECUTIVE SUMMARY**

<b>PURPOSE OF REPORT:</b>	To present to Council draft Development Control Plan No 56 for consideration for exhibition.
<b>BACKGROUND:</b>	Council's Notification policy came into effect in February 2003. However, under current legislation Council's notification provisions for development applications must be contained in a Local Environmental Plan (LEP) or Development Control Plan (DCP). A proposed draft DCP has previously been presented to Council, however, the exhibition of the document was deferred pending presentation regarding some aspects to the Planning Committee.
<b>COMMENTS:</b>	The preparation of the DCP has provided an opportunity to review the objectives and provisions of the existing Notification Policy. The draft DCP complies with the legislation and incorporates a range of notification and advertising provisions that are appropriate to the variety of development applications received by Council.
<b>RECOMMENDATION:</b>	That Draft Development Control Plan No 56 be exhibited.



## PURPOSE OF REPORT

To present to Council draft Development Control Plan No 56 for consideration for exhibition.

## BACKGROUND

Under current legislation, the only forms of development application that must be advertised and notified are designated development, State significant advertised development and integrated development applications. The legislation therefore does not require advertisement or notification of the majority of development applications received by Council.

To ensure that councils are able to appropriately consult with stakeholders, the *Environmental Planning and Assessment Act 1979* ('the Act') allows Council to add to or extend the provisions contained in the regulations concerning notification and advertising of development applications and the making of submissions relating to advertised development.

Council's adopted Notification Policy, which came into effect in February 2003, extended the advertising and notification requirements for:

- a) all development applications other than designated development;
- b) development applications amended by the proponent before they are determined;
- c) applications for modifications to development consents;
- d) applications for review of determinations; and
- e) rezoning applications.

The Notification Policy is still being used by Council to determine where notification is required and how it must be undertaken, however, the Policy does not meet the requirements of current legislation.

The proposed draft DCP 56 was presented to Council in late 2004. Council resolved to defer consideration of the document until options for:

- notification to residents in residential flat buildings;
- notification of Section 96 applications, and
- notification of applications relating to heritage items

were presented. Options were presented and discussed with the Planning Committee in early March 2005.

## COMMENTS

The preparation of the proposed DCP for Notification has provided Council with the opportunity to review the objectives and provisions in existing Notification Policy and the way in which the Policy is being used.

## Item 5

S03673  
24 March 2005**General Issues**

Notification and advertising can be an important step in the consideration of a development application, allowing the community to participate in the planning process. However, the existing Policy does not ensure that Council effectively involves the community.

In the 2003/2004 financial year, more than 44,200 letters were sent to stakeholders regarding 2165 applications. The present requirements for notification and advertising do not necessarily ensure that notification letters are sent to people who are likely to be materially affected by the development.

Fulfilling the requirements of the existing Notification Policy involves considerable staff time, including that of administration, records and assessment officers. In addition to the time required for preparing and sending the letters, considerable time is also expended in responding to queries from the community who receive letters about minor development and are concerned that, because it warranted a letter, the proposed development may have a substantial impact upon the enjoyment of their properties.

The excessive number of letters commonly sent out can also result in delays to the assessment process, as this practice generates additional submissions that need to be assessed and noted in officers' reports, but which often do not assist officers in the assessment process as they do not detail expected impact of the development, but merely express general dislike of a particular type of development.

The large amount of notification currently occurring also uses a significant amount of material and financial resources, including postage costs (over \$22,000 last financial year) and paper (approximately 265 reams last financial year).

In reviewing the Policy and creating a new DCP, the primary objectives have been to:

- ensure that notification and advertising involve the community to the extent appropriate for the specific development;
- reduce the amount of staff time spent in fulfilling the notification requirements;
- ensure that Council resources are used effectively; and
- ensure that the requirements are consistent with the KPSO and all relevant legislation.

**KPSO Requirements**

The current Notification Policy requires that all development involving heritage items, in addition to numerous other development types, be notified and advertised as 'Category A', the most rigorous advertising category. This appears to be based on a misinterpretation of the KPSO, which specifies that certain development must be notified and advertised in the same way as designated development is notified and advertised under the *Environmental Planning and Assessment Act 1979*, specifically:

- demolition of all heritage items and buildings in conservation areas, and

## Item 5

S03673  
24 March 2005

- where an application involving a heritage item or a building in a conservation area would not be permissible under the KPSO, but where clause 61H may be invoked to allow consent to be granted because conservation of the building depends on such consent being granted, provided that the proposed use would have little or no adverse effect on the amenity of the area. (This only applies to a very limited number of applications.)

The notification provisions in proposed Draft DCP 56 relating to heritage have been made consistent with the KPSO requirements. With the exception of KPSO notification requirements, the scale of notification of all other heritage items is proposed to be consistent with that which is required under the DCP for the development type. However, in order to ensure that community members with an interest in heritage may keep themselves informed of proposed works to heritage items, where works proposed are of a scale that requires them to be advertised on Council's website, the notice would also be required to include information about the item's heritage status / location within an urban conservation area. In addition, the scope would exist for the extent of notification to be increased if warranted.

Other development that, under the KPSO, requires notification under designated development requirements will still require this, as the scope of the review has not been to alter the KPSO but rather to ensure consistency with the document by confirming interpretation of the relevant clauses. This development includes residential flat buildings, housing for aged or disabled persons, places of public worship, child care centres, clubs, hospitals, motels, places of public assembly, professional consulting rooms, schools or existing uses.

The minimum notification requirements for applications in this category ('Type F') are proposed to be three properties either side of the subject property and seven properties at the rear and front of the property. This is a considerably lesser requirement than that contained in the current Notification Policy, however, it is considered important that the minor works covered by this category are not extensively notified unless it is necessary. For more major works, it is proposed that the DCP set criteria to be applied by the development assessment team leader to decide whether or not to increase the extent of notification to encompass all properties likely to be materially affected by the proposal.

**Notification requirements not covered by the KPSO**

The draft DCP has been designed to take into account the different types of works that could be proposed for certain development types and to ensure that notification is appropriate to the proposal. For example, an application for a new hotel would require advertising and significant notification, however, an application for minor changes to an existing hospital building in a business zone (such as a new staircase or reconfigured windows) would not generally need to be advertised and need be notified only to those properties adjoining the areas where the works were to take place.

Chapter 3 of the proposed Draft DCP is therefore set up as a table, consistent with the development aspect of the Proclaim computer system currently being set up for Council, in which between one and three different notification Types are specified for the different development types, depending on the scope of proposed works. It is proposed that all notification may be increased by the

## Item 5

S03673  
24 March 2005

development assessment team leader beyond the minimum required by the DCP where, in the opinion of the officer, this is warranted.

In addition to Type F, which relates to notification requirements specified in the KPSO (described in the previous section), the DCP provides for five other types of notification.

Development that is expected to have no impact on the adjoining and neighbouring properties is specified as Type A, for which no notification is required. Such an application would include proposals to extend trading hours in a business zone or internal works to a boarding house. However, where the development assessment team leader is of the opinion that some detrimental impact is likely, notification must be undertaken.

