



**ORDINARY MEETING OF COUNCIL
TO BE HELD ON TUESDAY, 6 FEBRUARY 2007 AT 7.00PM
LEVEL 3, COUNCIL CHAMBERS**

A G E N D A

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

APOLOGIES

DECLARATIONS OF 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 12 December 2006
Minutes numbered 503 to 543

Minutes of Extraordinary Meeting of Council

File: S02131
Meeting held 18 December 2006
Minutes numbered EMC22 to EMC23

Minutes of Extraordinary Meeting of Council

File: S02131
Meeting held 19 December 2006
Minutes numbered EMC24

MINUTES FROM THE MAYOR

PETITIONS

- PT.1 **Lindfield Petition to Oppose the 'Sale' of Our Community Land & Massive Over-Planning - (Six Hundred & Twelve [612] Signatures)** 1

File: S04350

"We, the undersigned strongly oppose our Council reclassifying or **selling of our public land**.

We want to retain & upgrade our Lindfield Library, Senior Citizens Resource Centre, Ku-ring-gai Old Peoples Welfare Association (KOPWA) residences, two tennis courts and parkland at the present site. We do not want our FREE community car parks reclassified and sold to commercial operators for underground parking stations.

We want to retain the character and village atmosphere of Lindfield, and for new development to be in keeping with our National Trust urban conservation areas & our historic North Shore Railway Line.

We **DO NOT** support Ku-ring-gai Council's massive over-planning. Under the State Government's Metro-strategy guidelines, Ku-ring-gai should only take up to 10,000 dwellings, NOT 16,000".

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 **18 Kanoona Avenue, St Ives - Attached Dual Occupancy** 2

File: DA0558/06

Ward: St Ives

Applicant: AKSA Property Developments Pty Ltd c/- Glendinning Minto & Associates

Owner: AKSA Property Developments Pty Ltd

To determine development application No.558/06 for demolition of an existing dwelling and construction of an attached dual occupancy development.

Recommendation:

Approval

GB.2 7 Shelby Road, St Ives - Detached Dual Occupancy 44

.
File: DA1146/06

Applicant: Harry Charalambous c/- Glendinning Minto & Associates
Owner: Helen Blaxland

To determine development application No.1446/06, which seeks consent for demolition of an existing dwelling and erection of two (2) new dwellings to form a detached dual occupancy.

This matter has been called by Councillors Ebbeck and Hall.

Recommendation:

Refusal

GB.3 5 to 9 Woodside Avenue, Lindfield - Demolition of Existing Structures, Construction of a Residential Flat Building Containing 27 Units, Basement Car Parking & Landscaping 74

.
File: DA1019/06

Ward: Roseville
Applicant: Woodside Avenue Pty Ltd
Owner: Thomas E White Hoes & Priscila Hoes, Samuel Sakker, JRDJ Holdings Pty Ltd

To determine development application No.1019/06, which seeks consent for demolition of existing structures, construction of a residential flat building containing 27 units, basement carparking and landscaping.

Recommendation:

Approval

GB.4 **4 Dudley Avenue, Roseville - Modification of Development Consent No 325/04 for Part Demolition of the Existing Dwelling House & Construction of a New Double Storey Dwelling, Carport & Pool** **164**

.
File: DA0325/04B

Ward: Roseville
Applicant: Ivo and Fiona Porfiri
Owner: Ivo and Fiona Porfiri

To determine a section 96(2) modification to development consent No 325/04 proposing to demolish and rebuild the front facade of the existing dwelling (to be retained under the existing consent) and install a panel lift door to the carport.

Recommendation:

Refusal

GB.5 **Local Government Managers Association 2007 National Congress** **204**

.
File: S04567

For Council to determine if it wishes to send delegates to the Local Government Managers Association 2007 National Congress.

Recommendation:

That Council determine if it wishes to send delegates to the Local Government Association 2007 National Congress.

GB.6 **Investment & Loan Liability as at 30 November 2006** **211**

.
File: S02722

To present to Council investment allocations, returns on investments and details of loan liabilities for November 2006.

Recommendation:

That the summary of investments and loan liabilities for November 2006 be received and noted.

GB.7 Investment & Loan Liability as at 31 December 2006 219

.
File: S02722

To present to Council investment allocations, returns on investments and details of loan liabilities for December 2006

Recommendation:

That the summary of investments and loan liabilities for December 2006 be received and noted.

GB.8 Environmental Levy Programs Committee - Minutes of Meeting held Tuesday, 28 November 2006 227

.
File: S04078

To bring to the attention of Council the proceedings from the Environmental Levy Programs Committee meeting held on Tuesday 28 November 2006.

Recommendation:

That the Minutes of the Environmental Levy Programs Committee meeting held on Tuesday 28 November 2006 and attachments be received and noted.

GB.9 Environmental Levy Small Grants Scheme - Round Three 233

.
File: S04078

To seek Council's support to fund the third round of the community small grants scheme funded by the Environmental Levy.

Recommendation:

That Council supports the decision to fund the 9 projects recommended by the small grants panel as part of the Environmental Levy.

File: S03447

To bring to the attention of the Ordinary Meeting of Council, the Minutes from the Parks, Sport and Recreation Reference Group meeting held on Thursday 14 December 2006.

Recommendation:

That the Minutes of the Parks, Sport and Recreation Reference Group meeting held on 14 December 2006 be received and noted.

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

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MAYORAL MINUTE

AUSTRALIA DAY HONOURS 2007

I am pleased to inform you of the many Ku-ring-gai citizens who, through their outstanding achievements and services to the community, have been awarded 2007 Australia Day Honours.

We are very proud to have so many dedicated and talented Australians as members of the Ku-ring-gai community.

I would like to read to you the names of these special Ku-ring-gai citizens and, on behalf of Council, congratulate them on their excellent contributions to Australian society.

IAN CARROLL of Killara

For service to the community through a range of educational, sporting, social welfare and cultural organisations

VALDA CORBETT of Turramurra

For service to the community, particularly through the 40 Hour Famine for World Vision Australia

MARTIN DUNN of Wahroonga

For service to the profession of dental prosthetics, particularly as a contributor in the area of skills development

WILLIAM HILL of Warrawee

For service to youth philanthropic support for the scouting movement

GREGORY JOHNSON of Killara

For service to education through the Australian International School in Singapore, and to business and finance

JOHN MAHER of Turramurra

For outstanding public service to the construction industry, in particular the development of the Sydney transport infrastructure

GILLIAN MOORE of Pymble

For service to education, particularly as Principal of Pymble Ladies' College, by fostering academic excellence and student participation across a range of sporting and arts activities, and as a major contributor to the independent schools' sector

GEORGE PAPALLO of St Ives

For service to adult education and to the community of Ryde

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JOHN RIDGE of Wahroonga

For service to the information technology industry, particularly through the promotion and development of professional organisations and the creation of educational opportunities

GEOFFREY ROBB of Roseville

For achievements in mountaineering and as a fundraiser for charitable organisations

DENNIS TURNER of Roseville

For service to management education, and to the community through contributions to economic research and charitable organisations

On behalf of Council, I congratulate all these award winners on their outstanding achievements.

Ku-ring-gai should be proud that it has so many citizens being recognised at the highest levels for their selfless dedication, commitment and contribution to local, national and international communities.

RECOMMENDATION

That Council acknowledge the outstanding contribution made by these recipients of 2007 Australia Day Honours to the Ku-ring-gai community and to the well-being of our society.

Cr Nick Ebbeck
Mayor

MAYORAL MINUTE

CITIZEN OF THE YEAR 2007

I am proud to inform you of the winners of the 2007 Ku-ring-gai Citizens of the Year Awards, which I had great pleasure in announcing at Council's Australia Day celebrations at Bicentennial Park.

These awards acknowledge the generous spirit of some of the Ku-ring-gai citizens who have made an outstanding contribution to their community.

The awards were presented in four categories: Ku-ring-gai Young Citizen of the Year and Outstanding Service to the Community – individual and group, and Ku-ring-gai Citizen of the Year.

Young Citizen of the Year

Ku-ring-gai's Young Citizen on the Year is recent Hornsby Girls' High School graduate, 18-year-old Fiona Campbell.

Ms Campbell is a student of the world, embracing different cultures and immersing herself in diverse languages. Through school exchange programs, she has lived and studied in France and Germany, and has hosted students from Germany and Japan.

The Lindfield resident devotes her time to charity work, raising money for the Starlight Foundation and Red Cross and was the winner of the ZONTA International Young Women in Public Affairs Award in 2006.

Outstanding Service to the Community (Individual)

Ku-ring-gai's Outstanding Service to the Community (Individual) award went to St Ives resident Graeme Kennan for his dedication to developing rugby in Ku-ring-gai.

President of St Ives Rugby Club for the past 20 years, Mr Kennan's passion and vision for the game has seen the club grow to become one of the largest suburban junior rugby clubs in Australia.

Outstanding Service to the Community (Group)

One of Ku-ring-gai's biggest and most active community groups, the Ku-ring-gai Philharmonic Orchestra, received the Outstanding Service to the Community (Group) award.

The orchestra has been serving the community for over 35 years, providing regular performance opportunities to Ku-ring-gai musicians and raising money for local charities. In

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2006, 125 musicians of all ages volunteered their talents and skills to the orchestra, making it one of the most community-focused and innovative orchestras in Australia.

Citizen of the Year

The 2007 Ku-ring-gai Citizen of the Year is 88-year-old Lindfield resident Mrs Anne-Marie Stuart, who has devoted over 40 years to tirelessly volunteering her time to the Ku-ring-gai Old People's Welfare Association (KOPWA) and the Ku-ring-gai Meals on Wheels Service.

A founding member of both organisations, Mrs Stuart continues to give up her time to ensure the welfare of elderly people in Ku-ring-gai. She currently is a board member of both organisations.

I now have great pleasure in presenting our Citizen of the Year certificate to Mrs Stuart, who has kindly joined us for the occasion tonight. (PRESENT CERTIFICATE)

All the award winners are exceptional people who have given their time and energy to causes and organisations that directly benefit the Ku-ring-gai community.

Ku-ring-gai has so many citizens who deserve to be recognised for their efforts. On behalf of Council, I congratulate all the nominees and winners for their personal achievements and outstanding contributions to Ku-ring-gai.

RECOMMENDATION

- A. That Council acknowledge the outstanding contribution made by these recipients of the 2007 Citizen of the Year Awards.
- B. That the Mayor write to each of the recipients on behalf of Council and the people of Ku-ring-gai congratulating them on their awards.

Cr Nick Ebbeck
Mayor

PETITION

LINDFIELD PETITION TO OPPOSE THE 'SALE' OF OUR COMMUNITY LAND & MASSIVE OVER-PLANNING - (SIX HUNDRED & TWELVE [612] SIGNATURES)

"We, the undersigned strongly oppose our Council reclassifying or **selling of our public land**.

We want to retain & upgrade our Lindfield Library, Senior Citizens Resource Centre, Ku-ring-gai Old Peoples Welfare Association (KOPWA) residences, two tennis courts and parkland at the present site. We do not want our FREE community car parks reclassified and sold to commercial operators for underground parking stations.

We want to retain the character and village atmosphere of Lindfield, and for new development to be in keeping with our National Trust urban conservation areas & our historic North Shore Railway Line.

We **DO NOT** support Ku-ring-gai Council's massive over-planning. Under the State Government's Metro-strategy guidelines, Ku-ring-gai should only take up to 10,000 dwellings, NOT 16,000".

RECOMMENDATION

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

DEVELOPMENT APPLICATION

SUMMARY SHEET

REPORT TITLE:	18 KANOONA AVENUE, ST IVES - ATTACHED DUAL OCCUPANCY
WARD:	St Ives
DEVELOPMENT APPLICATION N^o:	558/06
SUBJECT LAND:	18 Kanoona Avenue, St Ives
APPLICANT:	AKSA Property Developments Pty Ltd c/- Glendinning Minto & Associates
OWNER:	AKSA Property Developments Pty Ltd
DESIGNER:	WIBSOMA Pty Ltd Architects
PRESENT USE:	Residential
ZONING:	Residential 2(c)
HERITAGE:	No
PERMISSIBLE UNDER:	SEPP 53
COUNCIL'S POLICIES APPLICABLE:	KPSO, Dual Occupancy Code, DCP 31 - Access, DCP 40 - Waste Management, DCP 43 - Car Parking, DCP 47 - Water Management
COMPLIANCE WITH CODES/POLICIES:	No
GOVERNMENT POLICIES APPLICABLE:	SEPP 55, SEPP 53, SEPP (BASIX), SREP 20 (Hawkesbury - Nepean River)
COMPLIANCE WITH GOVERNMENT POLICIES:	Yes
DATE LODGED:	7 June 2006
40 DAY PERIOD EXPIRED:	17 July 2006
PROPOSAL:	Attached dual occupancy
RECOMMENDATION:	Approval

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DEVELOPMENT APPLICATION N^o 558/06
PREMISES: 18 KANOONA AVENUE, ST IVES
PROPOSAL: ATTACHED DUAL OCCUPANCY
APPLICANT: AKSA PROPERTY DEVELOPMENTS PTY
LTD C/- GLENDINNING MINTO &
ASSOCIATES
OWNER: AKSA PROPERTY DEVELOPMENTS PTY
LTD
DESIGNER WIBSOMA PTY LTD ARCHITECTS

PURPOSE FOR REPORT

To determine development application No.558/06 for demolition of an existing dwelling and construction of an attached dual occupancy development.

This matter has been called to full Council by Councilor Bennett.

EXECUTIVE SUMMARY

Issues: Streetscape, setbacks, trees, landscaping, access & driveway design.

Submissions: Three (3) submissions received.

Land & Environment Court Appeal: No.

Recommendation: Approval.

HISTORY

Property History:

The site is used for residential purposes. There is no property history of relevance to the current development application.

Development Application History:

7 June 2006 Development application lodged

30 June 2006 Council officers requested that the applicant submit a revised driveway design to preserve an existing Chinese Pistacio tree located within the road verge. Council officers advised that:

The removal of the Chinese Pistacio located on the Kanoona Ave nature strip cannot be supported. The tree is part of an established avenue planting that lines both sides of the street, for the length of the street, providing a

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very strong streetscape character. The proposed driveway should be amended to utilise the existing driveway cross-over and ensure the retention of the tree. ”

6 July 2006 The applicant advised that a revised design had been considered, however, that amended plans would not be provided. The applicant advised that

“I consider that all possible design outcomes for this site have been considered and that the proposal as submitted is appropriate. A redesigned driveway will require a different design which, I consider, will have adverse outcomes.”

The applicant did not specify what adverse impacts would occur as a result of providing a revised driveway design and re-iterates comments made in their statement of environmental effects that:

“the proposal will not require the removal of any trees warranting specific consideration for retention on the site so as to accommodate the proposed dwelling”.

5 Oct 2006 Council officer’s met with the applicant’s designer and discussed potential driveway designs that could achieve the retention of the street tree. No revised design was submitted.

6 Oct 2006 The applicant advised that the original driveway design was preferable to a revised design which utilised two vehicular crossovers. No revised design was submitted.

16 Nov 2006 Following further discussion between staff and the applicant, a revised driveway design was submitted. The revised driveway design enabled the retention of the street tree, however, proposed excessive areas of hard paving and two vehicle crossovers to the street.

1 Dec 2006 The applicant then submitted an arborist’s report, prepared by Mr Ian English of Sydney Arboricultural Services supporting the removal of the Chinese Pistacio tree situated within Council’s road reserve. The findings of this report have been considered by Council’s Landscape Officer and it is agreed that the tree is of poor health and of poor form and may present a hazard should it decline further.

16 Jan 2007 The applicant was requested to submit revised drawings detailing an improved presentation of the development to the street. The applicant submitted revised plans incorporating the following changes:

- Relocation of the single car garages from the centre of the street elevation to the sides and relocation of the single carports to the centre of the front façade.
- Inclusion of skylights above the front entry.

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- The garage entries stepped back an additional 300mm to improve articulation in the front façade.

The revised plans incorporate a centrally located driveway design which requires removal of Council's street tree. Council's Landscape Development Officer has supported the findings of the Arborist's report submitted by the applicant and has recommended that the tree be removed and an advanced replacement tree be planted in the road verge.

THE SITE AND SURROUNDING AREA

The site

Zoning:	Residential 2(c)
Visual Character Study Category:	1945-1968
Lot Number:	28
DP Number:	15689
Area:	715.4m ²
Frontage:	15.24m
Long Boundary:	46.94m
Heritage Affected:	No
Integrated Development:	No
Bush Fire Prone Land:	No
Endangered Species:	Not affected
Urban Bushland:	No
Contaminated Land:	No

The subject allotment is legally described as Lot 28 in D.P.15689. The site is located on the northern side of Kanoona Avenue, St Ives. The site has an area of 715.4 square metres and is a regular shaped allotment. The southern (front) boundary to Kanoona Avenue has a length of 15.24 metres, while the east and west (side) boundaries both have a length of 46.94 metres. The site is relatively flat, with a slight fall towards the street.

The site is occupied by a single storey dwelling house with an attached garage. The dwelling is set back 19 metres from the street and approximately 900mm and 1.1 metres from the western and eastern boundaries respectively. There is an existing single crossover from Kanoona Avenue, with a low brick front fence.

The site is dominated by the existing treed landscape of Kanoona Avenue, the house being largely obscured by an avenue of tree plantings along both sides of Kanoona Avenue as well as trees on adjoining properties.

There is an existing Golden Cypress situated within the front garden as well as a Chinese Pistacio tree located adjacent to the centre of the front boundary, within the road reserve.

Surrounding development:

The subject site is described in the Ku-ring-gai Visual Character Study as being located within an area characterised by single dwellings on single lots, with the majority of construction being from

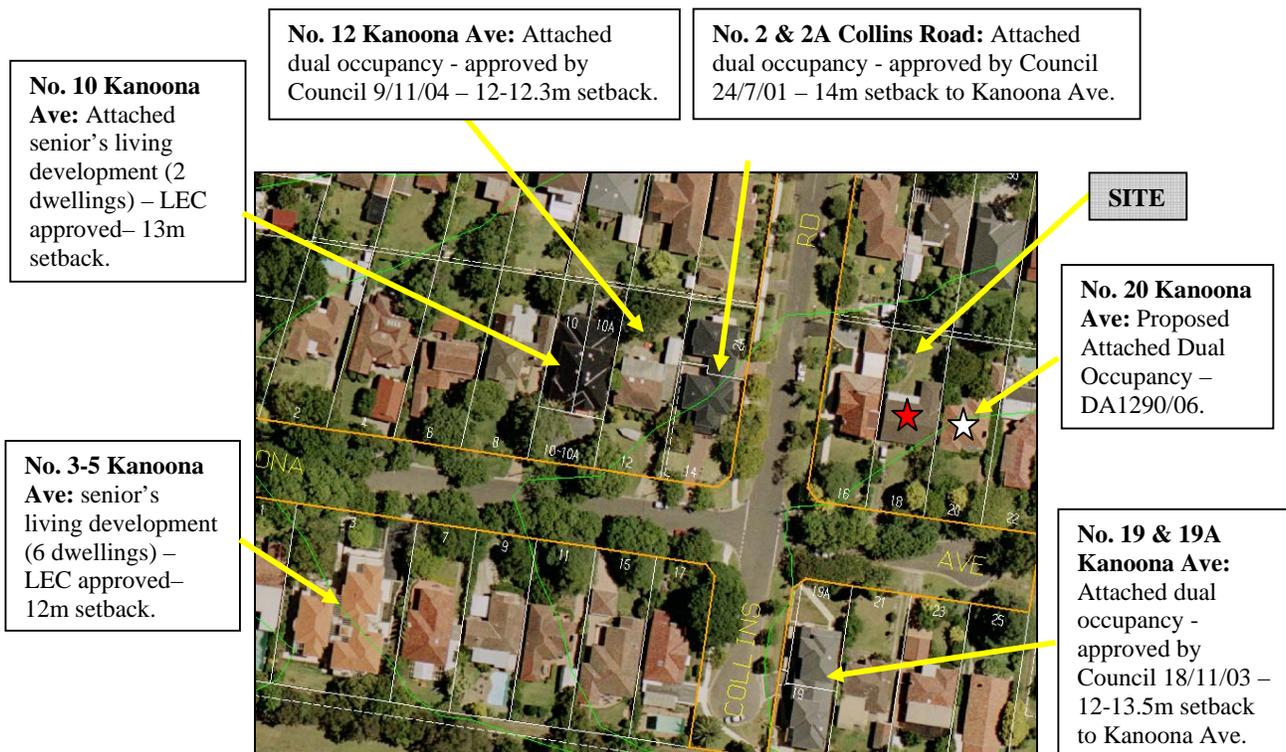
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the period between 1945 and 1968. Sites on both sides of Kanoona Avenue fall within the Visual Character Study category of 1945 and 1968.

The land in the immediate vicinity of the site generally slopes from the north-west to the south-east, with the land having a gradual slope towards the St Ives Village Green to the south-west and south. Development within the street is generally set within open gardens in a tree-lined street.

Mature trees, along both sides of Kanoona Avenue, provide good screening for existing development and comprise a well landscaped streetscape.

There have been a number of recently approved developments along both sides of Kanoona Avenue and the adjoining Collins Road. Most notably, developments at Nos. 3, 10, 12, 14 & 19 (identified below) which consist of dual occupancy development and Seniors Living development. The location of existing development in the street is shown in the following map.



Overall, the development in the locality is of a mixture of single and two storey detached dwellings on well landscape allotments, along with some attached dwellings and a Seniors living development of 6 dwellings. There is a mix of architectural styles and periods, with the majority of development being set back at least 12 metres from the street boundary.

A development application for an attached dual occupancy on the adjoining site (No. 20 Kanoona Avenue) is also currently being assessed. The proposed dual occupancy development at No. 20 Kanoona Avenue is set back 12.3 metres from the street.

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THE PROPOSAL

The proposal involves the demolition of the existing dwelling and construction of an attached dual occupancy development. The proposal comprises a two storey building with proposed dwellings constructed side-by-side, fronting Kanoona Avenue and having a long common wall running through the centre of the development.

The proposed attached dual occupancy has a pitched roof and is set in at the first floor level with balconies overlooking the street and the rear yards. Two (2) single car garages are proposed in the front elevation adjacent to the side of the each dwelling, with two open carports located in the middle of the front elevation, providing both secondary car accommodation as well as the main entry points to each dwelling. The proposed façade has been staggered, with the garages recessed behind the main façade by 300mm.

Private open space for both dwellings is to the north of the development, with both courtyards accessed at ground level from internal living areas. A small elevated deck is provided at the first floor, having access from first floor bedrooms only. The rear yard of the site is divided in two along a centre line between the two dwellings and has dimensions of 12.4 metres x 7.6 metres.

Both dwellings contain three bedrooms, a main bathroom and ensuite on the first floor. The ground floor contains a single car garage, carport, living, dining and family rooms, w.c. and laundry, with the family room and kitchen orientated to the northern elevation. The development is staggered along the side elevations to accommodate a small courtyard between the dining room and the side boundary, acting both as a light well to the interior of both dwellings and as additional open space.