Type B notification relates to applications for section 96(2) modifications to development consent and is consistent with the *Environmental Planning and Assessment Act 1979*. (As discussed with the Planning Committee, section 96(1) and section 96(1A) applications need not be notified as they relate to minor errors, misdescriptions and miscalculations, and alterations to consents that would have minimal environmental impact.)

Type C notification is for minor development that could have some impact upon adjoining properties, but that would not necessarily affect all adjoining properties. For example, a carport constructed at the front of a property would be unlikely to affect those properties adjoining the rear. Again, the development assessment team leader could always determine that the minimum notification requirements are insufficient and undertake additional notification.

Type D is for more significant development which should be notified to a greater number of properties but where advertising is not considered to be necessary. Examples of such development include new buildings in business zones, extension of trading hours in residential areas, dwelling houses and family flats. The minimum notification requirement for Type D is all adjoining properties, however, the development assessment team leader could determine that more extensive notification is required.

Type E is for development proposals that are of a similar scale to those in Type F, but which have no notification requirements specified by the KPSO. Examples of such development include a new hospital in a non-residential zone, a new hospital in non-residential zone, a new hotel and a new dual occupancy development. Such development would be advertised and notified for a period of fourteen (14) days.

### **Notification of residents in residential flat buildings**

Following discussion with the Planning Committee, where the DCP requires a property containing a residential flat building to be notified, it is proposed that notification letters be sent to all owners and occupiers, together with the proprietors of any strata or community plan.

### **Procedures**

Chapter 5 of the proposed Draft DCP specifies the manner in which advertising and notification must be carried out, including information to be included on Council's website, content of

Item 5

S03673  
24 March 2005

notification to Councillors, content of notification letters, advertisements in the local paper and erection of notification signs at a property.

Chapter 6 of the DCP specifies the acceptable forms of written submissions and sets controls for the manner in which Council will respond to written submissions.

## CONSULTATION

Consultation with stakeholders will occur through the period of public exhibition.

## FINANCIAL CONSIDERATIONS

The costs associated with the preparation of this DCP are limited to staff time and advertising / exhibition costs.

## CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

Draft DCP 56 has been prepared in consultation with staff in the Development and Regulation, Corporate and Communication and Planning and Environment Departments.

## SUMMARY

Proposed Draft DCP 56 has been prepared in accordance with the requirements of the Act and Regulation. The proposed draft DCP is consistent with the KPSO and has been designed so that the scale of notification is appropriate to the type and extent of development proposed. To further ensure that notification is suitable to the proposal, the scope exists for the development assessment team leader to increase the extent of notification as far as desirable.

## RECOMMENDATION

That Draft Development Control Plan No 56 be exhibited for a period of not less than 28 days. That a report be presented to Council following the period of exhibition.

Katherine Lustig  
Environmental Planner

Leta Webb  
Director  
Planning & Environment

Michael Miocic  
Director  
Development & Regulation

**Attachments:      Draft Development Control Plan No 56**

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## **DRAFT (HERITAGE CONSERVATION) LOCAL ENVIRONMENTAL PLAN NO 29 - 27 RICHMOND AVENUE & 400 MONA VALE ROAD, ST IVES**

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### **EXECUTIVE SUMMARY**

**PURPOSE OF REPORT:**

That Council consider Draft (Heritage Conservation) Local Environmental Plan No 29 (DLEP 29) following the exhibition period.

**BACKGROUND:**

The properties at 27 Richmond Avenue and 400 Mona Vale Road, St Ives were identified as part of an exhibition village of Pettit and Sevitt houses. On 24 August 2004 Council considered DLEP 29 and it was then placed on public exhibition from 22 September to 20 October 2004.

**COMMENTS:**

A total of 25 submissions were received raising both objections and support for the proposed listing. A recent appeal to NSW Land and Environment Council for a new dual occupancy development at 27 Richmond Avenue, St Ives was dismissed primarily on the basis of heritage considerations. Given the heritage significance of both 27 Richmond Avenue and 400 Mona Vale Road, St Ives and as part of the existing group of heritage listed properties within the Pettit and Sevitt Display Village, a heritage listing under KPSO is warranted.

**RECOMMENDATION:**

That Council adopt Draft (Heritage Conservation) Local Environmental Plan No 29 and submit the Draft Plan to the Minister with a report under Section 69 of the Environmental Planning and Assessment Act with a request that the Plan be made.

## PURPOSE OF REPORT

That Council consider Draft (Heritage Conservation) Local Environmental Plan No 29 (DLEP 29) following the exhibition period.

## BACKGROUND

On the 24 August 2004 Council considered DLEP 29 (Heritage Conservation) and resolved that :

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

The 1986 Ku-ring-gai Heritage Study identified eight properties as being part of an early Pettit and Sevitt group of dwellings some built as part of the original exhibition village – including 400 Mona Vale Road and Nos 17, 19, 21, 23, 25, 27 and 29 Richmond Avenue, St Ives. It is understood that 400 Mona Vale Road, 17, 19 and 27 Richmond Avenue were part of the original exhibition village and Nos. 21 and 25 Richmond Avenue were completed shortly after, while Nos 23 and 29 Richmond Avenue were built as private commissions. All houses in the exhibition village were designed by Ken Woolley and the gardens were all designed by Bruce McKenzie.

No. 27 Richmond Avenue, St Ives is a Pettit and Sevitt house designed by the well known Architect Ken Woolley – the design is known as the “Gambrel”.

No. 400 Mona Vale Road, St Ives is a Pettit and Sevitt house known as a “Lowline” also designed by Ken Woolley.

Nos 17, 19, 21, 25 and 29 Richmond Avenue, St Ives are listed as local heritage items under the Ku-ring-gai Planning Scheme Ordinance.

At this stage No 23 Richmond Avenue St Ives is in a draft LEP exhibited and finalised (and submitted to DIPNR in 2002) and awaiting gazettal. A comprehensive background to the properties was provided to Council August 2004, **attached** is a copy of Council officer’s report (**Attachment 1**).

### **Land and Environment Court – Matter No 27 Richmond Avenue, St Ives**

Since the exhibition period there has been a determination by the NSW Land and Environment Court (Rahamai v Ku-ring-gai Council [2004] NSWLEC 595) with a judgment delivered on 27 October 2004.

## Item 6

S03716  
23 March 2005

Development Application N 795/02 proposed demolition of the existing dwelling house and the erection of a dual occupancy development comprising two x 2 storey dwellings houses at No 27 Richmond Avenue, St Ives. The Court refused demolition primarily on the basis of heritage significance of the house and its relationship to the other Pettit and Sevitt houses in the group **attached** is a copy of the Judgment (**Attachment 3**).

## COMMENTS

The purpose of this report is to review the submissions made during the exhibition period to nominate both 27 Richmond avenue and 400 Mona Vale Road, St Ives as the final two properties as heritage items associated with the original Pettit and Sevitt exhibition village.

### Consultation

Notification under Section 54 of the Environmental Planning and Assessment Act 1979 was made to the Department of Infrastructure, Planning and Natural Resources (DIPNR) on 3 September 2004 and Section 62 notification to the relevant state agencies was made on 9 September 2004. Three submissions were received from state agencies, none of which raised objections to the draft plan.