It is proposed to remove the existing driveway and crossover, located adjacent to the south-western corner of the site, and to construct a new driveway and crossing in the centre of the site. The location of the driveway in the centre of the site would allow for the creation of reciprocal rights of way of future lots, allowing dual ownership and access over the driveway.

CONSULTATION - COMMUNITY

In accordance with Council's Notification DCP, owners of surrounding properties were given notice of the application. The following comments have been received:

In response, submissions from the following were received:

1. *Mr A T & Mrs J C Griffiths, 16 Kanoona Avenue, ST IVES 2075*
2. *Ms J & Ms J C Tebbatt, 20 Kanoona Avenue, ST IVES 2075*
3. *Mr. I J Chung, 20 Kanoona Kanoona Avenue, ST IVES 2075 (new owner)*

The submissions raised the following issues:

Loss of privacy from side facing upper floor windows and first floor deck to the rear.

The proposed side windows in the upper floor are bathroom and ensuite windows, with one window in each dwelling being dedicated to Bedroom 2. Whilst the window to Bedroom 2 is orientated

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towards adjoining dwellings to the east or west, respectively, the window is necessary for light and ventilation, with little opportunity to relocate the windows elsewhere. It should also be noted that the first floor bedrooms of No. 16 Kanoona Avenue are currently located within existing roof space as attic rooms and that the dwelling at No. 20 Kanoona Avenue is single storey only.

Request that the carports be relocated to the centre of the block to limit noise.

The applicant has amended the proposed to relocate the carports and front entry away from side boundaries. The development, as amended, has addressed this concern.

Setbacks from the street are inadequate

The proposed development is set back 12.3 metres from the street boundary which complies with the minimum setback required by the Dual Occupancy Development Control Code. The proposed dual occupancy is also consistent with the prevailing setback of existing dual occupancy development elsewhere in the street, with development at Nos. 10, 12, 14 & 19 Kanoona Avenue generally set back 12 metres from the street boundary.

Building height

The proposal complies with the building height requirement and is set in at the first floor level.

New owner (No. 20) supports the application

The new owner at No. 20 Kanoona Avenue supports the application.

CONSULTATION - WITHIN COUNCIL

Landscaping

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

“Removal/negative impacts upon trees/vegetation

This proposal proposes the removal of all vegetation including several Camellia sp. (Camellias) from the site, some of which have been identified in the applicant's arborist report prepared by Landscape Matrix, dated 19 May 2006, with the exception of the following 3 plants:

- *T6: healthy Camellia sasanqua (Chinese Camellia), of 6 metres height, is located adjacent to the western side boundary within the building setback zone. Pruning of this Camellia to accommodate vehicular access into the near side garage is acceptable. It would be preferable that all other mature Camellias, located mostly adjacent to the site boundaries and away from proposed works be retained in the landscape arrangement.*

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- *One over-mature Hakea salicifolia (Willow Leafed Hakea) is located adjacent to the site's north-western corner. This Hakea is not worthy of retention.*
- *One healthy Magnolia x soulangiana (Magnolia), of 5 metres height and 6 metres canopy spread, is located close to the site's northern (rear) boundary. Proposed excavation to lower the lawn by approximately 0.5 metre around the Magnolia is not supported therefore, the lawn is to be retained at its existing level to ensure the tree's preservation as shown on the landscape plan.*

Excavation for the eastern side garage will result in the severance of major structural roots of 1 Jacaranda mimosifolia (Jacaranda) within 1 metre of its trunk. This tree abuts the western boundary of No. 20 Kanoona Avenue. There is no objection to the removal of this tree.

Landscape and stormwater drainage plans

An amended landscape plan is required to address inconsistencies between the landscape plan and both the architectural and stormwater plans concerning the driveway layout, the surface detention area and pits. In addition, all 3 proposed canopy replenishment trees conflict with the surface detention basin walls and should not be located in such close proximity to them, or within the detention area, to avoid future damage to the walls. (Refer Condition No. 54).

The proposed retaining wall (TOW 163.50) at the northern and western sides of the lawn at the rear of the site is to be deleted and the existing lawn level is to be maintained to avoid damage to the Magnolia x soulangiana (Magnolia) tree's root system. (Refer Condition No. 54)

The proposed drainage line to the Kanoona Avenue kerb is to pass the trunk of T2: Pistacia chinensis (Pistacia) located on the nature strip in line with the common boundary between the subject site and No. 20 Kanoona Avenue. Thrust boring method will be required for this line, or pending the surface detention area being replaced by a tank beneath the driveway, the discharge line to the street could be relocated clear of this Pistacia, thereby avoiding any negative impact to it.

Street tree

The following comments are made in response to the report prepared by Sydney Arboricultural Services Pty Ltd dated 30.11.06, regarding T1: Pistacia chinensis (Pistacia) located on the Kanoona Avenue nature strip and which the applicant proposes to remove to locate the driveway crossing centrally along the properties front boundary.

It is agreed that this tree is of poor form and structure due to it being located to the road side of the overhead electric power mains that extend along the northern side Kanoona Avenue and from which it has been repetitively pruned. The tree is lop-sided with most growth over the road side. Growth to the property side of the tree is sparse

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due to repetitive pruning. The tree's foliage is healthy. All Pistacia trees along Kanoona Avenue, west of Collins Road, have been planted in line with the power poles and directly beneath the power lines and therefore their canopies have a healthy symmetrical form.

Advanced decay has occurred in the trunk 1.2 metres above ground, just below the main fork, where a large limb has been removed from the western side of the tree. The prognosis of this wound (cavity) is that, as the tree's canopy develops further over roadway it is prone to failure due to the additional weight that would be placed on the weakened trunk.

While the tree is not of a size that would cause great damage, its poor form, compromised structure and state of development are sufficient grounds to permit its removal for relocation of the driveway.

The arborist's recommended replacement species is not agreed with. Replacement of this tree with 1 Pistacia of super-advanced (75 litre nursery stock) size at the eastern side of the existing driveway is recommended to maintain the integrity of the avenue planting and existing tree spacings. Two developing Pistacia chinensis (Pistacia) are located on the nature strip opposite the subject tree. (Refer Condition No. 39).

This application supported subject to conditions."

The application seeks removal a number of trees including the Golden Cypress in the centre front garden and the Chinese pistacio located within the Kanoona Avenue road reserve.

Given the value of the tree plantings within the road reserve, the applicant was initially encouraged to retain the tree. However, further assessment by Council's Landscape Development Officer, in response to the report from Sydney Arboricultural Services Pty Ltd, has identified reasonable grounds to support the removal of the tree. Subject to a suitable, advanced growth, replacement tree of the same species, the overall uniformity of the characteristic avenue plantings in the street will be retained. (Refer Condition No. 39)

The proposal is supported by Council's Landscape Development Officer, subject to conditions (Refer Condition Nos 29 to 42, 54 to 56, 58 to 63 and 73 to 76).

Engineering

Council's Development Engineer, Ross Guerrero, commented on the proposal as follows:

"Stormwater disposal

The stormwater runoff is to be collected and conveyed to two (2) on-site detention basins located in the front landscaped area. In addition two (2) above ground rainwater tanks totalling 8,040L have been provided for re-use for irrigation, laundry and toilet use with the overflow from the rainwater tank connected to the stormwater line. OSD

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storage volume has been reduced by modifying the on-site retention volume. This is considered satisfactory system for this development.

*There is to be no planting within the detention basin except for shrubs. The *Angophora costata* as proposed cannot be considered due to the impact the tree roots would have on the pipes and surrounding retaining wall structure. (Refer Condition No. 52).*

Site access

The existing concrete layback is to be removed and replaced with a new vehicle crossing and driveway. The driveway has a grade less than about 3% from the garage entry to the front property boundary. The driveway complies with Australian Standard 2890.1 (2004) "Off-Street car parking" and Council's Driveway Criteria.

Recommendations

From an engineering perspective, there are no objections to this application, subject to the following:

1. *The sediment control sump needs to be redesigned to have a minimum depth of 200mm below the invert of the orifice to enable the sump to drain dry. Weepholes in the base of this type of pit is also to be provided and to be designed in accordance with Council's standards.*
2. *There is to be no planting within the detention basin except for shrubs. The landscape plan must be consistent with the Hydraulic Plan."*

Council's Development Engineer has recommended specific conditions to address the relevant stormwater issues identified above. (Refer Conditions Nos 24 to 28, 49 to 53, and 64 to 72).

STATUTORY PROVISIONS

State Environmental Planning Policy No 53

SEPP 53 aims to encourage the provision of housing in metropolitan areas that will:

- (a) *broaden the housing choice of building types and locations available in the housing market, and*
- (b) *make more efficient use of existing infrastructure and services, and*
- (c) *reduce the consumption of land for housing and associated urban development on the urban fringe, and*
- (d) *be of good design.*

Clause 3 of the SEPP states that these aims will be achieved by:

- (a) *by establishing planning controls that will provide opportunities for a variety of housing types to be developed in areas the councils of which have not adopted development strategies, and*

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- (b) *by setting out design principals that, if followed, will achieve built form that responds to the characteristics of its site and location*
- (c) *by encouraging councils to prepare and adopt residential development strategies an supporting local environment plans and policies that will achieve those aims, and by allowing local government areas to be exempted from the whole or parts of this policy when those strategies are in place.*

Clause 18 of the SEPP permits dual occupancy development with Council’s consent.

Clauses 19 and 20 specify standards that must be complied with. A summary of compliance is as follows:

COMPLIANCE TABLE		
Development standards	Proposed	Complies
Allotment size (cl.19(1)(a)) <ul style="list-style-type: none"> • 400m² attached dual occ (min) 	715.4m ²	YES
Floor space ratio (cl.19(1)(b)) <ul style="list-style-type: none"> • 0.5:1 (max) 	0.5:1 (359.2m ²)	YES
Car parking (cl.20) <ul style="list-style-type: none"> • Dwelling 1: 2 car spaces (min) • Dwelling 2: 2 car spaces (min) 	Dwelling 1: 2 car spaces Dwelling 2: 2 car spaces	YES YES

Site analysis (cl.31):

The documentation submitted with the application is considered satisfactory with respect to the requirements of Clause 31 and Schedule 5 of SEPP 53.

Streetscape (cl.32(a)):

The proposed development will be of suitable appearance and satisfies the streetscape principles of SEPP 53. The scale and bulk of the proposal is compatible with that of other development in the locality, being a combination of single and two storey dwellings as well as a number of dual occupancy development and a recently completed SEPP 5 development.

Visual & acoustic privacy (cl.32(b)):

The proposal is generally satisfactory with regard to visual privacy. The main living areas of both dwellings are orientated towards the rear boundary and internal courtyards and first floor windows are located away from opposing windows on adjoining properties. The proposed first floor deck to the main bedroom at the rear should be amended to include a privacy screen along the side elevation to prevent overlooking of rear yards on adjoining properties. A condition has been recommended in this regard. (*Refer Condition No. 47*)

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Solar access and design for climate (cl.32(c)):

The proposal has been designed to provide all living areas with north-facing windows and an area of private open space for each dwelling orientated towards the north. The proposed development has been designed in accordance with BASIX requirements and shall incorporate passive energy design efficient construction methods.

The design and siting of the proposed dwellings will ensure at least 4 hours of solar access between 9.00am and 3.00pm to north-facing windows, living rooms and outdoor living areas within the development. Adjoining premises will retain at least 4 hours of solar access between 9.00 am and 3.00pm.

The living areas for the proposed dwelling have a northerly orientation. The proposed development receives 3+ hours solar access to its internal living areas and private open space areas during the winter solstice.

Stormwater (cl.32(d)):

Stormwater disposal is considered to be satisfactory, subject to a condition (*refer to Condition No. 71*).

Crime prevention (cl.32(e)):

Pedestrian and vehicular access will be from Kanoona Avenue. The proposed entries at ground floor level allow general observation of the dwelling entry areas. The occupants of the development will have acceptable levels of passive and active surveillance in accordance with the crime prevention objectives under State Environmental Planning Policy No 53.

Accessibility (cl.32(f)):

Safe pedestrian links are available to local facilities from the subject property. Convenient access and parking will be available.

Waste management (cl.32(g)):

Suitable space exists on the property for the storage of waste management containers.

Visual bulk (cl.32(h)):

The building form, setbacks and height of the proposed development are consistent with those of surrounding development.

The proposal provides an acceptable response to the built environment of the immediate locality. The architecture within the street is varied in respect to bulk and scale. Having considered the scale of surrounding development, the proposal is in keeping with the area.

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The proposal does not disrupt the character of adjoining buildings and would not detract from the amenity of the area.

State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

A valid BASIX certificate has been submitted. The certificate demonstrates compliance with the provisions of the SEPP and adequately reflects all amendments to the application.

State Environmental Planning Policy No 55 - Remediation of Land

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

Sydney Regional Environmental Plan No 20 - Hawkesbury-Nepean River

SREP 20 applies to land within the catchment of the Hawkesbury Nepean River. The general aim of the plan is to ensure that development and future land uses within the catchment are considered in a regional context. The Plan includes strategies for the assessment of development in relation to water quality and quantity, scenic quality, aquaculture, recreation and tourism.

Subject to compliance with the relevant engineering conditions requiring appropriate stormwater management, in accordance with DCP 47, the proposed development is considered to achieve the relevant aims under this policy.

Ku-ring-gai Planning Scheme Ordinance (KPSO)

COMPLIANCE TABLE		
Development standard	Proposed	Complies
Building height 8m (max)	5.8m	YES
Built-upon area 60% (max)	50%	YES
Notional built-upon area	Dwelling 1: 50% Dwelling 2: 50%	YES YES

Aims and objectives for residential zones

The development:

- (i) provides satisfactory levels of solar access & privacy to surrounding properties
- (ii) is of an acceptable bulk, scale and design, and is reasonably in keeping with the character of the area
- (iii) maintains adequate levels of soft landscaping
- (iv) provides suitable egress/ingress for vehicles
- (v) maintains the landscape quality of the municipality

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Consequently, the aims and objectives for residential development as outlined by Schedule 9 have been satisfied.

POLICY PROVISIONS

Development Control Plan 40 - Waste Management

The site is of a sufficient size to accommodate waste storage and recycling facilities associated with the proposed use in accordance with DCP 40.

Development Control Plan No 43 - Car Parking

The proposal complies with DCP 43 which requires the provision of two parking spaces for each dwelling.

Council's Dual Occupancy Development Control Code

COMPLIANCE TABLE		
Development control	Proposed	Complies
4.2 Streetscape:		
Roof pitch		
<ul style="list-style-type: none"> • 3m roof height-2 storey (max) 	2 storey & 2.2metres	YES
<ul style="list-style-type: none"> • Roof pitch 35⁰ (max) 	22.5 ⁰	YES
Fences		
<ul style="list-style-type: none"> • Height:900mm (solid fence) (max) 	300mm	YES
<ul style="list-style-type: none"> • Height:1.2m (transparent fence) (max) 	1.2m	YES
4.3 Visual and acoustic privacy:		
Visual privacy		
<ul style="list-style-type: none"> • Windows to habitable rooms offset or set back 9m from neighbouring windows (min) 	Windows to habitable rooms set back less than 9 m from windows in adjoining dwellings but are offset and from adjoining habitable room windows.	YES
4.4 Solar access and design for climate:		
Solar access		

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COMPLIANCE TABLE		
Development control	Proposed	Complies
<ul style="list-style-type: none"> Dual occupancy receive 3+ hours of solar access between 9am and 3pm (min) 	>3 hours solar access	YES
<ul style="list-style-type: none"> Neighbouring properties receive 3+ hours of solar access between 9am and 3pm (min) 	All neighbouring properties receive 3+ hours solar access	YES
4.7 Accessibility:		
Vehicular access and car parking dimensions		
<ul style="list-style-type: none"> Carport – 2.7m x 5.4m (min) 	3.0m x 5.7m	YES
<ul style="list-style-type: none"> Garage – 3.1m x 5.4m (min) 	3.1m x 5.4m	YES
4.9 Visual bulk:		
Building setbacks		
<ul style="list-style-type: none"> Front building line: Min Street setback: 12m 	12.4m (min)	YES
<ul style="list-style-type: none"> Side setback: Ground floor: 2.0m (min) 1st floor: 2.0m (min) 	<i>Dwellings 1 & 2</i> Ground Floor: 900mm to 2.0m 1 st Floor: 1.5m to 2.5m	NO NO
<ul style="list-style-type: none"> Rear setback: 3.0m (min) 	10m	YES
Building form		
<ul style="list-style-type: none"> Unrelieved wall length: 12.0m (max) 	5.8m (single storey only)	YES
<ul style="list-style-type: none"> Total building length: 24m (max) 	22.5m	YES
Built-upon area		
<ul style="list-style-type: none"> Total built upon area (max): 40% 	49.7%	NO
<ul style="list-style-type: none"> Notional built-upon area: 60% Per dwelling lot 	Dwelling 1: 50% Dwelling 2: 50%	YES YES

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COMPLIANCE TABLE		
Development control	Proposed	Complies
Floor space ratio <ul style="list-style-type: none"> FSR (max): 0.5:1 	0.5:1	YES
Height of buildings <ul style="list-style-type: none"> Attached dual occ: 8m (max) Building envelope: 45⁰ from horizontal at any point 3m above boundary 	5.8m Complies	YES YES
Cut and fill (building works) <ul style="list-style-type: none"> Cut & fill: 900mm & Total 1800mm (max) 	900mm (cut), 0mm (fill)	YES
Section 5: Landscaping & Open Space		
Total soft landscaping : 60% (min)	50.3%	NO
Notional soft landscaping:	Dwelling 1: 50.3% Dwelling 2: 50.3%	NO NO
Tree retention and refurbishment <ul style="list-style-type: none"> No. of Trees: 4 (min) 	Minium of 4 trees required by condition	YES
Cut & fill (landscaping) <ul style="list-style-type: none"> Cut & Fill: 900mm & Total 1800mm 	900mm (max cut), 0mm (fill)	YES
Open space <ul style="list-style-type: none"> Area: 100m² or 2 x 75m² areas (min) Min dimension 5m x 5m (min) 50% receives 3+ hours solar access (min) 	Dwelling 1: 107m ² Dwelling 2: 107m ² Dwelling 1: 7.6m x 10.0m Dwelling 2: 7.6m x 10.0m >3 hours solar access	YES YES YES YES YES

Part 4.3 Visual & acoustic privacy

The proposal is generally satisfactory with regard to visual privacy. The main living areas of both dwellings are orientated towards the rear boundary or internal courtyards and first floor windows

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are located away from opposing windows on adjoining properties. The proposed first floor deck to the main bedroom at the rear should include a privacy screen along the side elevation to prevent overlooking of rear yards on adjoining properties. A condition has been recommended in this regard. (*Refer Condition No. 47*)

Part 4.9 Visual bulk:

Front setback

The proposed development complies with the minimum required setback of 12 metres but would be situated closer to the street than the existing dwelling and dwellings on adjoining properties. Part 4.9 of the Dual Occupancy Code encourages new development to adopt existing prevailing setbacks within the street, generally established by the existing and adjoining dwellings. In this case, the front setback of the existing dwellings on adjoining properties at Nos. 16 and 20 Kanoona Avenue are between 18.5 metres and 19 metres, well in excess of the minimum requirement of 12 metres.

Compliance with existing setbacks in this case is unreasonable given the narrowness of the site and the existence of other similar developments at Nos. 10, 12, 14 & 19 Kanoona Avenue that are set back significantly closer from the front boundary than 19 metres.

The proposed dual occupancy is consistent with the prevailing setback of existing dual occupancy development within the street, being generally 12 metres. Given the development is consistent with these developments, and appears similar to dual occupancy development at No. 10 and 12 Kanoona Avenue, in terms of building form, setback and design, the proposed front setback is considered to be acceptable.

Side setbacks

The proposed development is significantly articulated along its western and eastern elevations, with setbacks varying from 900mm at the ground floor garages to 2.5 metres for the majority of the upper floor walls.

While the development does not fully comply with the minimum side setback requirements, the majority of the development does comply, ensuring that it appears well set back from the side boundaries without any significant impact to the street or adjoining properties.

A combination of the proposed setback from side boundaries and a well landscaped front setback will ensure that the development appears consistent with similar development in the street and would not have an adverse impact to the street or adjoining properties. The development is therefore acceptable with regard to side setbacks.

Part 4.9 Built Upon Area

The proposal does not comply with the maximum 40% built upon area requirement of the Dual Occupancy Code.

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The proposal does however comply with Clause 60C of the KPSO which requires a maximum 60% built upon area. Where there is inconsistency between the requirement of the dual occupancy code and the KPSO, the provisions of the KPSO prevail.

The intentions of the built upon area provisions of the dual occupancy code is to ensure that a sufficient proportion of the site is retained for soft landscaping and stormwater infiltration. Council's Landscape Development Officer and Development Engineer have advised that the development would be satisfactory with regard to both landscaping matters and stormwater management.

The proposed departure from the built upon area requirement of the code is considered, on balance, to be acceptable.

Part 5 Landscaping and open space:

Part 5.1.1 Soft Landscaping

The proposal does not comply with the minimum 60% soft landscaping requirement as expressed within the code.

The proposal does however comply with Clause 60C of the KPSO which requires a maximum 60% built upon area. The soft landscaping provisions of the code work together with the built upon area requirement of the KPSO to ensure adequate site area is retained for screen planting, tree planting and the like.

The soft landscaping provisions also seeks to ensure sufficient site area is available for stormwater infiltration. Council's Landscape Development Officer and Development Engineer have advised that the development would be satisfactory with regard to both landscaping matters and stormwater management.

On balance the departure from the minimum soft landscaping requirement is acceptable.

Section 94 Plan

This proposal will be subject to the provisions of Council's adopted Section 94 Contributions Plan for Residential Development. The monetary contribution is required to be paid by *Condition 48* of the recommended consent.

LIKELY IMPACTS

The design responds appropriately to the site's topography and surroundings and will have minimal impact on the adjoining properties. There will be no adverse impacts upon the streetscape or on the character of the locality.

SUITABILITY OF THE SITE

The land is of a satisfactory shape and size to accommodate the proposed development and to enable it to integrate with the surrounding development and provide a suitable level of amenity for

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future occupants. Utility services are available to the site and there are not any site hazards such as landslip, etc. The site is therefore suitable for the proposed development.

ANY SUBMISSIONS

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

PUBLIC INTEREST

The proposal is compatible with the existing environment and its approval is in the wider public interest as envisaged by SEPP 53.

ANY OTHER RELEVANT MATTERS CONSIDERATIONS NOT ALREADY ADDRESSED

There are no other matters for consideration.

CONCLUSION

The proposal is permissible with consent under the provisions of SEPP 53. The proposal complies with the aims, objectives and development standards of the environmental planning instruments applying to dual occupancies.

The development will provide greater housing choice. The proposal will provide a satisfactory level of amenity for future occupants and will not have any unreasonable impacts on the amenity of adjoining properties or the character of the surrounding area.