Draft (Heritage Conservation) Local Environmental Plan 29 (**Attachment 2**) was placed on formal public exhibition at the Customer Service Centre and Council's libraries and Council's website from 22 September 2004 to 20 October 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 22 submissions were made of which 8 were in favour and 14 objected to the proposed draft Plan.

### Public Submissions

General submissions 14 against and 8 in favour of the proposed heritage listing a summary is provided below and a copy of submissions is **attached (Attachment 3)**

### Issues raised in Submissions against the Heritage Listings Under DLEP 29

Summary of Issues raised in Submissions	Comments
<b>No 27 Richmond Avenue, St Ives</b>  Low cost design, no innovation in design and construction and house is of a relatively small design. House is bottom of the line, shows no innovation in design or construction. Gun barrel planning small unrelated rooms, poor amenity because of height of windows in all principle rooms.	The intention of the Pettit and Sevitt project homes was to produce an affordable housing prototype that was architect designed. If listed there would still be the opportunity for further appropriate alterations and additions in line with contemporary living – these would need to relate to the significance of the Group and the individual house. The houses were designed to be easily extended.
House is a perfect candidate for demolition and rebuilding, never would have purchased if it was heritage listed, house is an eyesore, street better off without it.	The Land and Environment Court recent refused an application for demolition of 27 Richmond Avenue. Despite changes to the garden and additions, both 27 Richmond Avenue and 400 Mona Vale Road, St Ives can be read and interpreted as part of a group of original Pettit and Sevitt homes designed by Ken Woolley in the Sydney School Architectural style along with the Australian native landscaping by Bruce McKenzie.



Summary of Issues raised in Submissions	Comments
<p>he house was purchased in 1998 with no indication of any potential heritage listing, demolish and rebuild, never would have purchased if known about heritage listing.</p>	<p>In considering alterations to 27 Richmond Avenue, Council is bound to consider the impact of the proposed work on the existing heritage items in the street.</p> <p>The dwellings in this group have an important siting relationship with one another, including the orientation along the slope and the opportunity for open gardens and borrowed views across the gardens and adjacent landscaped areas. If this dwelling was demolished it would adversely impact on the significance of the group value.</p>
<p>House setback – for marketing purposes, small backyard, not enough privacy, single garage does not provide under cover access to the house.</p> <p>House is unliveable – small size, dust, humidity, poor construction. 27 Richmond Avenue –house is located at rear of block, only has small yard to rear, no privacy and single garage does not allow covered access to home.</p>	<p>These factors are noted, if heritage listing was to proceed this would not preclude, alterations and additions, however these would need to be sympathetic and in an extent and scale that is compatible with the dwelling itself and the group of Pettit and Sevitt houses.</p> <p>In relation to maintenance all buildings and landscaping require maintenance whether heritage listed or not. Maintenance rather than construction is the critical issue here, from the inspections of the property it appears the house has been adequately constructed but maintenance was deferred because it was the owners intention to demolish the house.</p>
<p>Not able to rent or sell house, loss of land values, valuation impacts.</p>	<p>These issues are noted, maintenance is an issue that needs to be addressed. Valuation impacts assumed total redevelopment of the site, does not fully consider the value if appropriately restored and sympathetic alterations and additions.</p>
<p>House not of State heritage significance, no heritage value, listing inappropriate.</p>	<p>The NSW Heritage Office has considered the significance of this group and concluded that whilst it is of heritage significance, in the absence of any conclusive comparative analysis on a state wide basis, it cannot reach any definite conclusion that the group is of State heritage significance. This does not imply that the site does not have local heritage significance. It is Council's role to establish and manage local heritage listings.</p>
<p>House built by Pettit and Sevitt – no different to 1000s of other homes built across Sydney. 400 Mona Vale Road was built by Pettit and Sevitt but no different from 1000s of other homes across Sydney during the 1960s.</p>	<p>The heritage significance of these dwellings is based on their part of the original proto type upon which mass production could be based.</p> <p>They form part of an integral and intact group of dwellings including landscaping. They can be read as a group. Others in the Sydney area are isolated and in totally different settings and context.</p>

Summary of Issues raised in Submissions	Comments
<p><b>No 400 Mona Vale Road, St Ives</b></p> <p>Heritage listed means you can't demolish and rebuild a modern home .</p> <p>In relation to 400 Mona Vale Road, St Ives, house cannot be viewed from Mona Vale Road, cannot be demolished and rebuild, will become outdated – cannot make way for new house.</p>	<p>These factors are noted. The house has been altered several times and if heritage listed was to proceed future alterations and additions would not be precluded, however these would need to be sympathetic and in an extent and scale that is compatible with the dwelling itself and the group of Pettit and Sevvit houses.</p>
<p>Heritage Office granted exemption, matter should be finalized. Worry stress, and financial costs. Problem of bureaucracy and 'fair go', Council 15 years ago decided the house did not warrant heritage listing now it has reneged. Long term financial issues, moral rights. Age of house over 40 years, requirements for maintenance hard to get replace products and cost of maintenance. Heritage listing would reduce value of property, Council should compensate.</p> <p>No value- post war construction, little style, many other beautiful homes in Ku-ring-gai.</p> <p>Houses not worthy of State significance, cost and burden, cannot be sold, unlivable, no one will purchase, heritage listing prevents demolition and rebuilding, almost impossible to extend or renovate houses.</p> <p>Buildings are at end of economic life, expensive to maintain. Accident blackspot. Access to Mona Vale Road and design of dwelling.</p>	<p>The NSW Heritage Office has considered the significance of this group and concluded that whilst it is of heritage significance, in the absence of any conclusive comparative analysis on a state wide basis, it could not reach any definite conclusion that the group is of State heritage significance. The NSW Heritage Office has delegated responsibility to list local items to the local council.</p> <p>Heritage significance is not a fixed static concept and as new information becomes available it is appropriate to reassess the significance of a place. The concept of heritage, its methods and criteria for listing have also been reviewed and refined over the past decades in response to changing community attitudes on heritage conservation.</p> <p>These factors are noted, if heritage listing was to proceed this would not preclude some redevelopment, however this would need to be sympathetic and in an extent and scale that is compatible with the dwelling itself and the group of Pettit and Sevvit houses.</p> <p>Heritage listing does not result in any restriction on the sale of land. Many of the Pettit and Sevvit houses in Richmond Avenue have recently sold.</p> <p>In relation to maintenance all buildings and landscaping require maintenance whether heritage listed or not. Maintenance rather than construction is the critical issue here, from the inspections of the property it appears the house has been adequately constructed.</p> <p>Issues of access and accident black spots are traffic planning matters not directly related to the heritage to the heritage significance of a place or an item.</p>
<p>In 1989 Council granted exemption from the heritage list, on the basis of alterations and additions.</p> <p>Original McKenzie landscaping is no longer evident. In 2004 NSW Heritage Office, state government, granted an exemption from Heritage listing – stress and worry and costs.</p> <p>The alignment of the house is to Mona Vale Road and subject to noise. The architect and builders at the time would have been aware that Mona Vale Road was to become a 6 lane highway.</p> <p>Orientation of house east/west has created problems</p>	<p>In 1989 Council deferred its consideration to list the property. It was expected to review all deferred items in following years. Heritage significance is not a fixed static concept and since 1989 Heritage management in NSW has matured. Council has obtained new information about the Pettit and Sevvit group that was not available in 1989. It is now appropriate to reassess the significance of the whole group. The concept of heritage its methods and criteria for listing have also been reviewed and are fined over the past decades in response to changing community attitudes on heritage conservation. Extent of alterations and additions are not to a level to preclude listing. Landscaping comments see above.</p> <p>Alignment of the other dwellings in this group relates to the</p>

Item 6

S03716  
23 March 2005

Summary of Issues raised in Submissions	Comments
<p>with too much sun.</p> <p>Original layout and landscape design was based on open gardens with borrowed views across the garden and adjacent landscapes. This has been lost.</p> <p>House is not the prototype of the Lowline design.</p> <p>Who will benefit – you can hardly see the site from Mona Vale Road and nothing of interest from Richmond Avenue.</p> <p>Two real estate agents are of the opinion that a heritage listing would reduce the sale price of the property.</p> <p>This house is our major financial asset and a heritage listing will certainly cause us undue financial hardship. Is Council proposed compensation of \$120,000 if it is placed on an LEP?</p>	<p>location of this house along a natural ridge and was also designed to focus attention on the exhibition village for display purposes. There is further opportunity to effectively deal with solar access and problems of noise without detracting from the significance of the site. Noise is a problem for all houses along Mona Vale Road.</p> <p>An assessment of original landscaping from the street frontages indicated some modification to the original Bruce McKenzie landscaping, however the changes could be rectified with a landscape plan consistent with the original design and supported by complementary planting along the private and public domain. Fencing on the rear yard is considered acceptable as the exhibition village was sold as family houses.</p> <p>The dwelling although not easily seen from Mona Vale Road still contributes visually to the group from the Richmond Avenue frontage.</p> <p>Noted, see comments on heritage impact of valuation in the main part of the report.</p> <p>Council has a grants system to assist with the cost of maintenance and repairs and several planning incentives apply. There are differing views on whether heritage listings reduces the sale value of a property as discussed in the report.</p>

General Submissions on Listing	Comments
<p>No one will buy it, heritage listing prevents demolition and rebuilding.</p> <p>Devalues neighbourhood.</p> <p>Time warp, end of economic life – older they get the more expensive they are to maintain and who pays to maintain.</p> <p>Detailed objection to listing of 23 Richmond Avenue – reasons set out.</p>	<p>See comments above</p> <p>See comments above</p> <p>See comments above</p> <p>Noted: the DLEP only applies to 27 Richmond Avenue and 400 Mona Vale Road, St Ives.</p> <p>Nos 19,21, 25 and 29 Richmond Avenue are existing heritage items. No 23 Richmond Avenue, St Ives is included in DLEP 20 which was finalized by Council on 18 September 2001 and has been with DIPNR since October 2001.</p>
<p>400 Mona Vale Road, St Ives granted exclusion from similar LEP 1989.</p> <p>Houses not worthy of State heritage significance. Enormous costs and emotional burden to family.</p> <p>27 Richmond Avenue incurred enormous financial and legal costs, house is totally run down.</p>	<p>Noted: methods for identification and heritage management policies have changed and new information has become available to warrant a review of the property.</p> <p>See comments in previous sections.</p>

General Submissions on Listing	Comments
Cannot be sold, unliveable and does not meet need of today's families.	
27 Richmond Avenue is an eyesore and the street would be better off without it. 400 Mona Vale Road and 27 Richmond Avenue are not of any heritage value. The houses 17, 19, 21, 23, 35, 27 and 400 Mona Vale Road, not of any state heritage significance. Unkept condition of 8 houses already listed – will become a forgotten ghetto.	See comments in previous sections.

## Summary of Submissions in Support of Listing under DLEP 29

Issue	Comments
Both significant buildings designed by Ken Woolley – Sydney School of Architecture. Design Collaboration – Architecture and landscape – Woolley & McKenzie natural landscape and design – conservation philosophy.	The submission clearly places the nominated group within the context of the development of both Pettit and Sevitt and articulates the significance in history of housing in NSW and the emerging role the Sydney School including the combination of architecture and landscape.
Wonderful site to see dwellings in a group in the Sydney regional style with Australian native landscaping- distinctive phase in Sydney's domestic construction. The site also has an education role.	Noted and see above
Heritage Advisory Committee Both 400 Mona Vale Road and 27 Richmond Avenue, St Ives are an essential part of the Pettit & Sevitt Exhibition Village. They are significant not only for individual merit but also because they are parts of the original Pettit and Sevitt Exhibition Village.	Noted and see above.
The Exhibition Village is important as Pettit and Sevitt remain the undisputed benchmark against which the assessment of project houses is made.	Noted
They provided the first opportunity in NSW for ordinary people to obtain a house of high architectural quality at an affordable price.	
First project home display village promoting Sydney School of Architecture.	Noted
Support listing – they form part of a group. Benchmark in the development if architect designed project housing in NSW. “:Village” is intact- prototypes and fine examples of mid –century Australian architecturally designed affordable housing.	Noted
Unique – exemplary – co-dependent. No 27 alterations and additions – reversible and redeemable. No 27 Richmond – won RAlA award. 400 Mona Vale Road is in pristine condition RAlA, National Trust and Docommo all support listing.	Noted – see comments above.
Designed 8 in a row by single architect, Pettit & Sevitt – Council civic award for promotion of project homes	

Item 6

S03716  
23 March 2005

initiative. High standard and quality in natural landscape reflects Griffins design philosophy. Fine example of this period of housing in this area could be used as a site for students in architecture or heritage.

Benchmark in development of architect project designed housing in NSW.

Unique – earliest example still surviving largely intact by Kenneth Woolley and McKenzie.

Fine examples of mid century Australian architecture – affordable housing. Demonstrates a link between architecture and landscape / bushland and climate.

The NSW Heritage Office has considered the significance of this group and concluded that whilst it is of heritage significance, in the absence of any conclusive comparative analysis on a state wide basis, it cannot reach any definite conclusion that the group is of state heritage significance. This does not preclude the site from having local heritage significance and being identified in a local environmental plan. It is Council's role and a responsibility to identify and manage local heritage listings. The NSW Heritage Council offered to fund the cost of an architect to design additions to No 27 Richmond Avenue and recently confirmed that they may still willingly to provide funding.

Two submissions raised concerns over the effect of a potential heritage listing on potential property sale values.

Valuations were submitted for 400 Mona Vale Road St Ives dated 13 October 2004 and 27 Richmond Avenue, dated 26 November 2004. Both valuations have been prepared by the same valuer and provide a valuation with and without a heritage listing and both claim that with a heritage listing the properties would be devalued by in value by 16 % and 22 % respectively. The valuation has not provided specific information on the reasons for the different values.