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

RECOMMENDATION:

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

THAT the Council, as the consent authority, grant development consent to DA 558/06 for demolition of an existing dwelling and construction of an attached dual occupancy on land at 18 Kanoona Avenue, St Ives, for a period of two (2) years from the date of the Notice of Determination subject to the following conditions:

GENERAL CONDITIONS

1. The development to be in accordance with Development Application No 33/04 and Development Application plans prepared by Architectural Design Services (Maria Stavrianos, Architect), Job 2016, reference number 01B, 02B, and 03B, dated 23-07-04 and lodged with on 2 August 2004.
2. All building works shall comply with the Building Code of Australia.

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

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

7. For the purpose of public safety, a sign shall be erected on the site prior to any work commencing which is clearly visible from a public place stating that unauthorised entry to the site is not permitted and showing the name of the builder or another person responsible for the site and a telephone number for contact outside working hours. The sign may only be removed on satisfactory completion of the works.
8. A sign shall be erected in a prominent position on the site which states the name and contact details of the Principal Certifying Authority.
9. The applicant is advised that the Construction Certificate plans and specifications must comply with the provisions of the Building Code of Australia.
10. Toilet facilities are to be provided, within the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.
11. All noise generating equipment associated with any proposed mechanical ventilation system/s shall be located and/or soundproofed so the equipment is not audible within a habitable room in any other residential premises before 7am and after 10pm Monday to Friday and before 8am and after 10pm Saturday, Sunday and Public Holidays. Furthermore, the operation of the

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unit outside these restricted hours shall emit a noise level of not greater than 5dba above the background when measure at the nearest adjoining boundary.

12. The demolition is to be carried out in accordance with the guidelines contained in Australian Standard 2601-1991: The Demolition of Structures.
13. Access to demolition sites shall be protected as directed by the Principal Certifying Authority by the use of suitable fences or hoardings.
14. Demolition work, including removal of material or debris from the site, on any building in a residential area shall only be carried out during the following hours: Mondays to Fridays inclusive: 7.00am to 5.30pm. Saturdays: 8.00am to 12.00 noon. Sundays and Public Holidays: Not Permitted.
15. A person taking down or demolishing or causing to be taken down or demolished any building or part thereof shall, upon identifying or suspecting that asbestos is present in the building, immediately notify the Workcover Authority. The Authority is the controlling body for the safe removal, handling and disposal of asbestos. The Authority supervises and monitors contractors engaged in asbestos removal.

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

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

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18. For the protection of the health and safety of occupants, workers and the environment, any person renovating or demolishing any building built before the 1970's should be aware that surfaces may be coated with lead-based paint. Lead dust is a hazardous substance. Persons are required to follow the attached recommended guidelines to prevent personal and environmental contamination.
19. For the purpose of health and amenity, effective measures are to be taken at all times to prevent any nuisance being caused by noise, vibrations smells, fumes, dust, smoke, waste water products and the like.
20. The applicant's attention is directed to any obligations or responsibilities under the Dividing Fences Act in respect of adjoining property owner/s which may arise from this application and it is advised that enquiries in this regard may be made at the nearest Local Court.
21. Stormwater runoff from all new impervious areas and subsoil drainage systems must be piped to the street drainage system. *New* drainage line connections to the street drainage system must conform and comply with the requirements described in sections 5.3 and 5.4 of Ku-ring-gai Council Water Management Development Control Plan 47. The Applicants attention is directed to the requirements for obtaining a *Road Opening Permit* for excavating in the road reserve.
22. A mandatory rainwater retention and re-use system comprising storage tanks and ancillary plumbing must be provided for the development. The (minimum) total storage volume of the rainwater tank system, and the prescribed re-use of the water on site, must satisfy all relevant BASIX commitments and the requirements specified in chapter 6 of Ku-ring-gai Council Water Management Development Control Plan 47 (DCP47).
23. In addition to the mandatory rainwater retention and re-use system provided, an **on-site stormwater detention** system must be provided for the development to control the rate of runoff leaving the site. The minimum volume of the required on-site detention system must be determined in accordance with chapter 6 of the Ku-ring-gai Council Water Management Development Control Plan 47 (DCP 47) - having regard to the specified volume concession offered in lieu of installing rainwater retention tanks. The design of the on-site detention system must be performed by a qualified civil/hydraulic engineer and must satisfy the design controls set out in appendix 5 of DCP 47.
24. Where required, the adjustment or inclusion of any new utility service facilities must be carried out by the applicant and in accordance with the requirements of the relevant utility authority. These works shall be at no cost to Council. It is the Applicants full responsibility to make contact with the relevant utility authorities to ascertain the impacts of the proposal upon utility services at the appropriate stage of eth development (including water, phone, gas and the like). Council accepts no responsibility whatsoever for any matter arising from its approval of this application involving any influence upon utility services provided by another authority.
25. All public footways and roadways fronting and adjacent to the site must be maintained in a safe condition at all times during the course of the development works. Construction materials

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and plant must not be stored in the road reserve. A safe pedestrian circulation route and a pavement/route free of trip hazards must be maintained at all times on or adjacent to any public access ways fronting the construction site. Where public infrastructure is damaged, repair works must be carried out when and as directed by Council officers. Where pedestrian circulation is diverted on to the roadway or verge areas, clear directional signage and protective barricades must be installed in accordance with AS1742-3 (1996) "*Traffic Control Devices for Work on Roads*". **If pedestrian circulation is not satisfactorily maintained across the site frontage, and action is not taken promptly to rectify the defects, Council may undertake proceedings to stop work.**

- 26. The provision of temporary sediment and erosion control facilities and measures must be installed, prior to the commencement of any works on the site to eliminate unnecessary erosion and loss of sediment. These facilities must be maintained in working order during construction works up to completion. All sediment traps must be cleared on a regular basis and after each major storm, and/or as directed by the Principal Certifying Authority and Council officers.
- 27. Driveways and vehicular access ramps must be designed not to scrape the underside of cars. In all respects, the proposed vehicle access and accommodation arrangements must be designed and constructed to comply with the minimum requirements of Australian Standard 2890.1 (2004) "Off-Street car parking".
- 28. The Applicant must obtain a **Section 73 Compliance Certificate** under the *Sydney Water Act 1994*. An application must be made through an authorised Water Servicing Coordinator. The Applicant is to refer to "Your Business" section of Sydney Water's web site at www.sydneywater.com.au then the "e-developer" icon or telephone 13 20 92. Following application a "Notice of Requirements" will detail water and sewer extensions to be built and charges to be paid. Please make early contact with the Coordinator, since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design.

29. Approval is given under this development consent for the following tree works to be undertaken to trees within the subject property:

Tree/Location	Tree Works
<i>Cupressus macrocarpa</i> 'Brunniana' (Golden Cypress) Towards the site's south-eastern corner.	Remove
<i>Hakea salicifolia</i> (Willow Leafed Hakea) Adjacent to the site's north-western corner.	Remove

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

No/Tree/Location
T1/ <i>Pistacia chinensis</i> (Pistacia)/Within the driveway crossing site.

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- 31. All disturbed areas, which are not to be built upon or otherwise developed, shall be rehabilitated to provide permanent protection from soil erosion within fourteen (14) days of final land shaping of such areas.
- 32. Canopy and/or root pruning of the following tree/s which is necessary to accommodate the approved building works shall be undertaken by an experienced Arborist/Horticulturist, with a minimum qualification of the Horticulture Certificate or Tree Surgery Certificate:

No/Tree/Location	Tree Works
T6/ <i>Camellia sasanqua</i> (Chinese Camellia)	Prune
Near the south-eastern corner of the garage at the western side of the site.	

- 33. If tree roots are required to be severed for the purposes of constructing the approved works they shall be cut cleanly by hand, by an experienced Arborist/Horticulturist with a minimum qualification of the Horticulture Certificate or Tree Surgery Certificate.

- 34. No tree roots of 30mm or greater in diameter located within the specified radius of the trunk/s of the following, tree/s shall be severed or injured in the process of any site works during the construction period:

Tree/Location	Radius From Trunk
<i>Franklinia axillaris</i> (Gordonia)	3m
Adjacent to the western boundary and close to the south-western corner of No.20 Kanoona Avenue.	

- 35. No mechanical excavation for the approved OSD 1 shall be undertaken within the specified radius of the trunk/s of the following tree/s until root pruning by hand along the perimeter line of such works is completed:

Tree/Location	Radius From Trunk
<i>Franklinia axillaris</i> (Gordonia)	3m
Adjacent to the western boundary and close to the south-western corner of No.20 Kanoona Avenue.	

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

Tree/Location	Radius From Trunk
<i>Franklinia axillaris</i> (Gordonia)	3m
Adjacent to the western boundary and close to the south-western corner of No.20 Kanoona Avenue.	

- 37. Excavation for the installation of CONDUITS/SEWER/STORMWATER/GAS within the specified radius of the trunk/s of the following tree/s shall be carried out using the thrust boring method. Thrust boring shall be carried out at least 600mm beneath natural ground level to minimise damage to tree/s root system:

No/Tree/Location	Radius From Trunk
T2/ <i>Pistacia chinensis</i> (Pistacia)	4m

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On the Kanoona Avenue nature strip in line with the common side boundary between Nos. 18 and 20 Kanoona Avenue.

38. The applicant shall ensure that at all times during the site works no activities, storage or disposal of materials shall take place beneath the canopy of any tree protected under Council's Tree Preservation Order.
39. The following tree species shall be planted, at no cost to Council, in the nature strip fronting the property along Kanoona Avenue. The tree used shall be a minimum 75 litres container size specimen tree:

Tree Species	Quantity
<i>Pistacia chinensis</i> (Pistacia)	1
40. Following removal of the existing *Pistacia chinensis* (Pistacia) from Council's nature strip and its replacement, the nature strip shall be rehabilitated to the satisfaction of Council at no cost to Council.
41. All builders' refuse, spoil and/or material unsuitable for use in landscape areas shall be removed from the site on completion of the building works.
42. The 3 canopy replenishment trees to be planted shall be maintained in a healthy and vigorous condition until they attain a height of 5.0 metres whereby they will be protected by Council's Tree Preservation Order. Any of the trees found faulty, damaged, dying or dead shall be replaced with the same species

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

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

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

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

Item 1

Owner/Builder's Permit issued by the Department of Fair Trading (unless the owner/builder's property is sold within 7 years of the commencement of the work).

45. The Infrastructure Restorations Fee calculated in accordance with the Council's adopted schedule of Fees and Charges is to be paid to the Council prior to any earthworks or construction commencing. The applicant or builder/developer will be held responsible for and liable for the cost any damage caused to any Council property or for the removal of any waste bin, building materials, sediment, silt, or any other article as a consequence of doing or not doing anything to which this consent relates. "Council Property" includes footway, footpath paving, kerbing, guttering, crossings, street furniture, seats, litter bins, trees, shrubs, lawns mounds, bushland, and similar structures or features on road reserves or any adjacent public place. Council will undertake minor restoration work as a consequence of the work at this site in consideration of the "Infrastructure Restorations Fee" lodged with the Council prior to the release of the Construction Certificate. This undertaking by the Council does not absolve the applicant or Builder/developer of responsibility for ensuring that work or activity at this site does not jeopardise the safety or public using adjacent public areas or of making good or maintaining "Council property" (as defined) during the course of this project.
46. Prior to commencing any construction or subdivision work, the following provisions of the Environmental Planning & Assessment Act, 1979 (the 'Act') are to be complied with:
 - a. A Construction Certificate is to be obtained in accordance with Section 81A(2)(a) of the Act.
 - b. A Principal Certifying Authority is to be appointed and Council is to be notified of the appointment in accordance with Section 81A(2)(b) of the Act.
 - c. Council is to be notified in writing, at least two (2) days prior to the intention of commencing buildings works, in accordance with Section 81A(2)(c) of the Act.
 - d. Should the development be certified by a Principal Certifying Authority other than Council, a fee for each Part 4A Certificate is to be paid to Council on lodgement of those Certificates with Council.
47. To maintain suitable levels of privacy to adjoining properties, a fixed privacy screen shall be installed on the western and eastern edges first floor balconies of both dwellings having a minimum height of 1.8m above the finished floor level, as shown in red on the approved plans. The privacy screens shall be constructed of materials complimentary to the finishes of the development. Details of the privacy screen shall be submitted to the Principal Certifying Authority prior to the issue of the Construction Certificate.
48. A contribution is to be paid for the provision, extension or augmentation of community facilities, recreation facilities, open space and administration that will, or are likely to be, required as a consequence of development in the area.

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

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

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

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

OCCUPANCY RATES FOR DIFFERENT DWELLING SIZES

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

49. Prior to issue of the Construction Certificate, driveway and associated footpath levels for any fully new, reconstructed or extended sections of driveway crossings between the property boundary and road alignment must be obtained from Ku-ring-gai Council. Such levels are only able to be issued by Council under the *Roads Act 1993*. All footpath crossings, laybacks and driveways are to be constructed according to Council's specifications "Construction of Gutter Crossings and Footpath Crossings" or as specified by Council. Specifications are issued with alignment levels after completing the necessary application form at Customer Services and payment of the assessment fee. When completing the request for driveway levels application from Council, the applicant must attach a copy of the relevant Development Application drawing which indicates the position and proposed level of the proposed driveway at the boundary alignment. Failure to submit this information may delay processing.

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

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

The above construction drawings and specifications are to be prepared by a qualified and experienced civil/hydraulic engineer in accordance with Councils Water Management Development Control Plan 47, Australian Standards 3500.2 and 3500.3 - *Plumbing and Drainage Code* and the BCA. The plans may be generally based on the **Hydraulic Plans D1580 Sheets 1 to 7 Rev. 'A' dated 30 May 2006** prepared by **Nasseri Associates** submitted for Development Application approval, which are to be advanced as necessary for construction issue purposes.

52. Prior to issue of the Construction Certificate the submitted **Hydraulic Plans D1580 Rev. 'A' dated 30 May 2006** prepared by **Nasseri Associates** must be revised and submitted to the Principal Certifying Authority for approval. The amendments must be undertaken by qualified persons and must address the following issues:
1. The sediment control sump needs to be redesigned to have a minimum depth of 200mm below the invert of the orifice to enable the sump to drain dry. Weepholes in the base of

Item 1

this type of pit is also to be provided and to be designed in accordance with Council's standards.

2. There is to be no planting within the detention basin except for shrubs. The landscape plan must be consistent with the Hydraulic Plan.
53. Prior to the issue of a Construction Certificate, the compliance certificate obtained under Section 73 of the Water Board (Corporatisation) Act must be submitted for verification by the Principal Certifying Authority.
54. The submitted landscape plan Job No. 05.014 Issue D, prepared by PATIO LANDSCAPE ARCHITECTURE & DESIGN and dated 23.05.06, is approved, subject to the following amendments. An amended plan of the proposed landscape works for the site shall be submitted to, and approved by the Principal Certifying Authority, prior to the issue of the Construction Certificate. The landscape works shall be carried out and installed in accordance with the approved landscape plan/s.

The following amendments to the plan shall apply:

- The garages and car spaces shall be consistent with the architectural plans.
 - The driveway layout shall be consistent with the architectural and stormwater drainage plans.
 - All stormwater infrastructures such as surface detention area walls and pits shall be shown.
 - All 3 canopy replenishment trees shall be positioned so as not to conflict with or cause future damage to the surface detention basin walls.
 - The retaining walls along the northern and western sides of the lawn and close to the *Magnolia x soulangiana* (Magnolia) located at the rear of the western dwelling shall be deleted.
 - The lawn at the rear of the western dwelling shall be maintained at its existing level to ensure preservation of the *Magnolia x soulangiana* (Magnolia).
55. The Construction Certificate shall not be issued until a Site Management Plan is prepared by a suitably qualified professional and approved by the Principal Certifying Authority.

The plan shall indicate the location of services, erosion and drainage management, tree protection measures including tree protection zones, areas nominated for storing materials, site access, construction access requirements and where vehicle parking is proposed during construction.

56. A CASH BOND/BANK GUARANTEE of \$4,000.00 shall be lodged with Council as a Landscape Establishment Bond prior to issue of the Construction Certificate to ensure that the

Item 1

landscape works are installed and maintained in accordance with the approved landscape plan/s and other landscape conditions.

Fifty percent (50%) of this bond will be refunded upon verification by Council that the landscape works as approved have been satisfactorily installed. The balance of the bond will be refunded 3 years after the initial satisfactory inspection, where landscape works have been satisfactorily established and maintained.

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

CONDITIONS TO BE COMPLIED WITH PRIOR TO WORK COMMENCING

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

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

Tree/Location	Radius in Metres
<i>Magnolia x soulangiana</i> (Magnolia)	3m
Close to the rear boundary and towards the site's north-western corner.	

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

No/Tree/Location	Radius From Trunk
T6/ <i>Camellia sasanqua</i> (Chinese Camellia)	3m
Forward of the garage at the western side of the site.	

60. The tree protection fence shall be constructed of galvanised pipe at 2.4 metres spacings and connected by securely attached chain mesh fencing to a minimum height of 1.8 metres prior to work commencing.

61. Prior to works commencing tree protection signage is to be attached to each tree Protection Zone and displayed in a prominent position and the sign repeated at 10m intervals or closer where the fence changes direction. Each sign shall advise in a clearly legible form, the following minimum information:

1. Tree Protection Zone

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2. This fence has been installed to prevent damage to the trees and their growing environment both above and below ground, and access is restricted.
 3. If encroachment or incursion into this Tree Protection Zone is deemed to be essential the consulting Arborist should be informed prior to the undertaking of such works
 4. Name, address, and telephone number of the developer.
62. Prior to works commencing the area of the Tree Protection Zone is to be mulched to a depth of 100mm with composted organic material being 75% Eucalyptus leaf litter and 25% wood. The depth of mulch and type as indicated, to be maintained for the duration of the project & Principal Certifying Authority.
63. Upon completion of the installation of the required tree protection measures you are required to arrange for an inspection of the site by the Principal Certifying Authority to verify that tree protection measures comply with all relevant conditions. Following the carrying out of a satisfactory inspection and subject to the payment of all relevant monies and compliance with any other conditions of approval, work may commence.

CONDITIONS TO BE COMPLIED WITH PRIOR TO OCCUPATION

64. Prior to the issue of any occupation certificate, a compliance certificate must be obtained from an accredited certifier, certifying that the building works for the building to be occupied comply with the plans and specifications approved by this development consent; and any construction certificate associated with this consent for the buildings to be occupied. If the PCA is not the Council, then this compliance certificate must be submitted to the Council at the same time as the occupation certificate is submitted to the Council in accordance with Clause 151(2) of the E P & A Regulations.
65. Prior to issue of the Occupation Certificate, the Principal Certifying Authority (where not Council) must provide Ku-ring-gai Council with a signed declaration that the following works in the road reserve have been completed in full:
- New concrete driveway crossing in accordance with levels and specifications issued by Council.
 - Removal of **all** redundant driveway crossings and kerb laybacks (or sections thereof) and reinstatement of these areas to footpath, turfed verge and upright kerb and gutter. (Reinstatement works to match surrounding adjacent infrastructure with respect to integration of levels and materials).
 - Full repair and resealing of any road surface damaged during construction.
 - Full replacement of damaged sections of grass verge with a non-friable turf of native variety to match existing.

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

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66. Prior to issue of the Occupation Certificate the applicant must create a Positive Covenant and Restriction on the Use of Land under Section 88E of the Conveyancing Act 1919, burdening the owner with the requirement to maintain the on-site stormwater detention facilities on the lot. The terms of the instruments are to be generally in accordance with the Council's "draft terms of Section 88B instrument for protection of on-site detention facilities" (refer to appendices of Ku-ring-gai Council Water Management DCP 47) and to the satisfaction of Council. For existing Titles, the Positive Covenant and the Restriction on the use of Land is to be created through an application to the Land Titles Office in the form of a request using forms 13PC and 13RPA. The relative location of the On-Site Detention facility, in relation to the building footprint, must be shown on a scale sketch, attached as an annexure to the request forms. Registered title documents showing the covenants and restrictions must be submitted and approved by the Principal Certifying Authority prior to issue of an Occupation Certificate.
67. Prior to issue of the Occupation Certificate the applicant must create a Positive Covenant and Restriction on the Use of Land under Section 88E of the Conveyancing Act 1919, burdening the property with the requirement to maintain the site stormwater retention and re-use facilities on the property. The terms of the instruments are to be generally in accordance with the Council's "draft terms of Section 88B instruments for protection of retention and re-use facilities" (refer to appendices of Ku-ring-gai Council Water Management DCP 47) and to the satisfaction of Council. For existing Titles, the Positive Covenant and the Restriction on the use of Land is to be created through an application to the Land Titles Office in the form of a request using forms 13PC and 13RPA. The relative location of the reuse and retention facility, in relation to the building footprint, must be shown on a scale sketch, attached as an annexure to the request forms. Registered title documents showing the covenants and restrictions must be submitted and approved by the Principal Certifying Authority prior to issue of an Occupation Certificate.
68. Prior to issue of the Occupation Certificate the following must be provided to Council (attention Development Engineer):
- a) A copy of the approved Construction Certificate stormwater detention/retention design for the site, and
 - b) A copy of any works-as-executed drawings required under this consent
 - c) The Engineer's certification of the as-built system.
- This condition is required so Council may maintain its database of as-constructed on-site stormwater detention systems, and applies particularly where the appointed Principal Certifying Authority (PCA) is not Ku-ring-gai Council.
69. Prior to issue of the Occupation Certificate any damaged public infrastructure caused as a result of construction works on the subject site (including damage caused by, but not limited to, delivery vehicles, waste collection, contractors, sub contractors, concrete vehicles) must be fully repaired to the satisfaction of Council Engineers at no cost to Council.
70. Prior to issue of an Occupation Certificate the Section 73 Sydney Water compliance certificate must be obtained and submitted to the Principal Certifying Authority.

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71. Prior to issue of the Occupation Certificate a qualified and experienced consulting civil/hydraulic engineer must undertake a site inspection of the completed stormwater drainage and management system. The engineer is to provide written certification based on the site inspection to the Principal Certifying Authority, prior to issue of the Occupation Certificate, which makes specific reference to all of the following:
- a) That the stormwater drainage works have been satisfactorily completed in accordance with the approved Construction Certificate drainage plans.
 - b) That the minimum retention and on-site detention storage volume requirements of BASIX and Ku-ring-gai Council Water Management DCP 47 respectively, have been achieved in full.
 - c) That retained water is connected and available for uses as specified by **BASIX or DCP 47 commitments (all toilet flushing, laundry and garden irrigation)**.
 - d) That basement and subsoil areas are able to drain via a pump/sump system installed in accordance with AS3500.3 and appendix 7.1.1 of Ku-ring-gai Council Water Management DCP 47.
 - e) That all grates potentially accessible by children are secured.
 - f) That components of the new drainage system have been installed by a licensed plumbing contractor in accordance with the Plumbing and Drainage code AS3500.3 2003 and the BCA, and
 - g) All enclosed floor areas, including habitable and garage floor levels, are safeguarded from outside stormwater runoff ingress by suitable differences in finished levels, gradings and provision of stormwater collection devices.