The effect of heritage listing on properties values has generated much debate over the past decade. There have been several studies and research on this topic including a recent Ku-ring-gai LGA study. The study demonstrated that for some heritage listings, particularly in the upper end of the market heritage listing has a beneficial effect on property values. It should be noted that there has been little research or published studies on the impact on property values for heritage houses constructed in the early 1960s.

A study commissioned by the Australian Heritage Commission in 1995 considered a large number of properties in several states. It found that it is difficult to determine the cost implications of listing a property as prices depended on many variables, but for residential properties it concluded:

*“heritage listing of residential buildings generally has little economic impact unless the location of the building is in an area which has potential for redevelopment to commercial use. The heritage qualities of residential buildings are generally promoted and explained in the marketing of heritage listed residential property”.*

The report also found that perceptions about heritage listed houses were important to a potential purchaser, but found that any negative impediments were neutralised by the positive factors such as

Item 6

S03716  
23 March 2005

heritage incentives, possible grant funding, tax benefits and retention of the character of an area. The primary issues affecting sales still remain the location and condition of the building.

The NSW Heritage Office brochure (**see Attachment 4**) notes “ the main reason why people purchase heritage buildings is because they like them. And they like them for all sorts of reasons. It may be because of their character or their well established gardens. They may have wonderful settings or pose a challenge of renovation which some people may relish”.

The brochure sets out the key benefits of heritage listing including appropriate planning and conservation management, flexibility for councils to consider alternative uses or appropriate variations to development standards such as FSR or car parking, option to apply for “ heritage restricted valuation” for land tax and local rate purposes, and access to heritage assistance grants. The brochure also debunks some myths about heritage listing that are particularly relevant to draft LEP 29 for example heritage listing does not exclude changes or additions or new building on the site, listing does not exclude adaptive re-use.

It is acknowledged that all buildings change and that heritage items can be altered to suit the needs of the residents. 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 the heritage value of the property. Alterations can provide additional layers in the history of the house. There is generally no requirement to design additions and alterations to match the style of the original house. Issues such as proportions, materials and heights of the new work are often more important. It is often considered better to design an addition in a contemporary style as there is no confusion about the period in which it is built. The Pettit and Sevitt houses were designed to be extended and many of the houses in the Richmond Avenue group have been extended.

The heritage value and significance of the existing Pettit & Sevitt group and impact of not including the properties under draft LEP.29 must be considered in the overall heritage management of the future of the group.

Development of both properties would be subject to Clause 61E of the KPSO – “Development in the vicinity of Heritage Items”.

Development in the vicinity of heritage items:

- 61E The council shall not grant consent to an application to carry out development on land in the vicinity of a heritage item unless it has made an assessment of the effect of the carrying out of that development will have on the heritage significance of the item and its setting.

In addition it should be noted Clause 61H of the KPSO – conservation incentives relating to heritage items also applies to heritage items and can positively assist in managing potential financial issues associated with local heritage management.

It must be noted that financial hardship considerations under section 33 2(d) of the NSW Heritage Act 1977 do not apply in the case of draft LEP No 29 as this is not a nomination for the NSW state heritage register.

## **CONSULTATION**

There has been consultation with Council's Heritage Advisory Committee and The NSW Heritage Office. A site visit was also conducted by Councillors to assist in their interpretation and understanding of the two dwellings and the entire group of Pettit & Sevitt Dwellings. A briefing was also provided by the NSW Heritage Office to Councillors to understand heritage significance, costs and benefits of listing and the role of local government in heritage management.

## **FINANCIAL CONSIDERATIONS**

The preparation, exhibition and assessment of Draft Local Environmental Plan (Heritage Conservation) No. 29 is covered by the Urban Planning budget.

## **CONSULTATION WITH OTHER COUNCIL DEPARTMENTS**

Consultation between Planning and Environment, Development and Regulation and Property Services has occurred in preparation of this report.

## **SUMMARY**

Draft LEP No. 29 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. A recent NSW Land & Environment Court case has established the local heritage significance of No.27 Richmond Ave, St Ives. In the case of No 400 Mona Vale Road, this property also contributes to the significance of the Pettit and Sevitt group and marks the entry into the former exhibition village.

Whilst there has been some modifications to the buildings and to the original plantings, the buildings still can be interpreted as a single group. Inclusion of the two additional properties will complete the group listing the Pettit and Sevitt group and assist in the future conservation management of not only the individual items but the conservation of the entire group. It is recommended that Council adopt draft LEP 29 and submit it to the Minister for approval and gazettal.

## **RECOMMENDATION**

- A. That Council adopts Draft (Heritage Conservation) Local Environmental Plan No 29 and submit the draft Plan to the Minister with a report under Section 69 of the Environmental Planning and Assessment Act with a request that he makes the Plan.

Item 6

**S03716**  
**23 March 2005**

- 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.

Antony Fabbro  
**Manager Urban Planning**

Leta Webb  
**Director**  
**Planning and Environment**

- Attachments:**
- 1. Copy of Officers Report - 24 August 2004**
  - 2. Copy of DLEP 29**
  - 3. Copy of NSW LEC Matter Rahamai v Ku-ring-gai Council 2004 - NSWLEC 595 - Judgement**
  - 4. Copy of Submissions on DLEP 29**
  - 5. NSW Heritage Office brochure**



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## QUEEN ELIZABETH RESERVE REMEDIATION TENDER

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### EXECUTIVE SUMMARY

**PURPOSE OF REPORT:**

For Council to authorise the selective tender process for Remediation works at Queen Elizabeth Reserve in accordance with the Environmental Management Plan, prepared documents and Section 55 of the Local Government Act (1993) as amended.

**BACKGROUND:**

Queen Elizabeth Reserve contamination testing in October 2002 and April 2003 confirmed the extent of trace levels of bonded asbestos. The process of remediation of the site was approved by Council at the OMC of 16 December 2003. Neighbour notification has been forwarded to local residents regarding remediation works. There has been little response received regarding the remediation proposal, except for general support for the proposal.

**COMMENTS:**

Remediation documentation has been prepared in accordance with the site Environmental Management Plan and Council's Contaminated Land Policy. Tenders are ready to be called to effect remediation to comply with Environment Protection Authority requirements.

**RECOMMENDATION:**

That Council authorise the selective tender process for Remediation works at Queen Elizabeth Reserve in accordance with the Environmental Management Plan and prepared documents.

## PURPOSE OF REPORT

For Council to authorise the selective tender process for Remediation works at Queen Elizabeth Reserve in accordance with the Environmental Management Plan, prepared documents and Section 55 of the Local Government Act (1993) as amended.

## BACKGROUND

Council's Adopted Capital Works Program 2004/2005 has approved the funding for remediation works at Queen Elizabeth Reserve. An Environmental Management Plan "Capping of Asbestos Cement Impacted Soil, Queen Elizabeth Reserve, Bradfield Road, Lindfield NSW, 23 June 2004" has been prepared by HLA-Envirosciences Pty Limited. In accordance with this document, SEPP 55 Remediation of Land and Council's Contaminated Lands Policy, a brief was prepared and issued on 7 September 2004 to call for fee proposals from suitably experienced consultants to prepare remediation documentation. After assessment of the proposals, Engineering Consultant, Cardno Young, was appointed on 19 October 2004. Documents are now being finalised for calling of tenders for the site remediation works. Tenders will be called in April 2005 to commence work in May 2005, weather permitting and subject to available fill and suitable weather.