The following certification sheets **must be accurately completed and attached** to the certification:

- Rainwater retention certification sheet contained at appendix 13 of Water Management DCP 47
 - On-site detention certification sheet contained at appendix 4 of Water Management DCP 47.
72. Prior to issue of the Occupation Certificate a registered surveyor must provide a Works-as-Executed (WAE) survey of the completed stormwater drainage and management systems. The WAE plan(s) must be submitted to the Principal Certifying Authority for approval prior to issue of the Occupation Certificate. The WAE survey must indicate:
- As built (reduced) surface and invert levels for all drainage pits.
 - Gradients of drainage lines, materials and dimensions.
 - As built (reduced) level(s) at the approved point of discharge to the public drainage system.
 - As built location and internal dimensions of all detention and retention structures on the property (in plan view) and horizontal distances to nearest adjacent boundaries and structures on site.
 - The achieved storage volumes of the installed retention and detention storages and derivative calculations.
 - As built locations of all access pits and grates in the detention and retention system(s), including dimensions.
 - The size of the orifice or control fitted to any on-site detention system.

Item 1

- Dimensions of the discharge control pit and access grates.
- The maximum depth of storage possible over the outlet control.
- Top water levels of storage areas and indicative RL's through the overland flow path in the event of blockage of the on-site detention system.

The WAE plan(s) must show the as-built details above in comparison to those shown on the drainage plans approved with the Construction Certificate prior to commencement of works. All relevant levels and details indicated must be marked **in red** on a copy of the Principal Certifying Authority stamped construction certificate stormwater plans.

73. Excavation for the installation of CONDUITS/SEWER/STORMWATER/GAS within the specified radius of the trunk/s of tree/s shall be carried out using the thrust boring method. Documentary evidence of compliance with conditions of consent in this regard shall be submitted to the Principal Certifying Authority prior to issue of the Occupation Certificate.

No/Tree/Location	Radius Form Trunk
T2/ <i>Pistacia chinensis</i> (Pistacia)	4m
On the Kanoona Avenue nature strip in line with the common side boundary between Nos. 18 and 20 Kanoona Avenue.	

74. Noxious and/or environmental weed species shall be removed from the property prior to the issue of the Occupation Certificate. Documentary evidence of the compliance with conditions of consent in this regard shall be submitted to the Principal Certifying Authority prior to the release of the Occupation Certificate:

Plant species
Conyza sp (Fleabane)
Cytisus sp. (Broom)
Hedera helix (English Ivy)
Jasminum polyanthum (Jasminum)
Nephrolepis cordifolia (Fishbone fern)
Tradescantia albiflora

75. The landscape works, shall be installed in accordance with the approved plan/s and/or conditions of consent, be completed prior to the issue of Occupation Certificate and be maintained in a healthy and vigorous condition at all times.

D Hoy
Executive Assessment Officer

R Kinninmont
Team Leader
Development Assessment - Central

M Prendergast
Manager
Development Assessment Services

M Miocic
Director
Development & Regulation

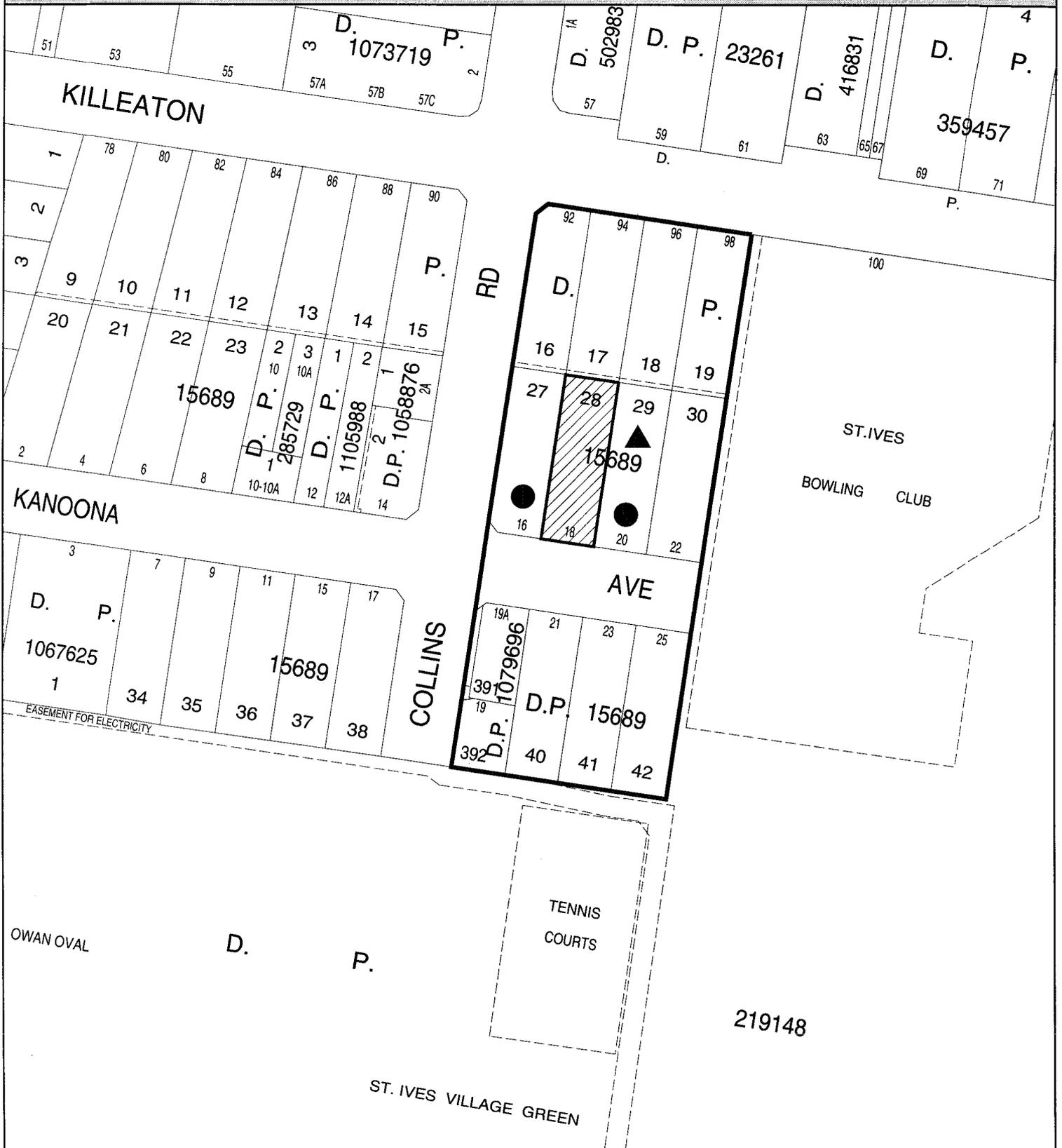
Item 1

Attachments: **Location sketch - 728214**
 Reduced architectural plans – 728216
 Survey plan - 728217
 Shadow diagrams - 728218
 Landscape plans - 728219

LOCATION SKETCH

18 KANOONA AVE ST IVES

DEVELOPMENT APPLICATION No 558/06



ONE LETTER OF SUPPORT FROM NEW OWNER OF No 20

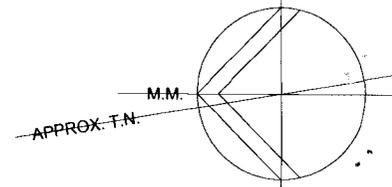


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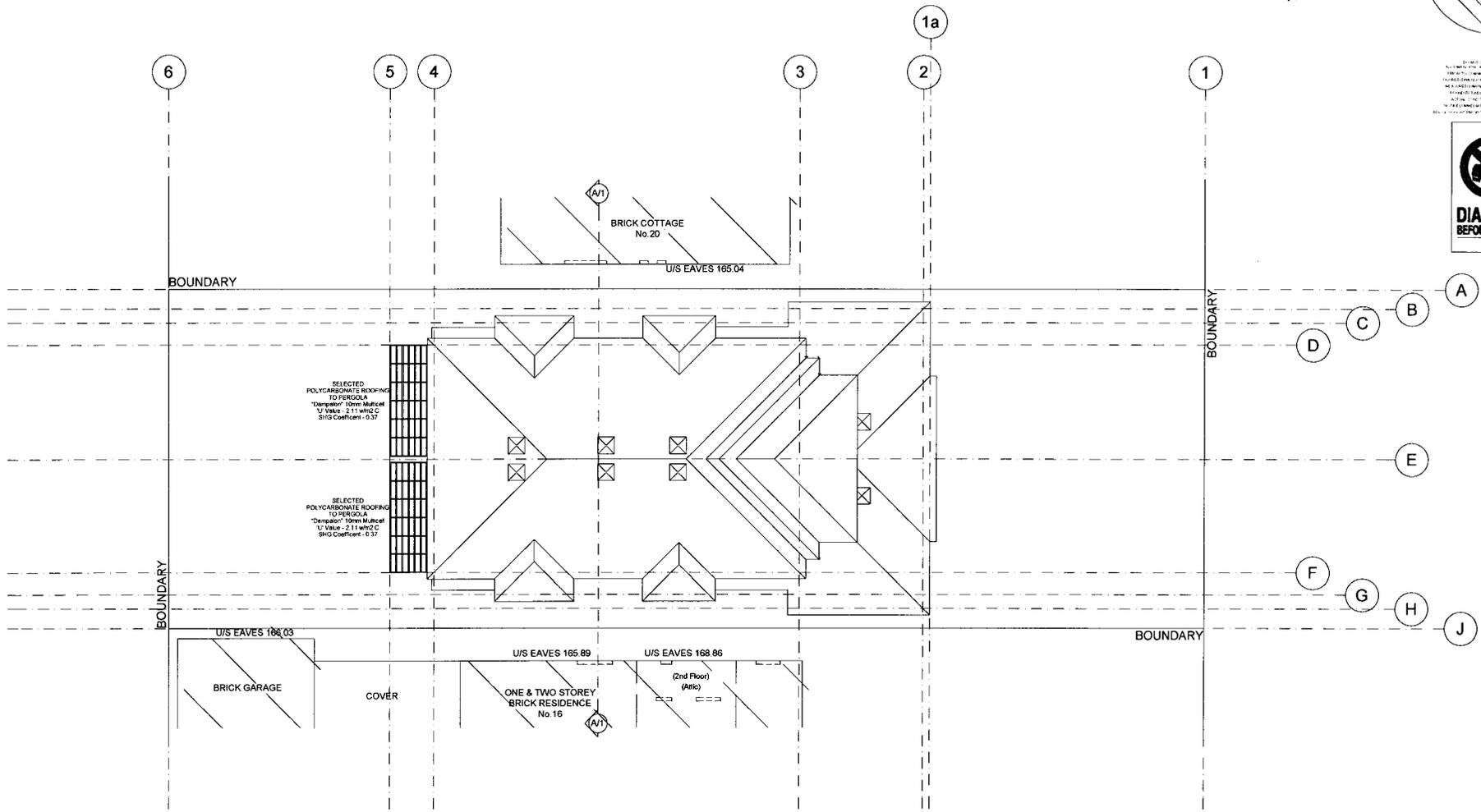
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|  AGREEMENT |  PETITION |
|  OBJECTION |  SUBMISSION |
|  SUBJECT LAND |  CIRCULATED AREA |





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ISSUED FOR DEVELOPMENT APPLICATION

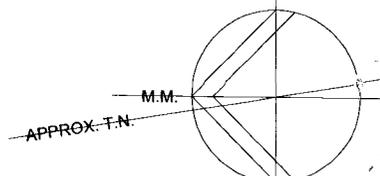
ISSUE	DESCRIPTIONS	DATE
B	GARAGE ACCOMMODATION RECONFIGURED - ISSUED FOR APPROVAL	05/10/17
A	ISSUED FOR APPROVAL	02/09/06

PROPOSED DUAL OCCUPANCY ROOF PLAN

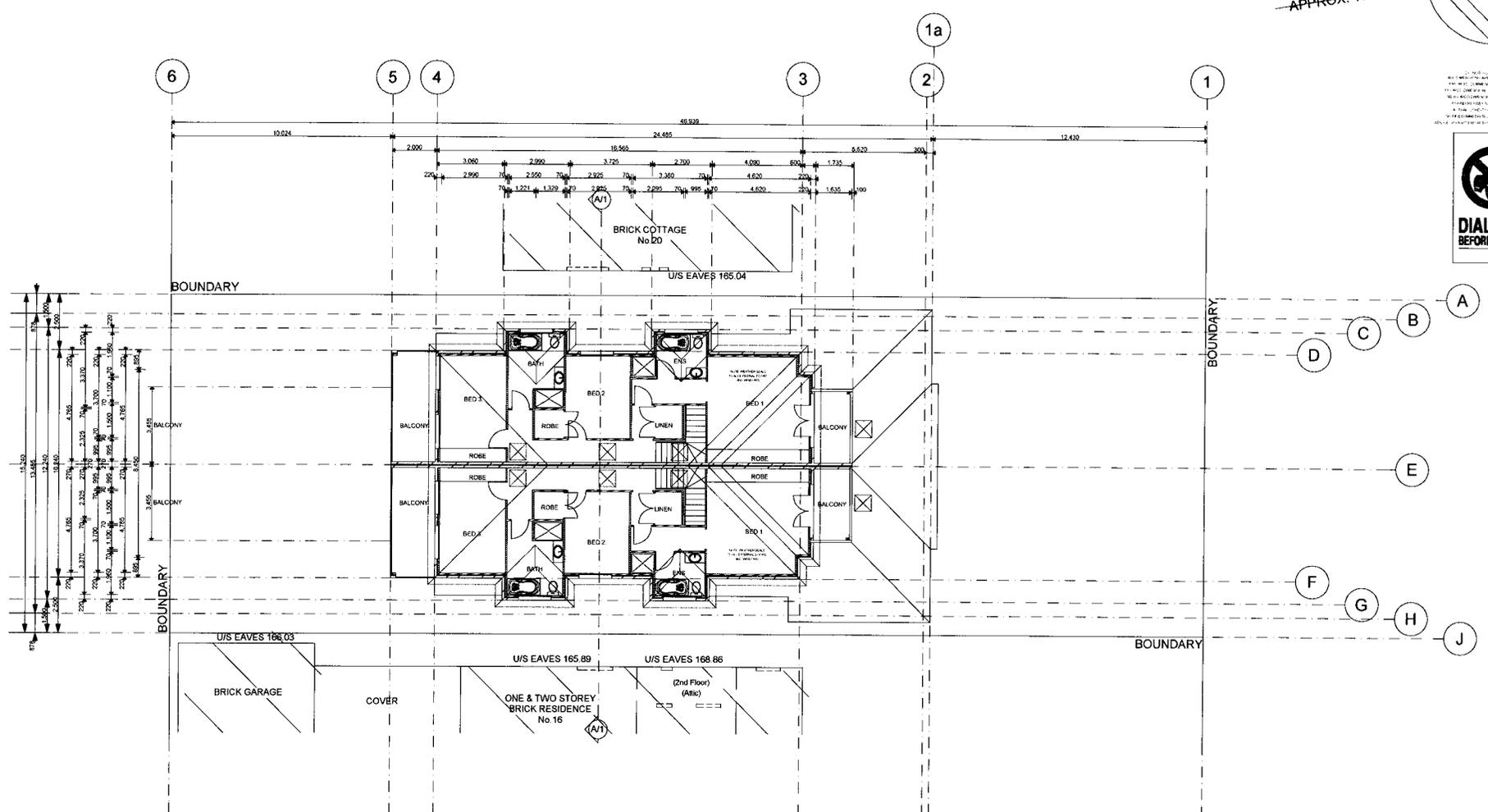
PROPOSED NEW RESIDENCE FOR Akxa Property Developments Pty Ltd

SCALE	DRAWN	CHECKED	APPROVED	DATE
1 TO 100 @ A1	R.P.	R.B.	J.E.A	FEB, 2006
JOB	Akxa	DWG NO. DA. 205	REV NO. B	

WIBSOMA PTY LTD
 ARCHITECTURAL & LEGAL CONSULTANTS
 PO BOX 100, PIMBLE BIC, 2073 NSW
 TEL 9967 9999 | FAX 9967 3361 | EMAIL bob@wibgroup.com.au



ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE SPECIFIED.
 ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE SPECIFIED.



ISSUED FOR DEVELOPMENT APPLICATION

ISSUE	DESCRIPTIONS	DATE
B	GARAGE ACCOMMODATION RECONFIGURED - ISSUED FOR APPROVAL	05/01/07
A	ISSUED FOR APPROVAL	02/02/06

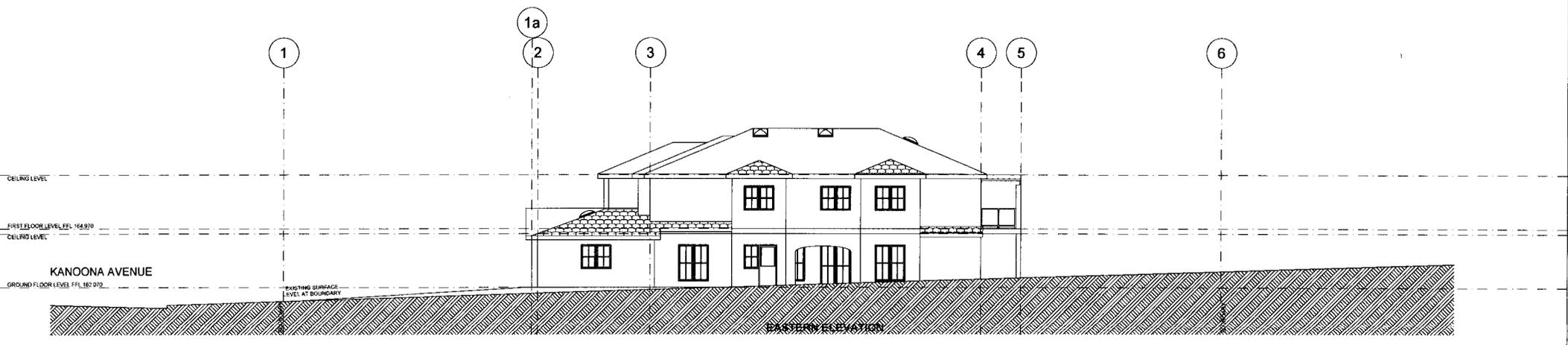
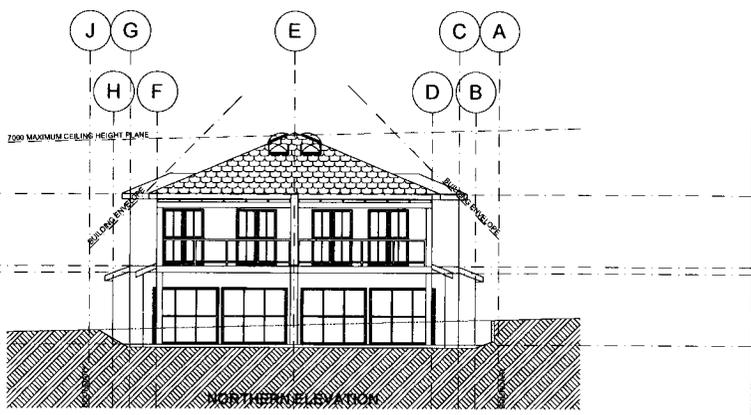
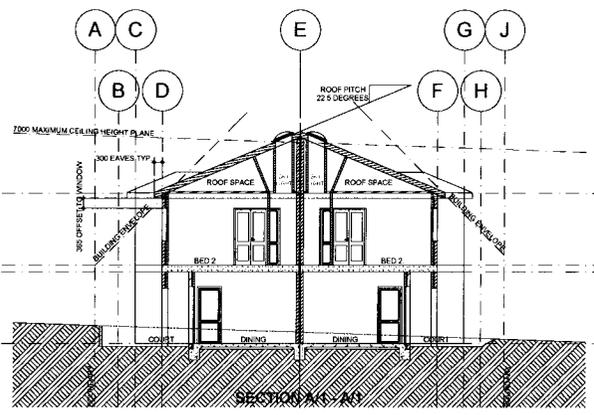
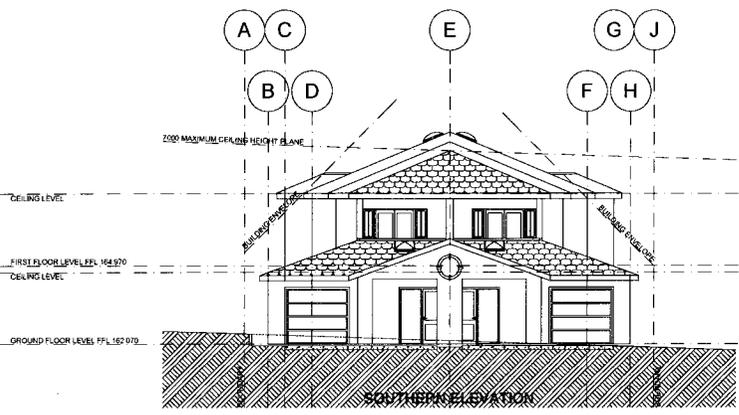
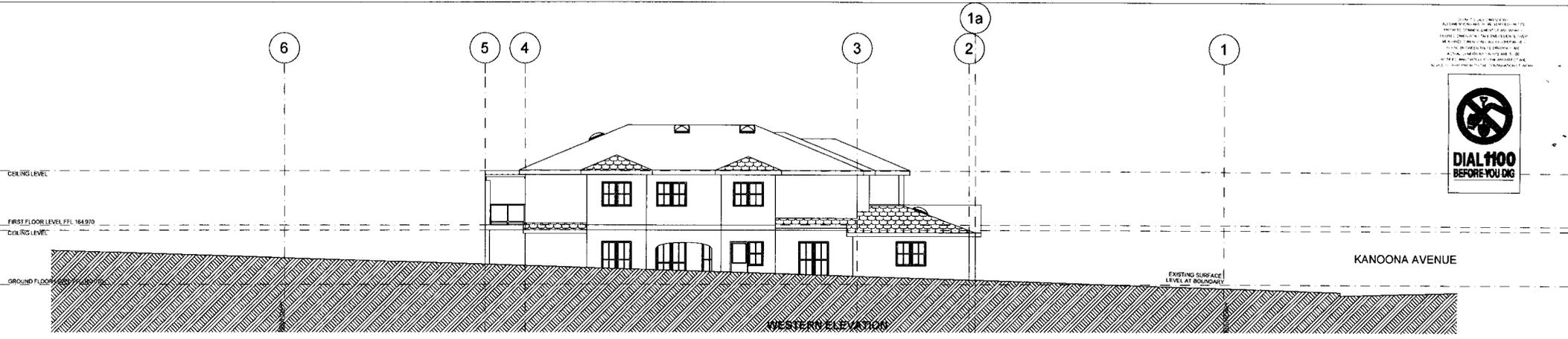
TITLE
PROPOSED DUAL OCCUPANCY FIRST FLOOR PLAN

OWNER
 PROPOSED NEW RESIDENCE FOR
Aksa Property Developments Pty Ltd

SCALE	DRAWN	CHECKED	APPROVED	DATE
1 TO 100 @ A1	R.P.	R.B.	JEA	FEB 2006
JOB	DWG NO.		REV NO.	
Aksa	DA_204		B	

SITE
 PLAN OF No.18 KANOONA AV. ST IVES
 BEING LOT 29 IN D.P. 15689

WIBSOMA PTY LTD
 ARCHITECTURAL & LEGAL CONSULTANTS
 PG BOX 186, PYMBLE, BC 2073 NSW
 TEL 9967 9999 | FAX 9967 2351 | EMAIL: wib@wib.com.au



ISSUED FOR DEVELOPMENT APPLICATION

ISSUE	DESCRIPTIONS	DATE
B	GARAGE ACCOMMODATION RECONFIGURED - ISSUED FOR APPROVAL	05/10/07
A	ISSUED FOR APPROVAL	02/02/06

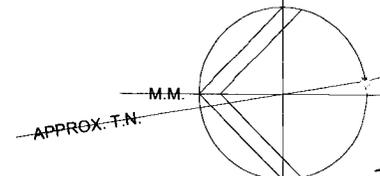
PROPOSED DUAL OCCUPANCY ELEVATIONS & SECTION

OWNER
PROPOSED NEW RESIDENCE FOR Aksa Property Developments Pty Ltd

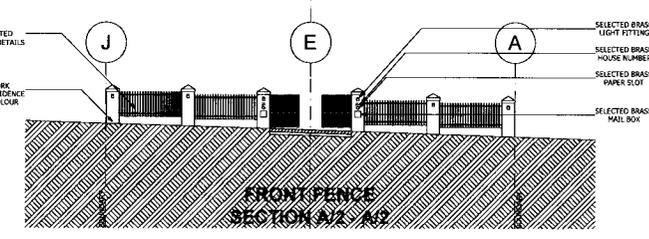
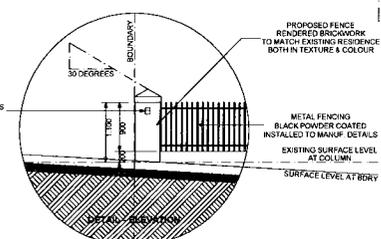
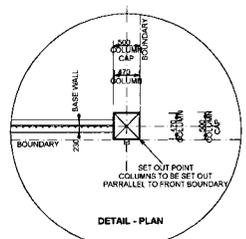
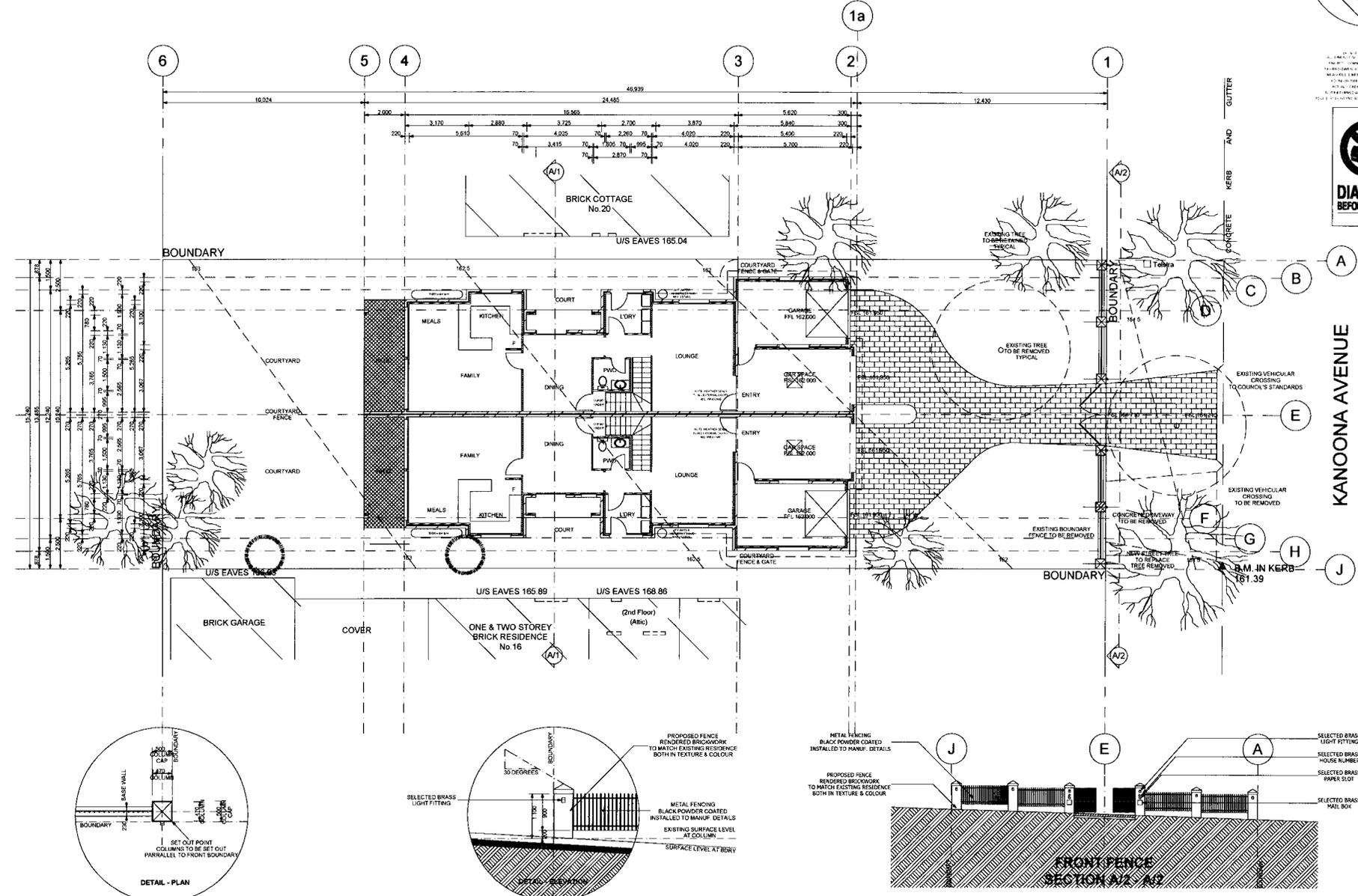
SCALE	DRAWN	CHECKED	APPROVED	DATE
1 TO 100 @ A1	R.P.	R.B.	J.E.A.	FEB 2006
DOR		DWG NO.	REV NO.	
Aksa		DA. 206	B	

WBSOMA PTY LTD
 ARCHITECTURAL & LEGAL CONSULTANTS
 PO BOX 188 PRINCE GEORGE NSW
 TEL 9967 9699 | FAX 9967 3351 | EMAIL info@wbsoma.com.au

SITE
PLAN OF No.18 KANOONA AV. ST IVES BEING LOT 29 IN D.P. 15689



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ISSUED FOR DEVELOPMENT APPLICATION

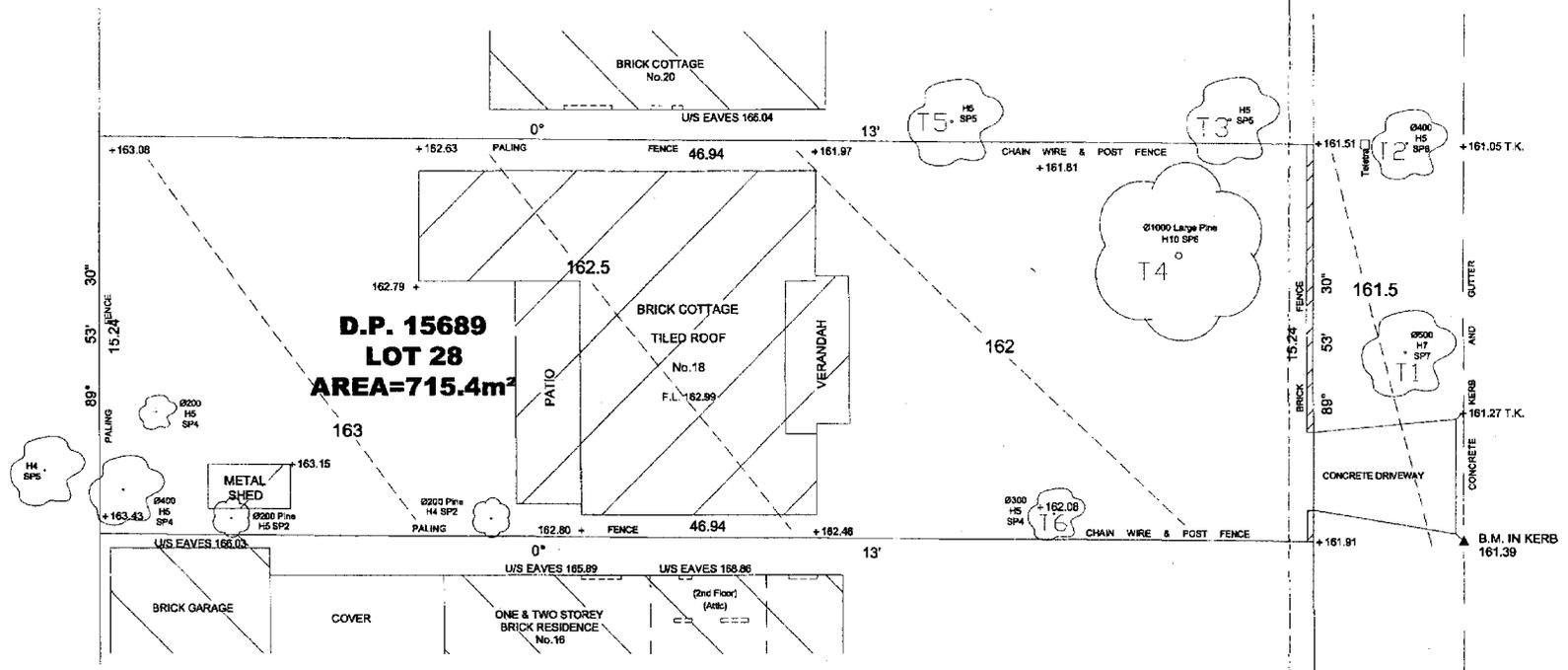
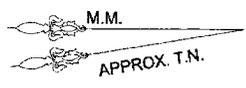
ISSUE	DESCRIPTIONS	DATE
B	GARAGE ACCOMMODATION RECONFIGURED - ISSUED FOR APPROVAL	05/01/07
A	ISSUED FOR APPROVAL	03/02/06

PROPOSED DUAL OCCUPANCY GROUND FLOOR PLAN

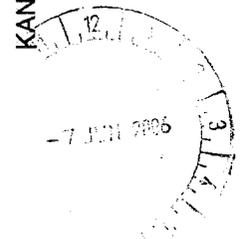
PROPOSED NEW RESIDENCE FOR Aksa Property Developments Pty Ltd

SCALE	DRAWN	CHECKED	APPROVED	DATE
1 TO 100 @ A1	R.P.	R.B.	J.E.A.	FEB. 2006
JOB	Aksa	DWG NO.	DA. 203	REV NO.
				B

WBSOMA PTY LTD
ARCHITECTURAL & LEGAL CONSULTANTS
TEL. 9967 9999 | FAX. 9967 3361 | EMAIL. info@wbsoma.com.au



KANOONA AVENUE



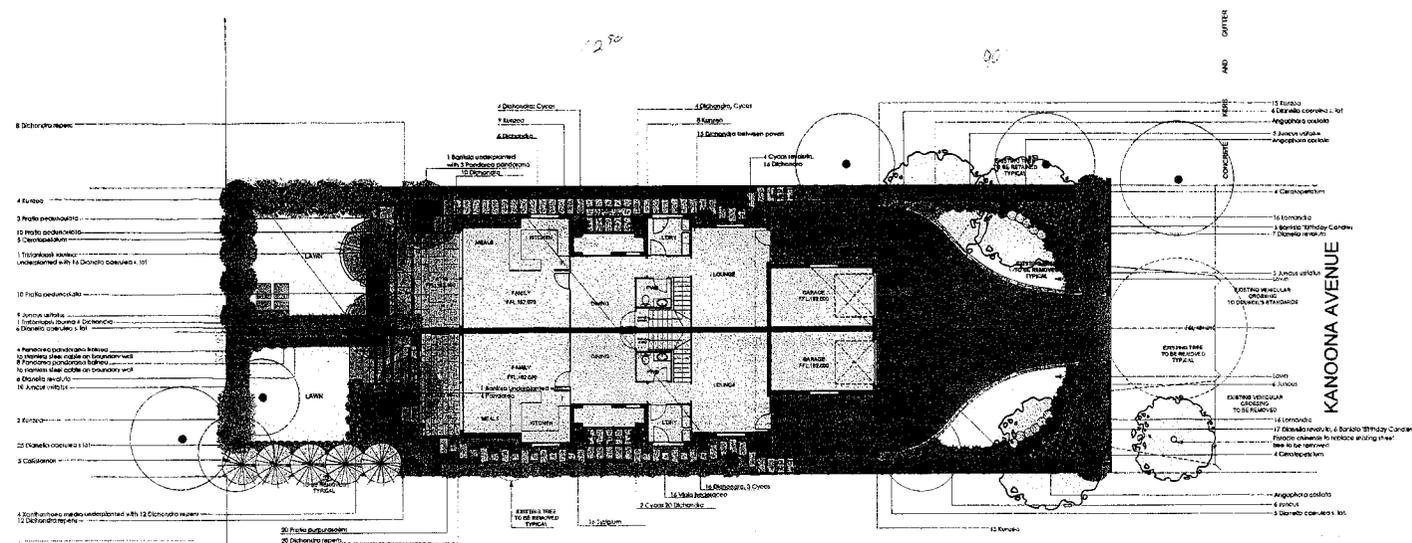
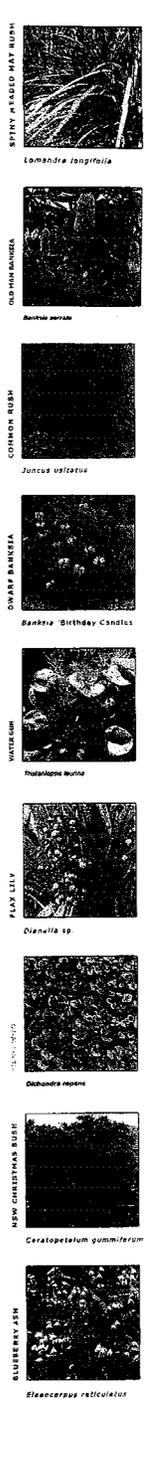
T1, T2 etc = tree numbers correspond with those in arborist report by Landscape Matrix Pty Ltd

CONTOUR INTERVAL - 0.5 METRES

PLAN OF No.18 KANOONA AV. ST IVES
BEING LOT 29 IN D.P. 15689
L.G.A. - KU-RING-GAI
DATUM - A.H.D.

PREPARED BY
J.P. BATES & INWOOD
REGISTERED SURVEYORS
31 KITCHENER ST, OATLEY, 2222.
PHONE: (02) 9570 8251 FAX: (02) 9580 1704

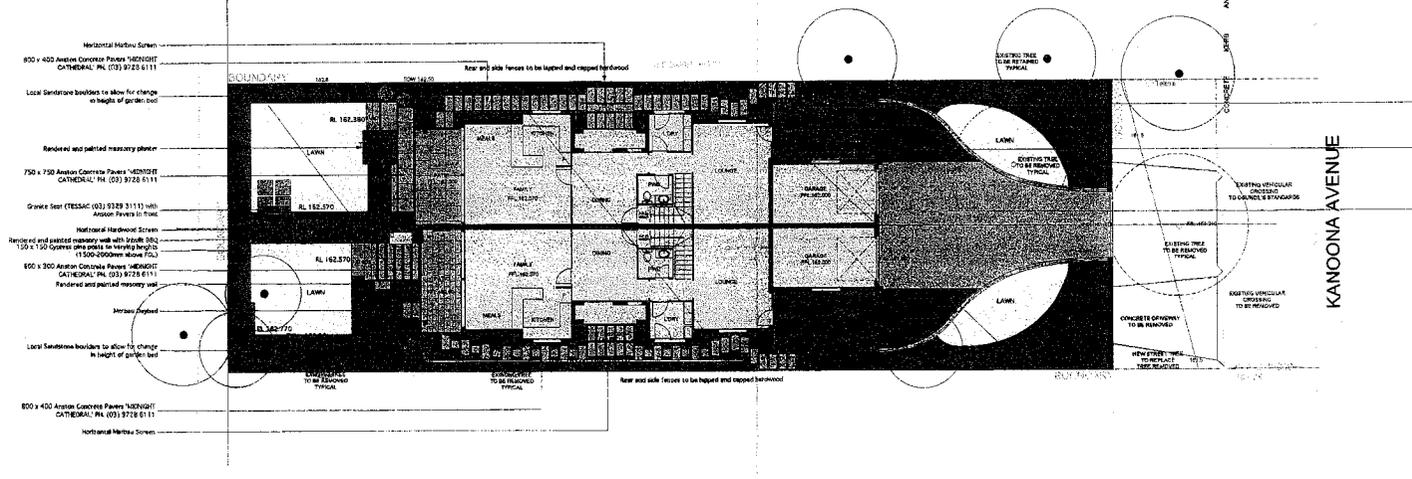
NOTES:
1. NO SURVEY HAS BEEN MADE OF THE TITLE BOUNDARIES.
DIMENSIONS SHOWN ARE FROM EXISTING DP 15689



Planting Schedule

Botanical Name	Common Name	Pot Size (L/mm)	Height (m)	Quantity
TREES				
Angiohora costata	Smooth Barked Apple	38L	14	3
Banksia serrata	Old Man Banksia	25L	6	2
Platanus orientalis	Chinese Plane Tree	38L	15	1
Tiermopsis laurata	Water Gum	80L	5	2
SHRUBS				
Banksia 'Birthday Candles'	Banksia	200L	0.4	11
Callistemon citrinus	Common Bottle Brush	400L	2.5	6
Ceratopetalum gummiferum	NEW Christmas Bush	200L	3	13
Cycas revoluta	Japanese Sago Cycad	25L	0.8	13
Tick Bush	Tick Bush	200L	3	51
Kunzea ambigua	Kunzea	200L	1.8	16
Syringa velutina	Forsythia Lily Pilly	200L	1.8	16
GROUNDCOVERS AND CLIMBERS				
Dichondra repens	Kidney Creeper	140	0.1	148
Platanus orientalis	Wong Wing Vine	140	0.1	16
Pratia pedunculata	Pratia	140	0.1	23
Pratia purpurascens	Pratia	140	0.1	20
Viola hederacea	Native Violet	140	0.1	16
GRASSES				
Dianella caerulea s.l.	Blue Flax Lily	200	0.5	58
Dianella revocata	Blue Flax Lily	200	0.5	30
Juncus verticillatus	Common Rush	140	0.6	41
Lolium maculatum	Empireman Giant	140	0.6	8
Lomandra longifolia	Mat Rush	40	1	32
Xanthorrhoea orborea	Brown Leaf Grass Tree	300	1.2	4

Of the 513 plants listed, 91 are non-indigenous species, leaving 82% from the King-street Council Indigenous Plant list.
The BIA is 55% of site. MAX BIA is 58%.



PATIO
LANDSCAPE ARCHITECTURE & DESIGN

33 Albany Street
CANNONVALE VIC 3058
AUSTRALIA
T +61 3 9422 0013
F +61 3 9422 7416
info@patio.com.au
www.patio.com.au

LEGEND

- 1. 100mm x 100mm x 100mm
- 2. 150mm x 150mm x 150mm
- 3. 200mm x 200mm x 200mm
- 4. 300mm x 300mm x 300mm
- 5. 400mm x 400mm x 400mm
- 6. 500mm x 500mm x 500mm
- 7. 600mm x 600mm x 600mm
- 8. 700mm x 700mm x 700mm
- 9. 800mm x 800mm x 800mm
- 10. 900mm x 900mm x 900mm
- 11. 1000mm x 1000mm x 1000mm

GENERAL NOTES

1. All plants shall be supplied in 100% healthy condition and shall be delivered to site within 14 days of the date of the contract.
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DEVELOPMENT APPLICATION

SUMMARY SHEET

REPORT TITLE:	7 SHELBY ROAD, ST IVES - DETACHED DUAL OCCUPANCY
WARD:	ST IVES
DEVELOPMENT APPLICATION N^o:	1146/06
SUBJECT LAND:	7 Shelby Road, St Ives
APPLICANT:	Harry Charalambous c/- Glendinning Minto & Associates
OWNER:	Helen Blaxland
DESIGNER:	Bergstrom Architects
PRESENT USE:	Single occupancy dwelling
ZONING:	Residential 2(c)
HERITAGE:	No
PERMISSIBLE UNDER:	SEPP 53
COUNCIL'S POLICIES APPLICABLE:	Dual Occupancy Development Control Code, DCP 40, DCP 43, DCP 47, DCP 56.
COMPLIANCE WITH CODES/POLICIES:	No
GOVERNMENT POLICIES APPLICABLE:	KPSO, SEPP 55 – Remediation of Land, SEPP (BASIX), SEPP 53 – Metropolitan Residential Development
COMPLIANCE WITH GOVERNMENT POLICIES:	No
DATE LODGED:	3 October 2006
40 DAY PERIOD EXPIRED:	12 November 2006
PROPOSAL:	Detached dual occupancy
RECOMMENDATION:	Refusal

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DEVELOPMENT APPLICATION N^o 1146/06
PREMISES: 7 SHELBY ROAD, ST IVES
PROPOSAL: DETACHED DUAL OCCUPANCY
APPLICANT: HARRY CHARALAMBOUS C/-
GLENDINNING MINTO & ASSOCIATES
OWNER: HELEN BLAXLAND
DESIGNER BERGSTROM ARCHITECTS

PURPOSE FOR REPORT

To determine development application No.1446/06, which seeks consent for demolition of an existing dwelling and erection of two (2) new dwellings to form a detached dual occupancy.

This matter has been called by Councillors Ebbeck and Hall.

EXECUTIVE SUMMARY

Issues: Front setback, visual bulk, stormwater and site suitability
Submissions: One (1) submission received
Land & Environment Court Appeal: No.
Recommendation: Refusal.

HISTORY

Property history:

The relevant property history is as follows:

Development application history:

DA 1061/03 - Detached dual occupancy - refused by Council on 10 August 2004

Development Application No. 1061/03 sought approval for a Detached Dual Occupancy development, comprising the retention of the existing dwelling in conjunction with a new two (2) storey dwelling fronting Collins Road. The front setback of the new dwelling to Collins Road was proposed at 7 metres, with ground and first floor setbacks of 3.1 metres to the southern side boundary. The Council officer's report recommended approval of the application and at Council's Ordinary Meeting of the 17 June 2004 the application was deferred pending a site inspection.