## COMMENTS

The site is to be remediated by capping over contaminated areas to a depth of 500mm. The playing field will be raised and reconstructed to become a better quality, more resilient irrigated field contained by low retaining walls and fences. The surrounding areas will be landscaped with planting and indigenous canopy trees. A bitumen surfaced car parking area will cap the contaminated area along the Edmond Street nature strip. Project documents are currently being completed by Council's consultants.

Remediation works are proposed to commence in May 2005 and be completed for the grass growing season commencing in Spring of 2005. To ensure this critical timeframe can be met, a Council resolution is required to enable the tender process to commence, be completed and reported to Council in May 2005. This time frame will allow the field to be available for use by mid Summer 2005/06, given good grass growing conditions.

## CONSULTATION

Local residents, previously notified regarding the site contamination, have been notified of the details for the proposed remediation on 2 February 2005. One response requesting further details has been addressed. No other responses from local residents have been received at this stage, save for several telephone enquiries outling support for remediation of the site.

## **FINANCIAL CONSIDERATIONS**

Funding for the project has been allocated from the Sportsfield Refurbishment category of the 2004/5 Capital Works Program and the need for funds from the 2005/6 Capital Works Program have been identified. Some carry forwarded of this year's funding is expected. Work to complete both the Environmental Management Plan and detailed design to provide an improved facility with available funds has taken an extended period.

## **CONSULTATION WITH OTHER COUNCIL DEPARTMENTS**

Council's Planning and Environment Department commissioned the site Environmental Management Plan and have been extensively consulted throughout this process as they are co-ordinating the validation report and Site Audit Statement to be carried out by the Independent Auditor to satisfy requirements of the NSW EPA Regulations and Council's Contaminated Lands Policy.

Development Consent for the works are not required as the remediation works are classified category 2 in accordance with SEPP 55 and Council's Contaminated Lands Policy.

## **SUMMARY**

On the basis of the need to remediate the contaminated land at Queen Elizabeth Reserve, and in accordance with SEPP 55, Council's Contaminated Lands Policy and Section 55 of the Local Government Act 1993 (as amended), approval is required to call tenders for the work. The work will be undertaken from May 2005 until completion for the Spring growing season of 2005. A further report will be brought to Council in May 2005 recommending the preferred tender, costs and construction program for the works.

## **RECOMMENDATION**

That Council authorise the calling of tenders for Remediation Works at Queen Elizabeth Reserve in accordance with the Environmental Management Plan and prepared documentation.

Alison Walker  
**Principal Landscape Architect**

Steven Head  
**Director Open Space**

**Attachments:      Draft Plan (to be circulated separately)**

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## ADOPTION OF MASTERPLAN FOR CARLOTTA AVENUE DEPOT SITE

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### EXECUTIVE SUMMARY

**PURPOSE OF REPORT:**

To report to Council on the public exhibition of the draft Masterplan and traffic study for the redevelopment of the Carlotta Avenue Depot and to present a final Masterplan to Council for adoption.

**BACKGROUND:**

On 14 December 2004, Council adopted a draft Masterplan for the purpose of exhibition. The draft Masterplan and associated traffic management report were publicly exhibited from 19 January until 25 February 2005.

**COMMENTS:**

It is not proposed to make any amendments to the design principles and development controls contained in the draft masterplan as a result of the comments received during the exhibition. An adopted masterplan will be incorporated into section 7 of Development Control Plan No 55. Any contract of sale for the site is to be subject to the implementation of the adopted masterplan.

**RECOMMENDATION:**

That Council adopt the Masterplan for the Council Depot site at Carlotta Avenue, Gordon as included in Attachment A.

That Section 7 of Development Control Plan No 55 be amended to incorporate the design controls contained in the Masterplan.

## PURPOSE OF REPORT

To report to Council on the public exhibition of the draft Masterplan and traffic study for the redevelopment of the Carlotta Avenue Depot and to present a final Masterplan to Council for adoption.

## BACKGROUND

The Draft Masterplan for the redevelopment of the Carlotta Avenue depot site was prepared by Allen Jack + Cottier (architectural and urban design consultants) and OCULUS (landscape architects). The development of the masterplan included two community workshops: an initial workshop in May 2004 to identify potential issues associated with redevelopment of the site and to establish design principles for the Masterplan, and a follow up workshop in October 2004 to obtain additional resident comment and to identify a preferred design option to be worked up to a detailed draft masterplan for Council consideration and broader community consultation.

A traffic management report was also prepared on the potential traffic issues arising from the redevelopment of the site. This incorporated potential traffic management solutions for the precinct.

The preferred draft masterplan option was presented to Council on 14 December 2004, where Council resolved:

- A. That Council endorse for exhibition purposes only, the draft Ku-ring-gai Council Depot Site Masterplan as a draft amendment to Ku-ring-gai Multi-Unit Housing Development Control Plan No 55 – Pacific Highway / Railway Corridor and St Ives Centre.*
- B. That the draft Masterplan be publicly exhibited in accordance with Clause 18 of the Environmental Planning and Assessment Act Regulation 2000.*
- C. That the draft Masterplan be placed on public exhibition at the Council Chambers and Council's web site from January until mid February 2005.*
- D. That the traffic management report and proposed solutions be placed on public exhibition with the draft Masterplan for public comment.*

The Draft Masterplan and associated Traffic Management Report were publicly exhibited from 19 January until 25 February 2005.

## COMMENTS

As a result of the exhibition, a total of 18 submissions were received from 16 households. Of these submissions, only 4 raised issues with the proposed masterplan controls and 15 raised issues with the traffic management report and proposed traffic management solutions.

**Masterplan Controls.***Issues Raised in Submissions*

<b>Issue</b>	<b>Response</b>
Objection to imposing 5 storey unit blocks in area of single and 2 storey residences.	The site was rezoned to Residential 2(d3) under LEP 194. The development standards under LEP 194 permit buildings up to 5 storeys on the site. The Masterplan complies with the development standards of LEP 194.
Height of buildings will result in overshadowing and overlooking	The Masterplan incorporates design principles to ensure good solar access to adjoining properties and minimising overlooking. This has been achieved through the location and orientation of the building envelopes, requiring setbacks to adjoining sites in excess of those that would be required under DCP 55, and detailed landscaping requirements that include screen planting.
Impact on properties at 1-11 Mt William Street. Re-development should not proceed without the rezoning of these properties.	The properties at 1-11 Mt William Street have been rezoned to Residential 2(d3) under LEP 200, which was gazetted on 11 February 2005. The Masterplan has been developed taking into consideration the potential redevelopment of these adjoining properties under a 2(d3) zoning.
The site should only be developed to optimum extent rather than maximum extent. Development should be to a lower scale if financially feasible.	<p>Council commissioned a financial feasibility study for the redevelopment of the Carlotta Avenue Depot Site in 2003. This was considered by Council on 11 February 2004, when it resolved that the Masterplan be prepared for the site in accordance with the 2(d3) zoning.</p> <p>The Masterplan does not allow for the maximum development potential for the site to be realised. Rather, it is based on the optimum development outcome for the site based on the site constraints, context, and the provision of 10% public open space as well as the financial feasibility of any future development.</p> <p>The Masterplan proposes to maximise the 4.6 storey building height permissible under LEP 194. However, the maximum site coverage under the Masterplan is only 30% (as opposed to 35% under LEP 194) and the potential minimum deep soil area is 57% (as opposed to 50%).</p> <p>The Masterplan proposes a maximum floor space of 80% of the building envelope, in line with the SEPP 65 Residential Flat Design Code. This translates to a floor space ratio (FSR) of approximately 1.1:1. This is considerable below the 1.3:1 FSR control contained in DCP 55.</p>

<b>Issue</b>	<b>Response</b>
The Masterplan does not satisfy objectives (a), (b) or (c) of LEP 194 or (a) and (d) of DCP 55.	<p>Objective (a) of LEP 194 is relates to increased housing choice. The Masterplan includes a requirement for a residential unit mix under section 3.2</p> <p>Objective (b) of the LEP relates to the protection of the natural environment of Ku-ring-gai. The implementation of the Masterplan will result in improved environmental outcomes stemming from the sites current use as a depot and will implement detailed landscaping and water management requirements.</p> <p>Objective (c) of the LEP and objectives (a) and (d) of DCP 55 relate to development being of high architectural quality and reflecting the desired future character of Ku-ring-gai. The Masterplan incorporates an additional level of design principles and controls, over and above the LEP and DCP, aimed at achieving these objectives on Carlotta Avenue site. How effectively any future development achieves these objectives is a matter for consideration at the development application stage.</p>
Buildings D and E, fronting Carlotta avenue should be limited to 2 or 3 storeys.	The proposed street setbacks for buildings D and E is 12m which will provide for substantial screen planting. In addition, the potential bulk impact of these buildings will be substantially reduced with only 2 buildings up to 20m wide directly fronting Carlotta Avenue.
Building E should have greater stepping and be setback an additional 10 metres to reduce impact on properties on opposite side of Carlotta Avenue.	The building E envelope is setback 12 metres from the front property boundary along Carlotta Avenue and more than 45 metres from the nearest property on the opposite side of Carlotta Avenue. The Building E envelope also contains a number of steps. The shadow modelling undertaken on the proposed building envelopes indicates that there will be no overshadowing of the properties on the opposite side of Carlotta Avenue. When the required landscaping in the front setback is also taken into consideration, it is not considered necessary to set the building back any further from Carlotta Avenue.
Building C presents as 7 storeys	The building C envelope is consistent with the height and storey requirements of LEP 194. The 7 storey appearance is a result of changes in the level of the land at that part of the site. Given the distance of Building C from the street and the provision of the landscaped open space in front of this building, the potential visual presence of this building is considered acceptable.
The presentation of the report is confusing.	It is proposed that some rewording of the Masterplan document occur to aid the interpretation and clarify the application of the plan in relation to the application of LEP 194 and DCP 55.

<b><i>Issue</i></b>	<b><i>Response</i></b>
Building E should be reduced in size to provide sporting facilities such as basketball and tennis courts.	The Masterplan has a requirement for the provision of area of public open space and playground at the front of the site that is equivalent to 10% of the site area. This equates to an area of approximately 1600sqm.

***Other Issues:******Floor Space Control***

The Draft Masterplan incorporated a floor space control based on utilising 75% of the building envelope as floor space. This is consistent with the approach in the NSW Residential Flat Design Code (RFDC) However, as raised in the consideration of DCP 55, the RFDC relies upon a different floor space definition to that of LEP 194 and DCP 55. The RFDC calculation of gross floor area includes a number of additional exclusions that are not included in the LEP 194 or DCP 55 calculation of gross floor area. From the studies and calculations undertaken for DCP 55, a floor space based utilising 80% of the building envelope (based on the LEP 194 definition of gross floor area) would result in an equivalent outcome as that intended by the RFDC.

***Wording of the Masterplan***

A review of the wording of the Draft Masterplan has identified a need to more clearly establish its links with LEP 194 and DCP 55.

**Proposed Amendments to the draft masterplan**

It is proposed that the following minor amendments be made to the Draft Masterplan:

- The masterplan control relating to floor space be amended to state that 80% of envelope may be utilised for floor space.
- A revised wording to better articulate the relationship between the controls in the masterplan and development standards in LEP 194 and the design controls in DCP 55.

Other than the floor space control discussed above, it is not considered necessary to amend any of the design principles and controls contained in the draft masterplan.

These proposed amendments are only minor in nature and do not alter the intention of the draft masterplan. As a result it is not considered necessary to re-exhibit the masterplan. The revised masterplan is included as **Attachment A** to this report.

**Traffic Management Report and Traffic Management Solution Issues**

Submissions raising issues relating to the exhibited Traffic Management Study were referred to Council's Strategic Traffic Engineer for review. A copy of the Strategic Traffic Engineer's comments on the submissions is included as **Attachment B** to this report and includes the following:



Item 8

S02054  
24 March 2005

*Responses with traffic-related issues were received from 13 households, with the majority of those responses coming from residents in the section of Carlotta Avenue between Pearson Avenue and Highlands Avenue, which is off the Carlotta Avenue/Pearson Avenue route passing through the area.*

*Of the responses, 8 have objected to or expressed concern regarding Options 1A and 1B. One submission supported Options 1A or 1B. Option 2 received varying degrees of support from 5 respondents, and objection from 1 respondent.*

*Based on the responses, it would appear that there is some preference for Traffic Management Option 2, and this should be further explored, along with progressing the possibility of improvements to the left turn slip lane. Physical restrictions to left turn movements from Mona Vale Road into Highlands Avenue and Carlotta Avenue could be imposed if the slip lane improvement proceeds, operates effectively, and bus services are not adversely impacted.*

### **Implementation of the Masterplan**

The draft masterplan has been exhibited as draft amendment to DCP 55. Should Council adopt the Masterplan, it will form section 7.4 of DCP 55 and have statutory force under Section 72 of the EP&A Act.

In addition the adopted Masterplan will be incorporated in the contract for sale of the site to ensure that development of the site is in accordance with the Masterplan. This will be in the form of a positive covenant pursuant to S.88D of the Real Property Act 1990 which is registered upon the title of the land.

Council will also be the consent authority for any development application relating to the site. Future development applications would need to demonstrate the achievement of the objectives, design principles, development controls and guidelines of the Masterplan.

## **CONSULTATION**

The Draft Masterplan and associated Traffic Management Report were placed on public exhibition from 19 January until 25 February 2005. Residents were notified of the exhibition via an advertisement in the North Shore Times and mailed notification to residents in the Carlotta Avenue/Mount William Street precinct. The Draft Masterplan and associated exhibition material was displayed at the Council Chambers and the Gordon Library and was also available on Council's website.