Numerous issues were raised at the site inspection and these most notably related to landscaping, setbacks, cut and fill, height and private open space. A supplementary report addressing these issues

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was considered by Council at its meeting on 10 August 2004. Council resolved to refuse the application for the following reasons:

1. The proposal has provided incorrect site analysis under Clause 31(2)(a) of SEPP 53 depicting the existing single storey house at No. 128 Collins Road, as two storeys.
2. The proposal will have an unreasonable privacy impact on No. 128 Collins Road, where the kitchen window of the proposed dwelling cannot be adequately screened on the south side to minimise the privacy impact on the front entrance and veranda of No. 128 conflicts with Clause 32(b) of SEPP 53.
3. The proposal will have adverse and unacceptable overshadowing impact on No. 128 Collins Road, conflicts with Clause 32(c)(i).
4. The bulk and scale of the car space in front of the proposed building is detrimental to the streetscape of Collins Road, in conflict with Clause 32(a)(ii).
5. Approval of the dual occupancy would create an unacceptable subdivision pattern out of keeping with the remainder of the locality.
6. Approval of the dual occupancy would create an unacceptable subdivision pattern out of keeping with the remainder of the locality.
7. The proposal would create an unacceptable conflict with the aims and objectives of Schedule 9.
8. Inimical to the public interest.

Section 82A review of DA 1061/03 detached dual occupancy - refused by Council on 8 March 2005

The proposed development was revised and submitted to Council under the provisions of section 82A of the Environmental Planning and Assessment Act. The proposed development was revised with regard to dwelling design, private open space, car parking, landscaping, fencing details and on-site detention. The proposed setback of the new dwelling facing Collins Road was maintained at 7 metres.

The revised application was recommended for approval by Council's assessment staff and was considered at Council's Ordinary Meeting on 7 February 2005. The section 82A review was refused by Council on 8 March 2005 for the same reasons as previously determined.

Current Development Application

The current application (DA1146/06) as originally submitted proposed a minimum front setback of 3 metres from Dwelling A to Collins Road and involved a 1.8 metres high solid fence along the Collins Road frontage of Dwelling B. Dwelling A also encroached over the drainage easement along the southern boundary of the site.

Council officers advised the applicant by letter dated 17 October 2006 of concerns relating to streetscape, visual bulk, fencing and location of private open space. The applicant was advised to withdraw the application due to these issues, though was given the opportunity to amend the application to address Council officer's concerns.

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Further discussions were held with the applicant on 25 October 2006 regarding the issues raised in Council’s letter and issues subsequently raised by Council’s Development Engineer. The applicant was asked to relocate Dwelling A away from the drainage easement and to reconsider the driveway location to ensure compliance AS2890.1 (2004).

In response to Council’s letter, the applicant submitted amended plans on 10 November 2006. The amended plans detail an increase to the front setback of Dwelling A to 4.4 metres, along with a change to the design and height of the front fence to Dwelling B. The amended plans also show the addition of a ‘roof skirt’ to Dwelling B and a reduction in the number of steps over the drainage easement. No justification for the proposed driveway location was received. The amended plans were not considered to adequately address the Development Engineer’s concerns nor were they considered to address Council Assessment Officer’s concerns relating to streetscape and visual bulk.

THE SITE AND SURROUNDING AREA

The site

Zoning:	Residential 2(c)
Visual Character Study Category:	1920-1945
Lot Number:	25
DP Number:	223453
Area:	1072m ²
Frontage:	19m (Shelby Road) & 38.5m (Collins Road)
Heritage Affected:	No
Integrated Development:	No
Bush Fire Prone Land:	No
Endangered Species:	No
Urban Bushland:	No
Contaminated Land:	No

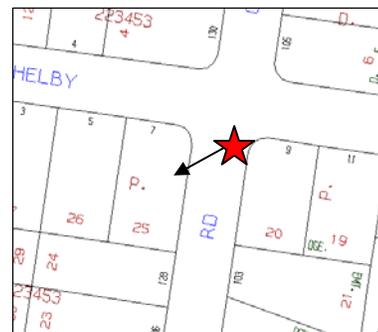
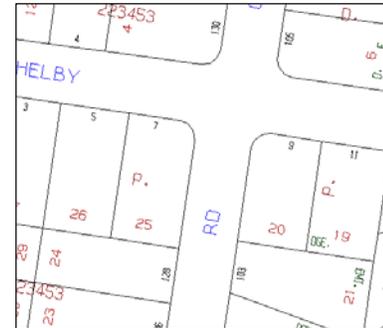
Site description

The subject site is legally described as Lot 25 in DP 223453. The site is a corner allotment located at the south-western corner of the intersection of Collins Road and Shelby Road, St Ives.

The site has an area of 1072m² and is rectangular in shape, with a splayed corner adjacent to the intersection. The site has frontages of approximately 19 metres to Shelby Road and 38.5 metres to Collins Road.

Development on the site currently comprises a one (1) and two (2) storey dwelling house with a low brick wall along both frontages and the western side boundary. The dwelling primarily addresses Shelby Road and features pedestrian and vehicular entrances to this frontage. The dwelling is set back 9 metres from Shelby Road and 7.5 metres from Collins Road and comprises a ‘stepped’ design.

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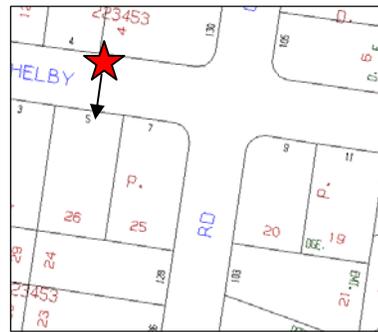
Surrounding Development:

The locality is characterised by a mix of single and two (2) storey single dwelling houses of varying styles. The adjoining dwelling to the west, No. 5 Shelby Road, is a two (2) storey dwelling with a front setback of 9 metres to 12 metres.

Item 2



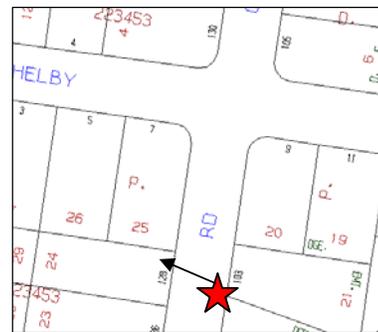
View context: No. 5 Shelby Rd to the west of the development site



The adjoining dwelling to the south, No. 128 Collins Road, is a single storey dwelling house with a front setback of approximately 18 metres. The site has an open landscape character which is characterised by a large lawn area and significant trees in the front setback and road reserve. The setback of this dwelling is indicative of the prevailing setback along the western side of Collins Road.



View context: No. 128 Collins Rd to the south of the development site.



Development on the north-western corner of the intersection, No. 130 Collins Road, comprises a single storey dwelling house. The dwelling primarily addresses Collins Road and is set back approximately 11 metres from this frontage and 7m from Shelby Road. It features a solid fence and screen planting along its Shelby Road frontage.

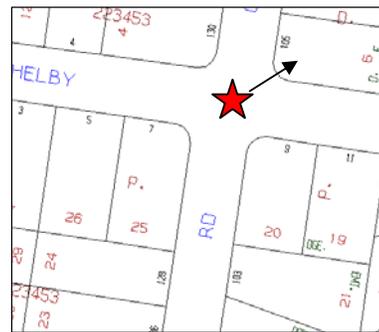
Development on the north-eastern corner of the intersection, No. 105 Collins Road, consists of a single storey dwelling house with a primary frontage to Collins Road. The dwelling is set back approximately 9.5 metres from Collins Rd and 8 metres from Shelby Road. Both the primary and

Item 2

secondary frontages of this dwelling include an open landscape setting with numerous canopy trees in the setback and road reserve.



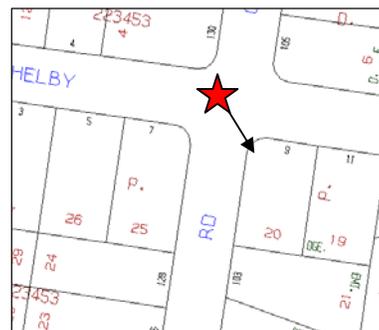
View context: No. 105 Collins Rd, to the north-east of the development site



Development on the south-eastern corner of the intersection, No. 9 Shelby Road, comprises a one (1) to two (2) storey dwelling house. The dwelling primarily addresses Shelby Road and is set back approximately 7.5 metres from this frontage and 3.6 metres from Collins Road. The dwelling has an open landscape character with numerous medium to large trees in its front setbacks. The dwelling to the south, No. 103 Collins Road is a single storey dwelling house which is set back a minimum of 19 metres from Collins Road. The disparity between the setback of this dwelling and that of No. 9 Shelby Road has an incongruous effect on the otherwise consistent appearance of the streetscape.



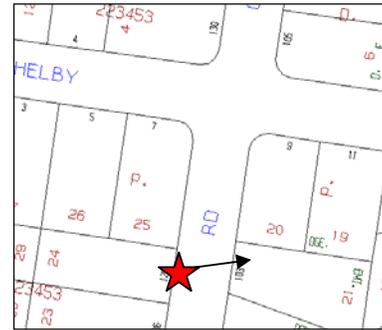
View context: No. 9 Shelby Rd to the east of the development site.



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View context: No. 103 Collins Rd to the south-east of the development site.



THE PROPOSAL

The proposal involves the demolition of the existing dwelling and the construction of two (2) new dwellings to form a detached dual occupancy development. The proposed dwellings are as follows:

Dwelling A:

Dwelling A is located in the rear yard of the existing dwelling and is positioned at the southern end of the site. It is a split-level, one (1) and two (2) storey dwelling comprising the following:

Ground floor: Patio, entry, family room, kitchen, living/dining room, laundry, study and bedroom

First floor: Three (3) bedrooms (master bedroom with walk-in-robe and ensuite), bathroom and hallway

Dwelling A is to have vehicular and pedestrian access from Collins Road. The proposed areas of private open space for the dwelling are located within the rear setback and the northern side setback.

Dwelling A is to be constructed of brick, with a rendered finish and a tiled roof. It is proposed to provide a lightweight, 1.2 metres high front fence along the Collins Road frontage of the site and a 1.8 metres high privacy screen parallel with the building line.

Dwelling B:

Dwelling B is to be located in the approximate location of the existing dwelling and is positioned at the northern end of the site. It is a split-level, one (1) and two (2) storey dwelling comprised of the following:

Ground floor: Entry, family room, kitchen, living/dining room, laundry, bathroom, double garage and rear terrace.

Item 2

First floor: Four (4) bedrooms (master bedroom with walk-in-robe and ensuite), bathroom and hallway.

Dwelling B is to have vehicular and pedestrian access from Shelby Road. The proposed areas of private open space for the dwelling are located in the rear setback, western side setback and front setback.

Dwelling B is to be constructed of brick, with a rendered finish and a tiled roof. It is proposed to provide a lightweight 1.2 metres high front fence along the Shelby Road and Collins Road frontages of the site. It is also proposed to provide a 1.8 metres high privacy screen between the two (2) dwellings.

CONSULTATION - COMMUNITY

In accordance with DCP No.56, owners of surrounding properties were given notice of the application.

In response, a submission from the following was received:

Original scheme lodged 3 October 2006

1. Mr Gary & Mr Corey Eyre - No. 128 Collins Rd, St Ives

The following issues were raised in the submission:

Non compliance with SEPP No. 53 and Council's Dual Occupancy Code

Issues relating to non-compliance with SEPP No. 53 and Council's Dual Occupancy Code have been considered in the assessment of the development application and are addressed below:

Amended plans received 13 November 2006

In accordance with section 4.1 of DCP No. 56, the amended plans were not re-notified as they were not considered to result in a greater environmental impact than the application as originally proposed.

CONSULTATION - WITHIN COUNCIL

Landscaping

Council's Landscape Officer, Tempe Beaven, has commented on the amended proposal as follows:

The proposal is not supported.

Amended plans have been submitted providing increased setbacks to Collins [Rd]. These amendments result in a reduced rear setback and closer proximity of habitable rooms to house at No. 128 Collins Road.

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Site description

The site is a corner block. It falls approximately 2.5m from the west to the east. The existing dwelling is to be demolished and a detached dual occupancy constructed.

Existing Trees – no significant trees to be removed

Landscape plans

The proposal is not supported for the following reasons:

To preserve streetscape character, the proposed 4.4m-5.5m setback of House A to Collins Road is not supported. Driveway is not viable as shown and would require increased hard surface. This minimal setback and large area of proportion of hard surface to front setback prevents viable canopy tree planting, as shown on photomontage, within the front setback of House A. Existing street trees are all under 5m in height.

Majority of private open space for House B is located within front setback.

To preserve neighbour amenity, proposed 1.5m setback to southern boundary, including retaining wall, provides insufficient area for screen planting that can attain 5 metres in height required for two storey dwelling.

Further information required to enable assessment.

A BASIX compliance diagram is to be submitted as part of the above application, indicating nominated areas for indigenous or low water usage planting as part of the BASIX Certificate. Plan is to indicate areas and species to be planted.

Comment:

Council's Landscape Officer has fundamental concerns regarding the proposed setback to Dwelling A. Further, the large amount of hard surface area in the front setback to Dwelling A means that screen planting sufficient enough to soften the streetscape impact of the proposed Dwelling A cannot be provided. The proposed development is not in keeping with the landscape character of the locality, which features large setbacks along Collins Road.

Council's Landscape Officer has also raised concerns with the proposed 1.5 metres setback from Dwelling A to the southern boundary. This setback does not allow sufficient area for landscaping to soften the bulk of the proposed two storey dwelling.

Engineering

Council's Development Engineer, Masahiro Kimura, made a preliminary assessment of the application and discussed his concerns with the applicant at the meeting dated 25 October 2006. Concerns were raised regarding the location of the driveway to Dwelling B and the proximity of the proposed development to the easement along the southern boundary. The applicant was advised to

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either relocate the driveway or submit a justification for the proposed driveway location. The applicant was also advised to ensure the development does not encroach upon the easement.

Council's Development Engineer commented on the amended plans as follows:

I refer to the revised site plans by Bergstrom Architects concerning the above property.

Development Engineers have the following comments regarding the revised plans:

Driveway location

The proposed access driveway for Dwelling B, being less than 6m from the kerb tangent point, will be located within a prohibited location as specified in Figure 3.1 of AS/NZS 2890.1 (2004) - "Off-street car parking". The only exception given to this rule is where physical impossibilities deny such access (refer Section 3.2.3(a)). As compliant alternatives are available to this site along both Collins and Shelby Rds, Development Engineers cannot support this proposed driveway location.

Works over the easement

To ensure that legal obligations are upheld and overland flows paths maintained, Council discourages works over private inter-allotment drainage easements. Any permanent structures such as retaining walls and steps should be removed and the dwelling setback to provide future access to the underground system.

Comment:

In the interests of ensuring proper stormwater management, Council's Development Engineer does not support the proposed retaining wall and step over the easement or the minimum setback of the proposed Dwelling A to the southern boundary. Further, the proposed driveway to Dwelling B does not comply with AS 2890.1 (2004). The applicant has not provided justification for this non-compliance, as was requested by Council's Development Engineer.

STATUTORY PROVISIONS

State Environmental Planning Policy No 55 - Remediation of Land

Given that the only known use of the site is for residential purposes, the land is unlikely to be contaminated and the provisions of SEPP 55 do not require any additional conditions to be imposed.

State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

A valid BASIX certificate was submitted with the application, though an updated certificate was not submitted with the amended plans. Should the application be supported by Council, it is recommended that an updated BASIX certificate be provided by the applicant prior to determination.

Item 2

State Environmental Planning Policy No 53

COMPLIANCE TABLE		
Development standards	Proposed	Complies
Allotment size (cl.19(1)(a)) <ul style="list-style-type: none"> • 600m² attached dual occ. (min) 	1072m ²	YES
Floor space ratio (cl.19(1)(b)) <ul style="list-style-type: none"> • 0.5:1 (max) 	0.41:1 (447.4m ²)	YES
Car parking (cl.20) <ul style="list-style-type: none"> • Dwelling 1: 2 car spaces (min) • Dwelling 2: 2 car spaces (min) 	Dwelling 1: 2 car spaces Dwelling 2: 2 car spaces	YES YES

The aims of SEPP No. 53 are outlined in clause 3(1) as follows:

- (a) *broaden the choice of building types and locations available in the housing market, and*
- (b) *make more efficient use of existing infrastructure and services, and*
- (c) *reduce the consumption of land for housing and associated urban development on the urban fringe, and*
- (d) *be of good design.*

The proposed development does not comply with objective 3(1)(d). The proposed development is not good design as it results in a detrimental streetscape impacts due to inadequate front setbacks and excessive bulk.

Site analysis (cl.31):

The documentation submitted with the application is generally acceptable with respect to the requirements of Clause 31 and Schedule 5 of the SEPP. However, the site analysis does not show the exact location of windows along the northern boundary of the adjoining property, No. 128 Collins Road.

Streetscape (cl.32(a)):

The streetscape provisions of SEPP 53 state that dual occupancy development should:

- (i) *contribute to an attractive residential development with clear character and identity, and*
- (ii) *where possible, retain, complement and sensitively harmonise with any heritage conservation areas in the vicinity and any relevant heritage items that are identified in a local environmental plan.*

The proposed development is inconsistent with clause 32(a)i as it is incongruent with the prevailing character of the locality. The character of this part of St Ives is defined by large, landscaped front setbacks. These setbacks have a relatively open landscape character and feature numerous canopy trees.

Item 2

The proposed development entails a front setback of 4.4 metres from Dwelling A. This setback is discordant with the prevailing setback along Collins Road which is approximately 18 metres in the vicinity of the subject site. The orientation of the lots means that the entirety of the proposed Dwelling A is located adjacent to the front setback of the adjoining property, No. 128 Collins Road.

The minimal setback proposed to Collins Road is not considered adequate to offset the size of the development proposed, a situation that is exacerbated by the site's prominent corner location on the high side of Collins Road.

Visual privacy (cl.32(b)):

The proposed development is generally acceptable with regards to visual privacy. There is some potential for overlooking from the dining/living room of Dwelling B of the side courtyard and family room doors of Dwelling A. Should the application be approved, it is recommended that the consent be conditioned to increase the sill height of the dining/living room windows of Dwelling B to 1.6 metres above the finished floor level.

Acoustic privacy (cl.32(b)):

The proposed development offers a reasonable level of acoustic privacy to the new dwellings and adjoining properties. The proposal entails adequate separation between the main living areas of each dwelling and the bedroom windows of adjoining dwellings.

Solar access and design for climate (cl.32(c)):

Solar access to adjoining properties

The proposal has been designed to provide both dwellings with a north-facing living area. To maximise solar access, the proposed development has also been designed to provide each dwelling with areas of private open space which are orientated towards the north and west.

The design and siting of the proposed dwellings will provide at least four (4) hours of solar access to north-facing windows and private open space of adjoining properties.

The proposed development would receive a compliant 3+ hours of solar access to its internal living areas and private open space areas during the winter solstice (June 22).

Stormwater (cl.32(d)):

The proposal is not acceptable with regard to stormwater management. Council's Development Engineer has raised concern with the proximity of Dwelling A to the easement along the southern boundary of the site. Council's Development Engineer has advised that this setback should be increased to allow better access to the underground system.

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Crime prevention (cl.32(e)):

The proposal is generally acceptable in terms of crime prevention, however, it is noted that the living areas of Dwelling A are located to the rear of the dwelling. The layout of the dwelling allows limited observation of the street and the recessed entry does not allow residents to view persons approaching the front door.

Accessibility (cl.32(f)):

Council's Development Engineer has noted that the proposed driveway location for Dwelling B does not comply with AS2890.1 (2004). Adequate justification for this non-compliance has not been provided. In this regard, the proposal is unacceptable with regard to accessibility.

Visual bulk (cl.32(h)):

Clause 32(h) of SEPP 53 states that the proposed development should, where practicable, maintain reasonable neighbour amenity and appropriate residential character by:

- (a) *providing building setbacks that progressively increase as wall heights increase to reduce bulk and overshadowing, and*
- (b) *using building form and siting that relates to the site's land form, and*
- (c) *adopting building heights at the street frontage that are compatible in scale with adjacent development, and*
- (d) *considering, where buildings are located on the boundary, the impact of the boundary walls on neighbours*

The proposed development is inconsistent with clauses 32(h), (a) and (c). The first floor of Dwelling A has not been 'stepped back' along the northern elevation, thus resulting in a maximum overall wall height of 5.7 metres. The height of the dwelling does not sufficiently relate to the adjoining single storey dwelling at No. 128 Collins Road and has a detrimental impact on the streetscape. This streetscape impact is exacerbated by the proposed unsatisfactory front setback which means that the two (2) storey dwelling is located directly adjacent to the front setback of the adjoining property.

The first floor of Dwelling B has not been 'stepped back' to the northern, southern or eastern elevations. This results in a maximum wall height of 6.5 metres along the eastern elevation and produces an excessively bulky façade, particularly noting the minimal setback proposed to Collins Road. In combination with a greater setback, the first floor should be 'stepped back' to better relate to the corner site and adjoining development.

Ku-ring-gai Planning Scheme Ordinance (KPSO)

Aims and Objectives for Residential Zones

The development is unsatisfactory having regard to the following general aims and objectives for residential development as outlined in clause 1 of Schedule 9:

Item 2

- (a) *to maintain and, where appropriate, improve the existing amenity and environmental character of residential zones*
- (b) *to permit new residential development only where it is compatible with the existing environmental character of the locality and has a sympathetic and harmonious relationship with adjoining development*

The development is unsatisfactory with regard to the following specific objectives for as outlined in clause 2 of Schedule 9:

- (e) *all new dwelling-houses and additions to existing dwelling-houses are of a height, size and bulk generally in keeping with that of neighbouring properties and, where larger buildings are proposed, they are designed so as not to dominate and so far as possible to harmonise with neighbouring development*

COMPLIANCE TABLE		
Development standard	Proposed	Complies
Building height 8m (max)	Dwelling A: 5.7m (calculated using RLs) Dwelling B: 7.7m (calculated using RLs) The following information is not a statutory control. This information is provided for the benefit of the Councillors: Height to roof ridge - Dwelling A: RL161.655 Height to roof ridge – Dwelling B: RL162.98 Height to eaves line – Dwelling A: RL159.695 Height to eaves line – Dwelling B: RL161.77	YES
Built-upon area 60% (max)	approx 41%	YES
Notional built-upon area	Dwelling A: approx. 42.2% Dwelling B: approx. 39.4%	YES YES

POLICY PROVISIONS

Development Control Plan 40 - Construction and Demolition Waste Management

A Waste Management Plan has been provided.

Development Control Plan No 43 - Car Parking

Section 3.1 of DCP No. 43 requires the provision of two (2) parking spaces for dual occupancies in excess of 125m². The proposal complies with this requirement.