## **FINANCIAL CONSIDERATIONS**

The Masterplan has been prepared in accordance with LEP 194 and DCP 55 to achieve a yield that would be consistent with other developments under LEP 194. The sale of the site will be used to fund the construction of a new depot at Suakin Street, Pymble. The likely returns for the sale of the site have been incorporated in the report for the 10 Year Financial Model.

## CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

The Draft Masterplan has been prepared in consultation with staff from Planning and Environment, Technical Services and Open Space.

### SUMMARY

The Draft Masterplan and associated Traffic Management Report were publicly exhibited from 19 January until 25 February 2005. A total of 18 submissions were received from 16 households.

There are minor amendments proposed to the exhibited draft masterplan, however, as these do not alter the intention of the draft masterplan it is not considered necessary to re-exhibit the masterplan.

Residents expressed a preference for Traffic Management Option 2 involving traffic calming devices in Carlotta Avenue, Mt William Street and Pearson Avenue. This should be further explored, along with progressing the possibility of improvements to the left turn slip lane from Mona Vale Road into the Pacific Highway.

It is proposed that the adopted Masterplan be included as Section 7.4 of DCP 55 and incorporated in the contract for sale of the Carlotta Avenue depot site.

### RECOMMENDATION

- A. That Council adopt the Ku-ring-gai Council Depot Site Masterplan as included in **Attachment A** to this report.
- B. That the adopted Masterplan be incorporated as Section 7.4 of Ku-ring-gai Multi-Unit Housing Development Control Plan No 55 – Pacific Highway / Railway Corridor and St Ives Centre.
- C. That the adopted Masterplan will be incorporated in the contract for sale of the Carlotta Avenue Depot Site.
- D. That Council endorses Option 2 for traffic management treatment in Carlotta Avenue and that funding for the works be made available from the sale of the Carlotta Avenue site.

Craige Wyse  
Senior Urban Planner

Leta Webb  
Director  
Planning & Environment

Greg Piconi  
Director  
Technical Services

**Attachments:**      **Attachment A - Ku-ring-gai Council Carlotta Avenue Depot Site Masterplan - circulated separately.**  
                                  **Attachment B - Traffic related responses to exhibition of Masterplan and copy of traffic report and traffic management options.**

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## **SUPPLEMENTARY REPORT - DRAFT AMENDMENTS TO DEVELOPMENT CONTROL PLAN NO 55 FOR FINLAY ROAD, LAMOND DRIVE AND DUFF STREET PRECINCT, TURRAMURRA**

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### **EXECUTIVE SUMMARY**

**PURPOSE OF REPORT:**

To provide further information to assist Council to consider draft amendments to Development Control Plan No 55 and planning principles to apply to the Finlay Road, Lamond Drive and Duff Street Precinct in Turramurra.

**BACKGROUND:**

This report supplements the report GB Item 4 in the Business Paper, Ordinary Meeting of Council, 5 April 2005 – Amendment to Development Control Plan No 55 – Nominated Area Provisions for Lindfield and Turramurra.

**COMMENTS:**

This report provides additional matters for Council consideration in relation to the proposed design principles to apply to the Finlay Road, Lamond Drive and Duff Street Precinct, in Turramurra. This includes the introduction of specific design controls to apply to the precinct and exhibition of the design and controls as a draft amendment to DCP 55.

**RECOMMENDATION:**

That Council resolves to adopt the design principles and controls applying to the Finlay Road, Lamond Drive and Duff Street Precinct, Turramurra as attached to this report as a code for consideration under Clause 33(d) of the KPSO. That Council publicly exhibit the design principles and controls as a draft amendment to DCP 55.

## PURPOSE OF REPORT

To provide further information to assist Council to consider draft amendments to Development Control Plan No 55 and planning principles to apply to the Finlay Road, Lamond Drive and Duff Street Precinct in Turrumurra.

## BACKGROUND

The report GB Item 4 in the Business Paper of 5 April 2005 presents detailed design principles and controls that have been prepared for the Milray Street Precinct in Lindfield and the Finlay Road, Lamond Drive and Duff Street Precinct in Turrumurra. The report proposes that the principles and controls for the Milray Street Precinct be exhibited as a draft amendment to Section 7 of DCP 55 and that the planning principles for the Turrumurra precinct should be adopted as a code for the purposes of clause 33(d) of the Ku-ring-gai Planning Scheme Ordinance.

## COMMENTS

Following further consideration of the proposed design principles to apply to the Finlay Road, Lamond Drive and Duff Street Precinct it is deemed desirable to also include specific design controls to apply to the precinct in the form of preferred lot amalgamations, building zone controls, setbacks and pedestrian and vehicular access through the precinct. This is consistent with the approach taken with the nominated area controls presented in section 7 of DCP 55.

The recommendation of the report GB Item 4 in the Business Paper of 5 April 2005 is for the planning principles for the Turrumurra precinct be adopted as a code for the purposes of clause 33(d) of the KPSO. However, it is also proposed that the design principles and controls for the Finlay Road, Lamond Drive and Duff Street Precinct be incorporated into Section 7 of DCP 55. As a result it will require the design principles and controls to be exhibited as a draft amendment to the DCP 55.

A revised Code for the purpose of Clause 33 (d) of the KPSO, including the proposed controls, is **attached** to this report. It is proposed that this attachment replace Attachment B to the report GB 4.

Further, the recommendations as outlined in GB Item 4 in the Business Paper of 5 April 2005, are to be replaced with the recommendations as contained in this report.

## CONSULTATION

No further consultation has been undertaken since the main report

## FINANCIAL CONSIDERATIONS

There are no financial considerations.

## CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

Further consultation has taken place with Development and Regulation and Council's Corporate Lawyer.

### SUMMARY

This report provides additional matters for Council consideration in relation to the proposed design principles to apply to the Finlay Road, Lamond Drive and Duff Street Precinct in Turrumurra. This includes the introduction of specific design controls to apply to the precinct and exhibition of the design principles and controls as a draft amendment to DCP 55.

### RECOMMENDATION

- A. That Council resolves to adopt the design principles and controls applying to the Finlay Road, Lamond Drive and Duff Street Precinct in Turrumurra as attached to this report as a code for consideration under Clause 33(d) of the Ku-ring-gai Planning Scheme Ordinance.
- B. That Council adopts the design principles and controls contained in the attachment to this report as a draft amendment to Ku-ring-gai Multi-Unit Housing Development Control Plan No 55.
- C. That Council adopts for the draft nominated area controls contained in Attachment A to the report GB Item 4 in the Business Paper of 5 April 2005, as a draft amendment to Ku-ring-gai Multi-Unit Housing Development Control Plan No 55.
- D. That the draft amendment be publicly exhibited in accordance with Clause 18 of the Environmental Planning and Assessment Regulations 2000.

Craig Wyse  
Senior Urban Planner

Leta Webb  
Director  
Planning & Environment

**Attachments:**      **Finlay Road, Lamond Drive and Duff Street Precinct, Turrumurra - Design Principles and Controls.**