Item 2

Council's Dual Occupancy Development Control Code

COMPLIANCE TABLE		
Development control	Proposed	Complies
4.2 Streetscape:		
Roof pitch		
<ul style="list-style-type: none"> 3m roof height-2 storey (max) 	Dwelling A: 1.86m (calculated from RLs) Dwelling B: 1.21m (calculated from RLs)	YES YES
<ul style="list-style-type: none"> Roof pitch 35⁰ (max) 	Dwelling A: 22.3 ⁰ Dwelling B: 22.3 ⁰	YES YES
Fences		
<ul style="list-style-type: none"> Height: 0.9m (solid fence) (max) 	Dwellings A & B: 1.8m privacy screen along nominal subdivision boundary	YES
	Dwelling A: 1.8m privacy screen in line with building line	NO
<ul style="list-style-type: none"> Height: 1.2m (transparent fence) (max) 	Dwelling A: 1.2m transparent front fence along eastern boundary	YES
	Dwelling B: 1.2m transparent fence incorporating existing wall along northern and eastern boundaries	YES
4.3 Visual and acoustic privacy:		
Visual privacy		
<ul style="list-style-type: none"> Windows to habitable rooms set back 9m from neighbouring windows (min) 	Dwelling A: Insufficient information is shown on the site analysis and site survey to determine the exact location of windows on the northern elevation of the adjoining property, No. 128 Collins Rd.	NO
	Dwelling B: No windows along eastern elevation of neighbouring property, No. 5 Shelby Rd	YES
4.4 Solar access and design for climate:		
Solar access		
<ul style="list-style-type: none"> Dual occupancy receive 3+ hours of solar access between 9am and 3pm (min) 	Dwelling A: 4 hours solar access received between 11am and 3pm Dwelling B: 6 hours solar access received between 9am and 3pm	YES YES

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COMPLIANCE TABLE		
Development control	Proposed	Complies
<ul style="list-style-type: none"> Neighbouring properties receive 3+ hours of solar access between 9am and 3pm (min) 	All neighbouring properties receive 3+ hours solar access	YES
Energy efficiency <ul style="list-style-type: none"> BASIX <ul style="list-style-type: none"> 40% reduction in water usage 40% reduction in energy usage 	Original proposal complies with BASIX. Amended certificate not supplied for revised plans.	NO
4.7 Accessibility:		
Vehicular access and car parking dimensions <ul style="list-style-type: none"> Garage – 3.1m x 5.4m (min) 	Dwelling A: 5.96m x 5.8m Dwelling B: 5.8m x 5.8m	YES YES
4.9 Visual bulk:		
Building setbacks <ul style="list-style-type: none"> Front building line: <ul style="list-style-type: none"> Minimum setback: 9m Average setback: 11m Corner site street <ul style="list-style-type: none"> Frontage setback: 7m (min) with 50% of façade at 5m Setbacks between buildings -7m or 5m (50% of building) (min) 	Dwelling B: 9m Dwelling B: 9.7m Dwelling A: 4.4m (avg. 4.95m) 7.8m	YES NO NO YES

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COMPLIANCE TABLE		
Development control	Proposed	Complies
<ul style="list-style-type: none"> Side setback: Ground floor: 12% notional site width = 2.6m (min) 1st floor: 15% notional site width = 3.21m (min) Ground floor: 12% notional site width = 2.9m (min) 1st floor: 15% notional site width = 3.63m (min) Rear setback: 15% site depth = 3.63m (min) 	Dwelling A: Ground Floor: 1.5m	NO
	Dwelling A: 1 st Floor: 4.01m	YES
	Dwelling B: Ground Floor: 3.885m	YES
	Dwelling B: 1 st Floor: 3.885m	YES
	Dwelling A: 4.37m (to western boundary) Dwelling B: 2.355m (to southern boundary)	YES NO
<ul style="list-style-type: none"> No garages, tennis courts, swimming pools, courtyard walls and other major built elements forward of the building line. 	No garages, tennis courts, swimming pools or courtyard walls forward of the building line are proposed.	YES
Building form <ul style="list-style-type: none"> Unrelieved wall length: 12m for walls less than 4m in height, 8m for walls more than 4m in height Total building length: 24m (max) 	Dwelling A: 8.2m, more than 4m in height (northern elevation) Dwelling B: 7.7m, more than 4m in height (southern elevation)	NO YES
	Dwelling A: 15.4m Dwelling B: 16.1m	YES YES
Built-upon area <ul style="list-style-type: none"> Total built upon area (max): 40% Notional built-upon area 	approx 41%	NO
	Dwelling A: approx. 42.2% Dwelling B: approx. 39.4%	NO YES
Floor space ratio <ul style="list-style-type: none"> FSR (max): 0.5:1 	0.41:1 (447.4m ²)	YES

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COMPLIANCE TABLE		
Development control	Proposed	Complies
<ul style="list-style-type: none"> 1st floor – 40% 	Dwelling A: 33.4% Dwelling B: 38%	YES YES
Height of buildings <ul style="list-style-type: none"> Dwelling fronting street: 8m (max) Building envelope: 45⁰ from horizontal at any point 3m above boundary 	Dwelling B: 7.7m (calculated using RLs) Dwelling A north elevation: 0m south elevation: 0m southern boundary of east elevation: 0.3m west elevation: 0m Dwelling B eastern boundary of north elevation: 0.9m eastern boundary of south elevation: 0.3m southern boundary of east elevation: 1.1m west elevation: 0m	YES YES YES NO YES NO NO NO YES
Cut and fill (building works) <ul style="list-style-type: none"> Cut & fill: 900mm & Total 1800mm (max) 	Dwelling A: approx 370mm (cut) & 1295mm (fill) Dwelling B: 1130mm (fill)	NO NO
Section 5: Landscaping & Open Space		
Total soft landscaping : 60% (min)	approx 59%	NO
Notional soft landscaping:	Dwelling A: 57.8% Dwelling B: 62%	NO YES
Tree retention and refurbishment <ul style="list-style-type: none"> No. of Trees: Seven (7) (min) 	11 Trees	YES
Cut & fill (landscaping) <ul style="list-style-type: none"> Cut & Fill: 900mm & Total 1800mm 	480mm (fill) located in garden bed to south-west of Dwelling B 800mm (cut) located along southern boundary of Dwelling A	YES YES
Open space provisions		

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COMPLIANCE TABLE		
Development control	Proposed	Complies
<ul style="list-style-type: none"> Area: 100m² or 2 x 75m² areas (min) 	Dwelling A: approx. 179.18m ² Dwelling B: approx. 154.18m ²	YES YES
<ul style="list-style-type: none"> Min dimension 5m x 5m (min) 	Dwelling A: rear yard is min. 4.5m wide Dwelling B: side yard is min. 3.5m wide	NO NO
<ul style="list-style-type: none"> Grade: 1 in 8 (max) 	Dwelling A: 1 in 9.7 Dwelling B: 1 in 56.1	YES YES
<ul style="list-style-type: none"> 50% receives 3+ hours solar access (min) 	Dwelling A: Open space receives 3 hours solar access Dwelling B: Open space (front yard) receives 6 hours solar access and open space (side yard) received 3 hours solar access	YES YES

Section 4.9.1 Building setbacks:

Section 4.9.1 of the Dual Occupancy Development Code states that, where a development is located on a corner site, it should be located appropriately to both streets. The Code states that this should be achieved by ensuring the dwelling which is furthest from the primary street frontage has a minimum building line setback of 7 metres, though concedes that consideration may be given to a 5 metres setback for up to 50% of the front elevation. The objective of this control is to ensure appropriate articulation of the corner in relation to built form and open space and to provide a transitional setback between the proposed and existing dwellings.

Dwelling A fails to meet the numeric requirements outlined in the Code. It proposes front setbacks of 4.4 metres for 34% of the front elevation and 5.5 metres for 49% of the elevation, with an average setback of 4.95 metres. The proposal also fails to meet the objective of the control as it does not provide a transitional setback between Dwelling B and the adjoining dwelling. It does not adequately articulate the corner and has a detrimental impact on the streetscape.

Section 4.9.5 Height of building:

Section 4.9.5 of the Code states that, where an allotment has two (2) street frontages, the maximum permissible height of the rear dwelling will be determined with regard to the development pattern established by adjoining properties. As discussed with regard to SEPP 53, Dwelling A has an unacceptable height at the Collins Road frontage and results in a detrimental impact on the streetscape.

The proposed dwellings do not comply with Council’s building envelope provisions. Dwelling A exceeds the building envelope by 300mm at the southern boundary of the eastern elevation. This non-compliance contributes to the excessive bulk of the dwelling at its street frontage. Dwelling B exceeds the building envelope on the northern, eastern and southern elevations by up to 1.1 metres. These breaches contribute to the overall bulk of the dwelling and do not enable it to address the corner site in an acceptable manner.

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Section 94 Plan

Should the development be approved, it would attract a Section 94 contribution of \$32,324.

LIKELY IMPACTS

The proposed setback to Dwelling A is not in keeping with the predominant setback pattern along Collins Road and does not allow adequate area for appropriate levels of planting in the front setback. The proposed development is inconsistent with the landscape character of the locality which is mostly comprised of large, open setbacks.

The design of the proposed dwellings is also inconsistent with the architectural character of the locality. The proposed dwellings are bulky and overbearing and do not relate to the scale of surrounding development. Dwelling B does not adequately address its secondary street frontage to Collins Road and presents a bulky and uninteresting façade to this elevation. The excessive bulk and scale of the proposed development, along with the inadequate front setback proposed for Dwelling A, results in a development which is likely to have a detrimental impact on the streetscape.

SUITABILITY OF THE SITE

Whilst the site is suitable for residential development, the proposed design is unacceptable due to its detrimental impact on the streetscape.

ANY SUBMISSIONS

The submission received was considered in the assessment of this application.

PUBLIC INTEREST

The approval of the application is considered to not be in the in the public interest.

ANY OTHER RELEVANT MATTERS CONSIDERATIONS NOT ALREADY ADDRESSED

There are no other matters for consideration.

CONCLUSION

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

RECOMMENDATION:

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

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THAT Council, as the consent authority, refuse development consent to Development Application No. **1146/06** for a Detached dual occupancy on land at 7 Shelby Rd St Ives, as shown on plans prepared by **Bergstrom Architects Pty Ltd**, reference number **DA00 Rev C**, dated **6 November 2006** and lodged with Council on **10 November 2006**, and **DA01, DA02** and **DA03 Rev D** dated **6 November 2006** and lodged with Council on **10 November 2006** for the following reasons:

Streetscape

1. The proposed front setback to Collins Road is inconsistent with the prevailing setback along Collins Road and results in a built form that is incompatible with the surrounding environment

Particulars:

- a. The proposed front setback of 4.4 metres of Dwelling A to Collins Road is incongruent with adjoining development. The proposed development does not have a harmonious relationship with adjoining development and will dominate the streetscape.
- b. The proposed front setback and excessive hard surface area in the front setback of Dwelling A prevents suitable canopy tree planting and is not in keeping with the landscape character of the locality.
- c. The proposal is inconsistent with the aims of SEPP 53 as outlined in clause 1(d).
- d. The proposal fails to be of good design and is inconsistent with clause 32(a) of SEPP 53.
- e. The proposal is inconsistent with the general aims and objectives for residential zones, as outlined in Schedule 9 - clauses 1(a) and (b) of the Ku-ring-gai Planning Scheme Ordinance.

2. The proposal will result in a development with a bulk and scale that is excessive and inconsistent with the built form of the surrounding environment.

Particulars:

- a. The proposed development is excessively bulky as it does not provide adequate setbacks which increase with wall height. In particular, the proposal is overbearing in scale and does not articulate the corner site and relate to surrounding development. The excessive bulk of the proposed development is exacerbated by its prominent corner site location.
- b. The proposed 1.5 metres side setback of Dwelling A to the southern boundary does not allow sufficient area for landscaping to soften the bulk of the proposed two (2) storey dwelling.
- c. The proposal is inconsistent with the aim of SEPP 53 as outlined in clause 1(d).
- d. The proposal fails to be of good design by being inconsistent with clauses 32(a) and (h) of SEPP 53.
- c. The proposal is inconsistent with the general aims and objectives for residential zones, as outlined in Schedule 9 - clauses 1(a) and (b) of the Ku-ring-gai Planning Scheme Ordinance and the specific aim as outlined in clause 2(e).

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3. **The proposal is unacceptable with regard to engineering issues such as stormwater management and vehicular access.**

Particulars:

- a. The proposed retaining wall and step over the private easement along the southern boundary of the site are not in the interest of proper stormwater management.
- b. The proposed side setback of 1.5 metres of Dwelling A to the southern boundary does not allow sufficient access to the underground system.
- c. The proposal fails to be of good design as it is not in accordance with clauses 32(d) and (f) of SEPP 53.
- d. The proposed driveway location for Dwelling B does not comply with AS2890.1 (2004).

B Pendlebury
Development Assessment Officer

R Kinninmont
Team Leader
Development Assessment - Central

M Prendergast
Manager
Development Assessment Services

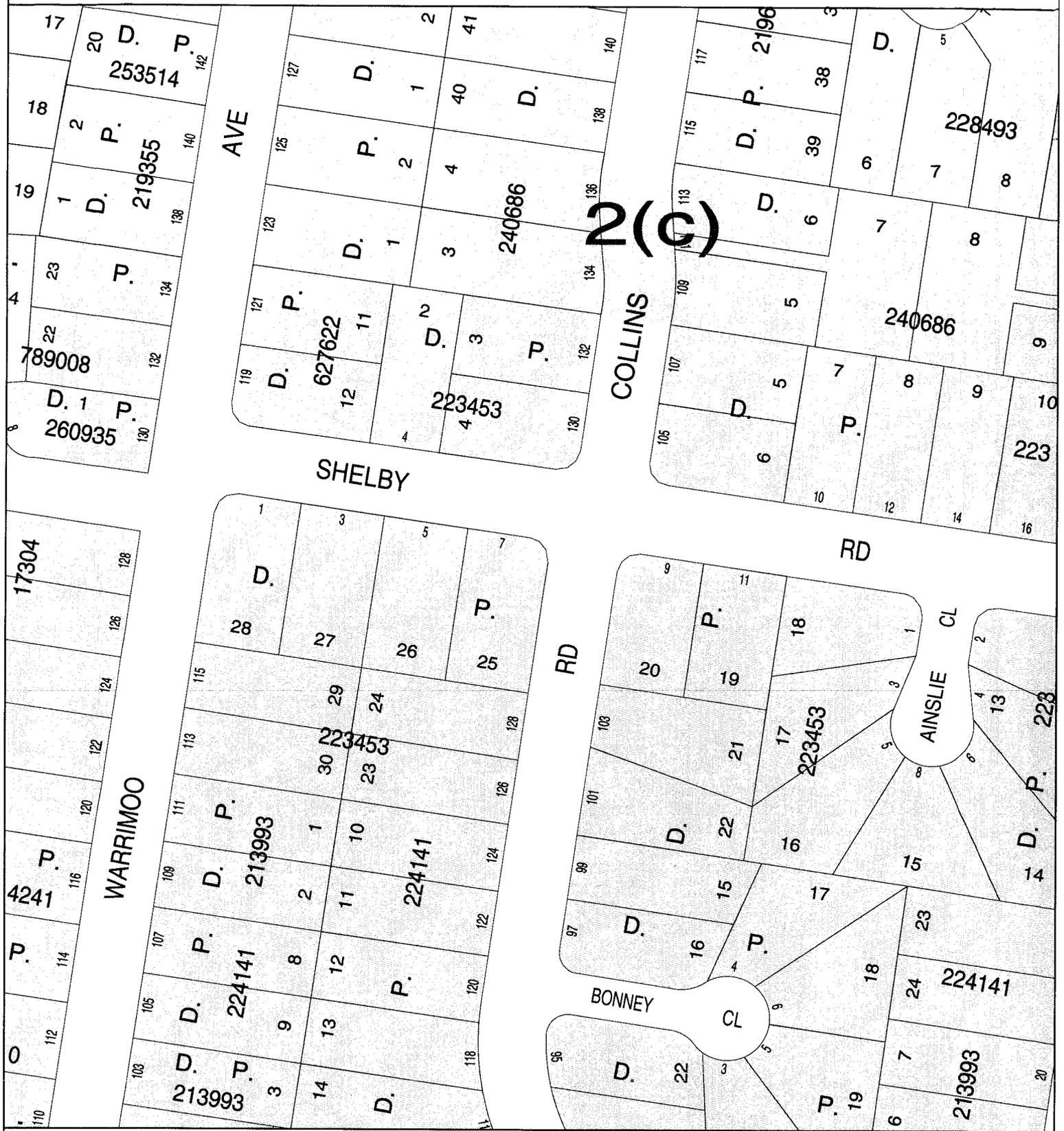
M Miocic
Director
Development & Regulation

Attachments:

- Locality plan - 728202**
- Zoning extract - 728203**
- Site analysis - 728204**
- Architectural plans - 728206**
- Landscape plan - 728208**
- Shadow diagrams - 728207**

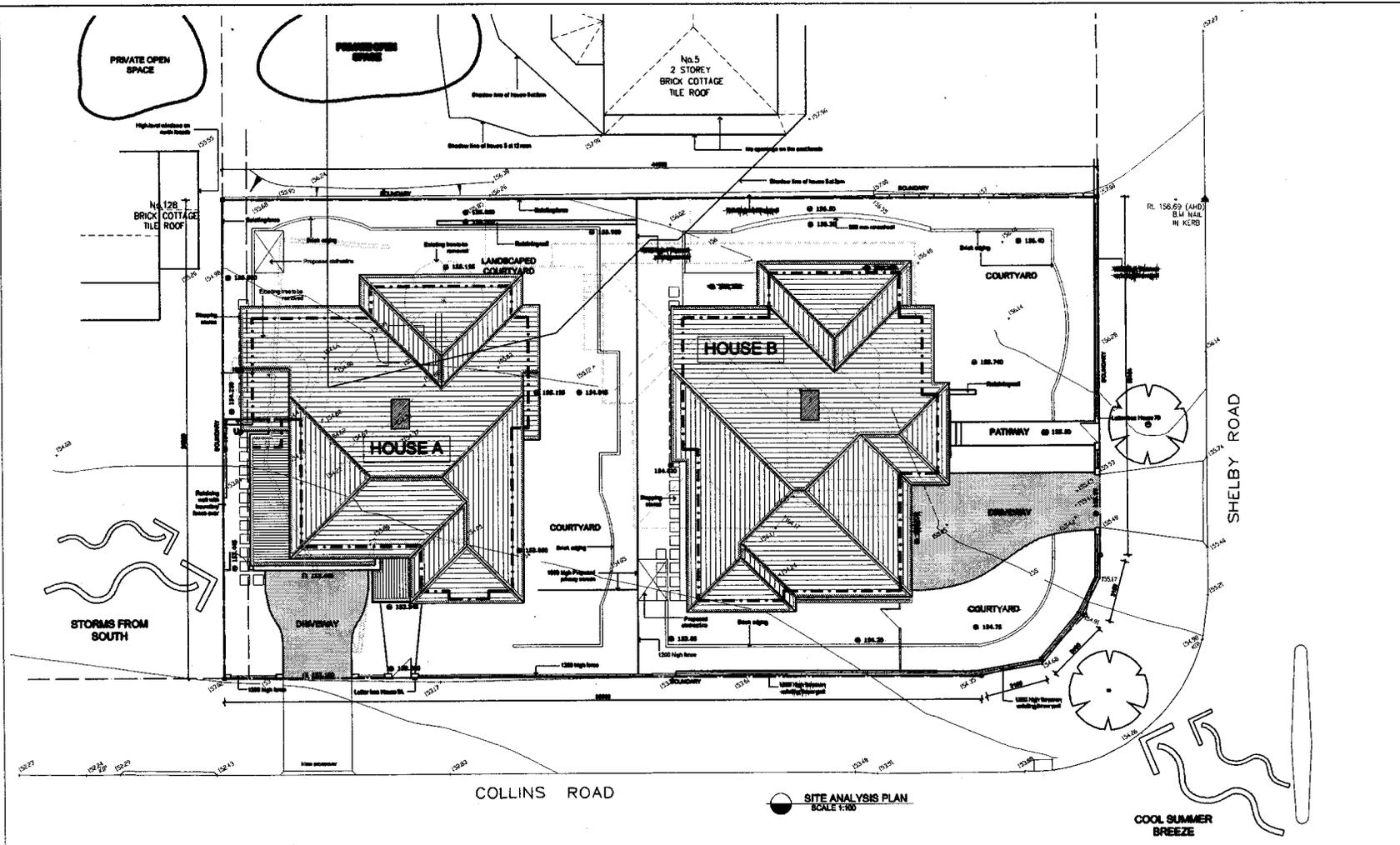
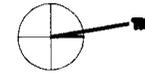
Zoning Extract

7 SHELBY RD ST IVES DA 1146/06



ZONES	RESERVATIONS	GENERAL
2. RESIDENTIAL (a) RESIDENTIAL A (b) RESIDENTIAL B (c) RESIDENTIAL C (c1) RESIDENTIAL C1 (c2) RESIDENTIAL C2 (d) RESIDENTIAL D (d3) RESIDENTIAL D3 (e) RESIDENTIAL E (f) RESIDENTIAL F (g) RESIDENTIAL G (h) RESIDENTIAL H	3. BUSINESS (a) RETAIL SERVICES FLOOR SPACE RATIOS A1 2.0:1 A2 1.0:1 A3 0.75:1 (b) COMMERCIAL SERVICES FLOOR SPACE RATIOS B1 1.0:1 B2 1.0:1	5. SPECIAL USES (a) SPECIAL USES A (Schools etc) (a1) SPECIAL USES A1 (b) SPECIAL USES (Railway) 6. OPEN SPACE (a) RECREATION EXISTING (b) RECREATION PRIVATE (c) RECREATION PROPOSED
	OPEN SPACE (a) OPEN SPACE (Public Parks & Recreation) (b) COUNTY OPEN SPACE SPECIAL USES SPECIAL USES (Parking etc) ROADS (a) COUNTY ROAD PROPOSED (b) COUNTY ROAD WIDENING (c) LOCAL ROAD PROPOSED (d) LOCAL ROAD WIDENING	EXISTING COUNTY ROAD OTHER PLANNING INSTRUMENTS <div style="text-align: center; margin-top: 20px;"> Scale: 1:1500 Date: 22-01-2007 </div>

7 SHELBY ROAD
ST IVES, NSW



COLLINS ROAD

SITE ANALYSIS PLAN
SCALE 1:100

COOL SUMMER BREEZE



D	18.11.2008	PRELIMINARY
B	18.08.2008	PRELIMINARY
A	18.08.2008	PRELIMINARY
A	18.08.2008	PRELIMINARY

bergstrom ARCHITECTS

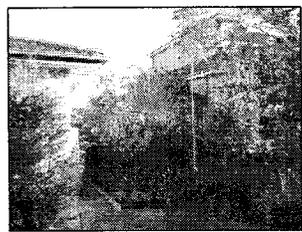
BERGSTROM ARCHITECTS PTY LTD (NSW TRANSPORT)
SUITE 1, LEVEL 1, 4 BRIDLE AVENUE,
MURRUMBidgeE STATE PARK AND
P.O. BOX 1000, MURRUMBIDGE, NSW 2870

PROJECT
PROPOSED DUAL OCCUPANCY

DRAWING
SITE ANALYSIS

SCALE	DRAWN BY	CHKD BY
1 : 100	DA00	C

DATE: 18.11.2008
OWNER BY: PMS
JOB NUMBER: 0508



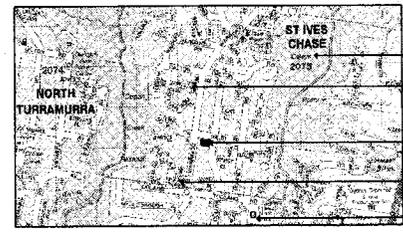
EXISTING FENCE BETWEEN NO. 5 & NO. 7



EXISTING FENCE BETWEEN NO. 128 & NO. 7



EXISTING CORNER PLOT NO 7

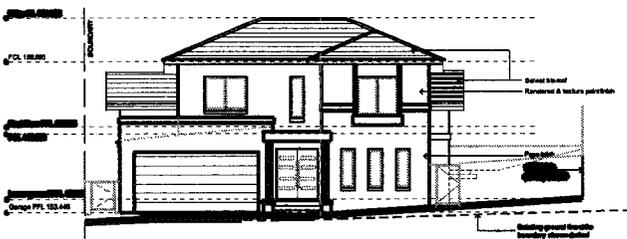
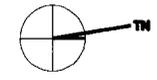


MAP SHOWING LOCAL FACILITIES AROUND THE SITE

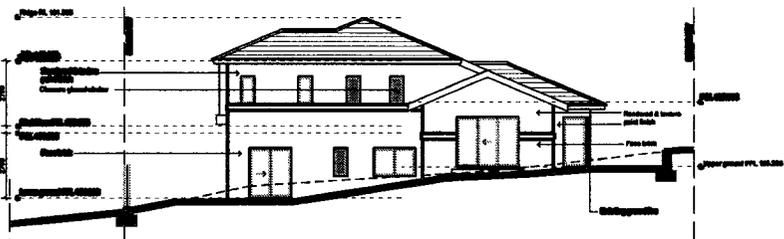
- Recreational area 1.0 km
- Existing local shops & park 0.4 km
- SITE
- Park 0.4 km
- school 0.7 km

Towards Murrumbidgee
valley road, 2.0 km

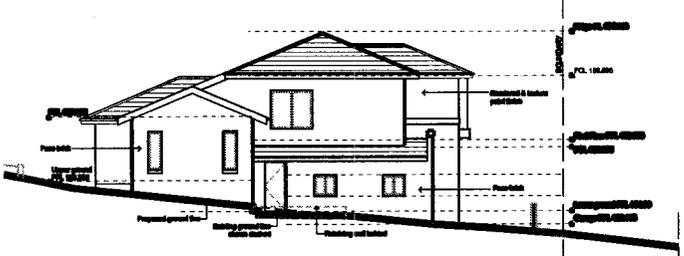
7 SHELBY ROAD
ST IVES, NSW



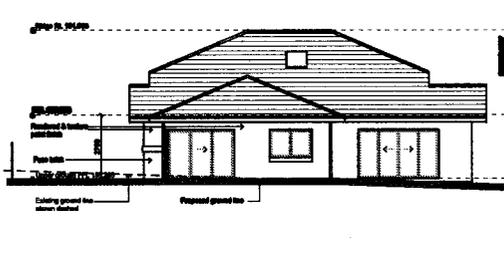
HOUSE A - EAST ELEVATION
SCALE 1:100



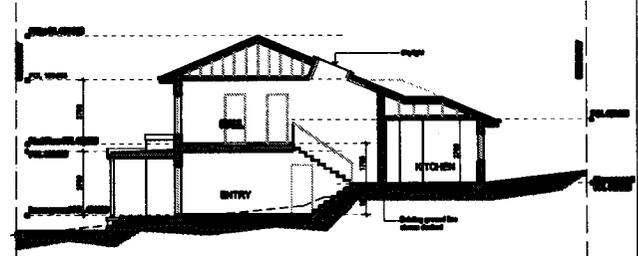
HOUSE A - NORTH ELEVATION
SCALE 1:100



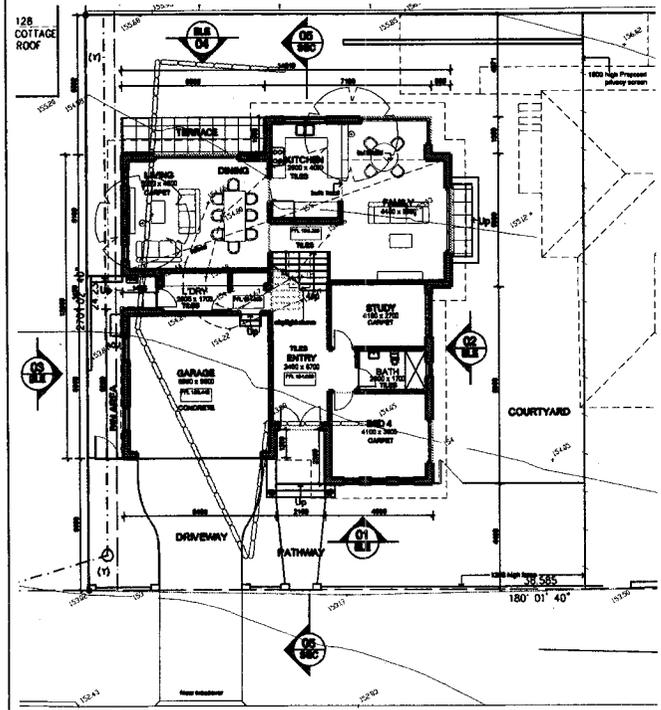
HOUSE A - SOUTH ELEVATION
SCALE 1:100



HOUSE A - WEST ELEVATION
SCALE 1:100

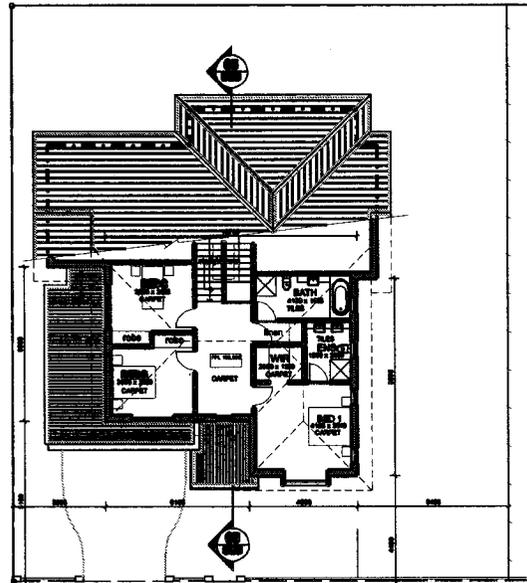


HOUSE A - SECTION 05
SCALE 1:100



HOUSE A - GROUND FLOOR PLAN
SCALE 1:100

COLLINS ROAD



HOUSE A - FIRST FLOOR PLAN
SCALE 1:100

GROUND FLOOR AREA:	145.7 m ²
GARAGE AREA:	35.1 m ²
FIRST FLOOR AREA:	77.3 m ²
TOTAL:	258.1 m ²



BASIX

WINDOWS	LOW E, ALUMI IMPROVED WITH 6.5 U VALUE AND 6.5% SHED
EXTERNAL WALLS	BRICK VENEER WITH RLS INSULATION & COLOUR-MEDIA-SANGLAY
INTERNAL WALLS	PLASTERBOARD ON STUDS
FLOORS	CONCRETE SLAB ON GROUND FLOOR
Ceilings	PLASTERBOARD WITH RLS INSULATION
ROOF	ROOFING TILES WITH POLYURETHANE INSULATION & COLOUR-MEDIA-SANGLAY
WINDOW COVER	OPEN WEAVE
FIXED SHEDS	600 400

bergstrom ARCHITECTS
BERGSTROM ARCHITECTS PTY. LTD. (ABN 78 06 00 00 00)
SUITE 4 LEVEL 2, 11 WYVILLE STREET,
NORTH SYDNEY NSW 2060
Ph: 02 9552 1458 Fax: 02 9552 0609

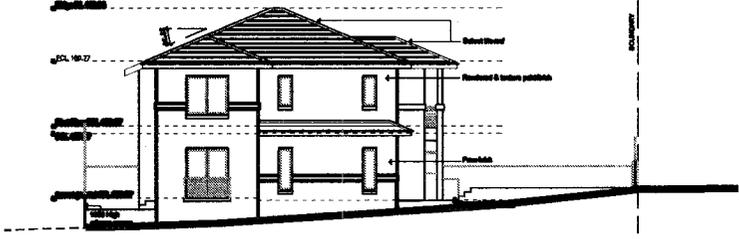
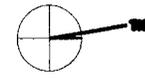
PROPOSED DUAL OCCUPANCY

FLOOR PLANS & ELEVATIONS - HOUSE A

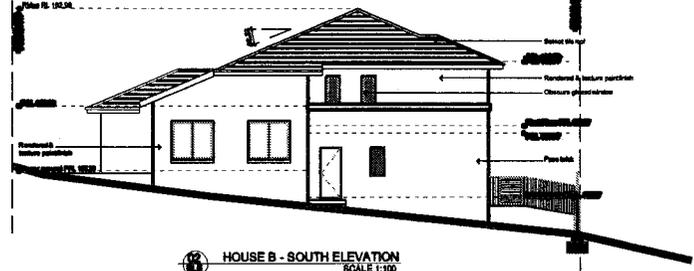
SCALE	DRAWING NO.	REV.
1 : 100	DA02	C

DATE: 06/11/06
DRAWN BY: PFB
JOB NUMBER: 06-07

7 SHELBY ROAD
ST IVES, NSW



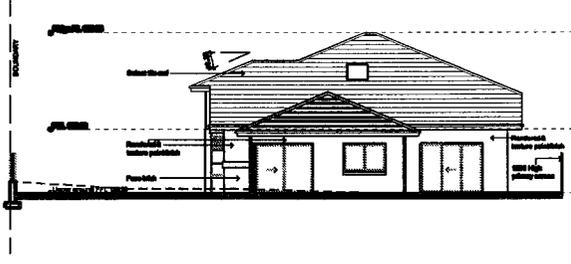
HOUSE B - EAST ELEVATION
SCALE 1:100



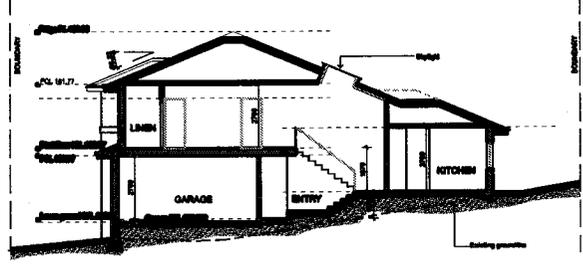
HOUSE B - SOUTH ELEVATION
SCALE 1:100



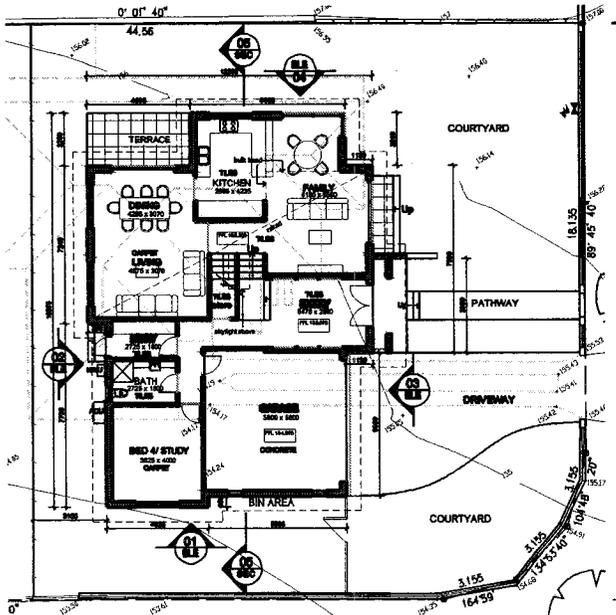
HOUSE B - NORTH ELEVATION
SCALE 1:100



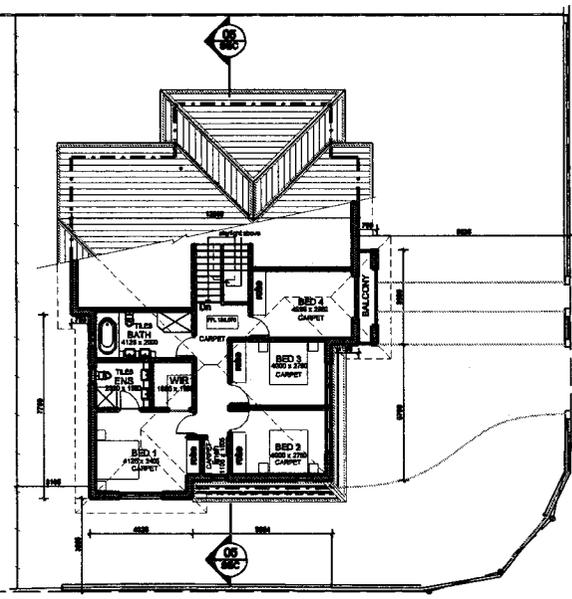
HOUSE B - WEST ELEVATION
SCALE 1:100



HOUSE B - SECTION 05
SCALE 1:100



HOUSE B - GROUND FLOOR PLAN
SCALE 1:100



HOUSE B - FIRST FLOOR PLAN
SCALE 1:100

GROUND FLOOR AREA:	126.1 m ²
GARAGE AREA:	36.9 m ²
FIRST FLOOR AREA:	87.3 m ²
TOTAL:	250.3 m ²



BASIX

WINDOWS	SINGLE CLEAR GLASS, ALUMINIUM FRAME WITH 1.64 U VALUE AND GAS SHED
GLAZING	DOUBLE GLAZED OPVL
EXTERNAL WALLS	BRICK VENEER WITH R1.5 INSULATION & COLOUR-MEANS-GA-SARS-4.7
INTERNAL WALLS	PLASTERBOARD ON BRICK
FLOORS	CONCRETE SLAB ON GROUND FLOOR
CEILING	PLASTERBOARD WITH R1.5 INSULATION
ROOF	ROOFING TILES WITH FOLDED/FLAT INSULATION & COLOUR-MEANS-GA-SARS-4.7
WINDOW COVER	OPEN WEAVE
FRESH AIRING	600 x 600

<ul style="list-style-type: none"> □ REVISION □ REVISION □ REVISION □ REVISION □ REVISION 	<p>REVISIONS</p>
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bergstrom ARCHITECTS
 BERGSTROM ARCHITECTS PTY. LTD. (NSW TRADING)
 SUITE 6, LEVEL 2, 250/252 BRIDGE ROAD
 ST. ILLIAMS NSW 2158
 Ph: 9834 1237 Fax: 9834 1238

PROJECT
PROPOSED DUAL OCCUPANCY

DRAWING
FLOOR PLANS & ELEVATIONS - HOUSE B

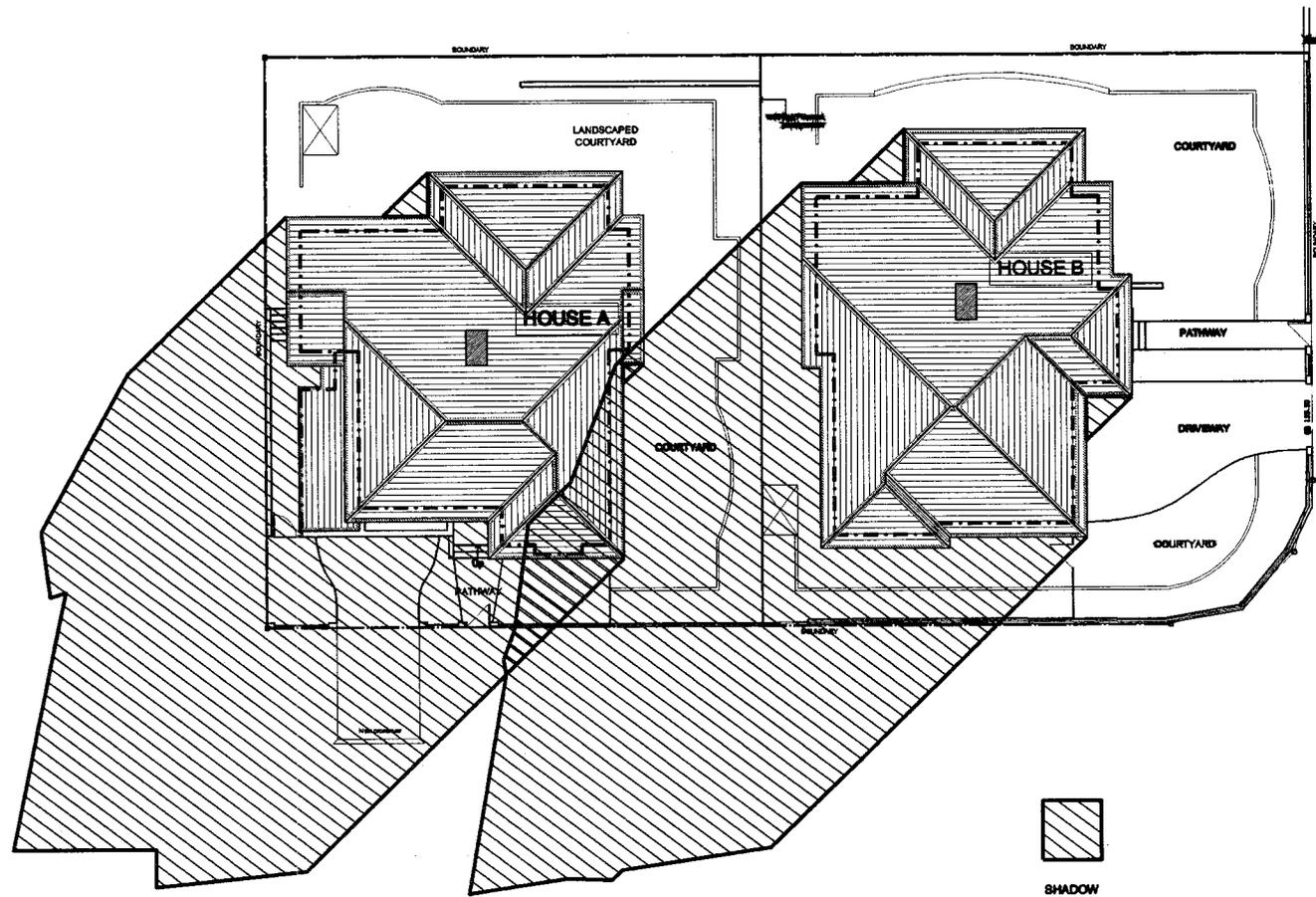
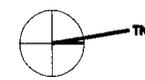
SCALE
 1 : 100

DATE
 04.11.09

CONTRACT
 P10

JOB NUMBER
 04-07

7 SHELBY ROAD
ST IVES, NSW



SHADOW



A SEALING - ISSUED FORSA
A SEALING - ISSUED FOR CLIENT'S REVIEW
REVISIONS

bergertrou ARCHITECTS
BERGERTRON ARCHITECTS PTY. LTD. (VON 75 00 00 00)
SUITE 5/LEVEL 2, 8 BRIDGES STREET,
NORTH BRIDGEWAY NSW 2060
Ph. 02 9551 1000 Fax. 02 9551 1000

PROJECT
**PROPOSED DUAL
OCCUPANCY**

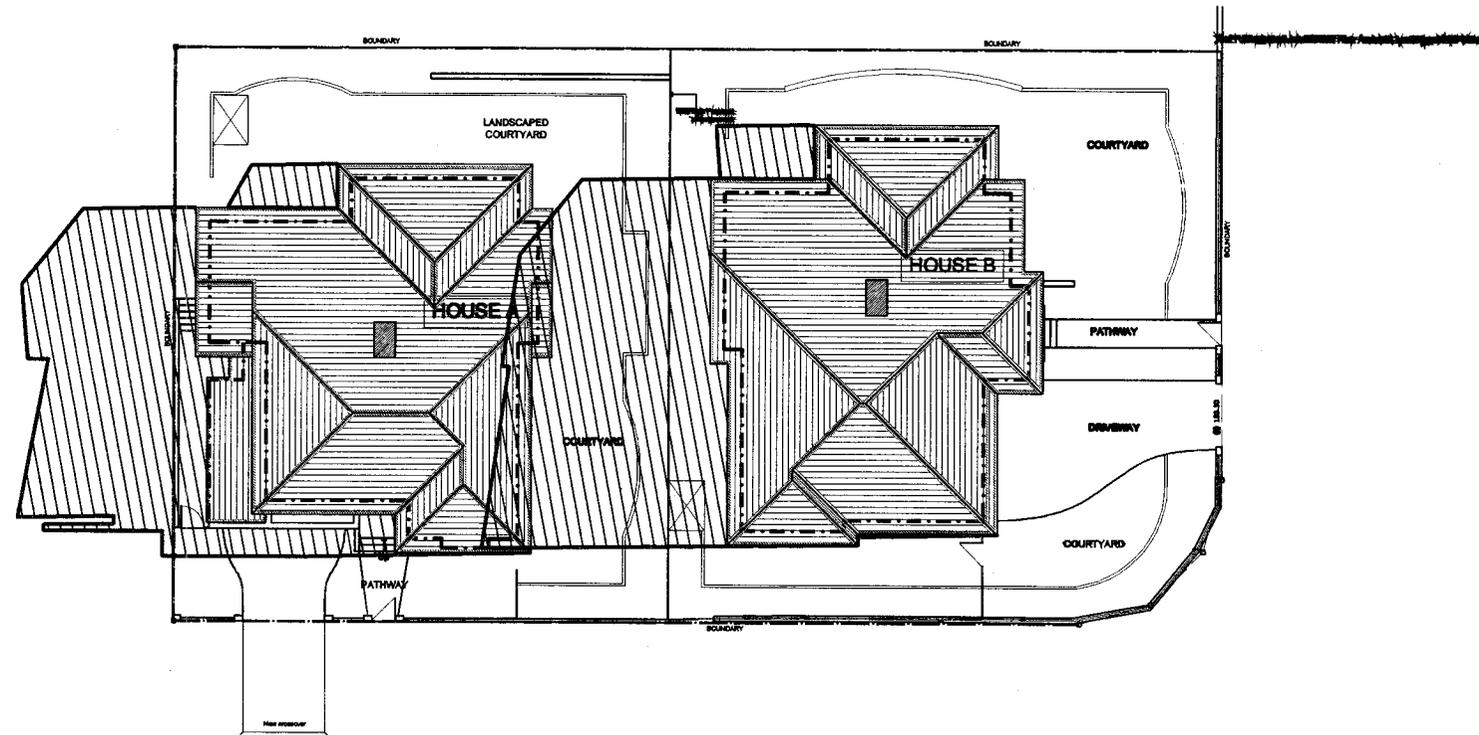
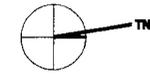
DRAWING
SITE PLAN

SCALE 1 : 200	DWG. NO. DA06	REV. B
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DATE: 06/20/06
DRAWN BY: PFD
JOB NUMBER: 04-07

SHADOW DIAGRAMS - 3PM JUNE 22
SCALE 1:200

7 SHELBY ROAD
ST IVES, NSW



SHADOW



bergeron ARCHITECTS

BERGERON ARCHITECTS PTY LTD (ABN 78 005 00 000)
SUITE 4, LEVEL 2, 8 WHEATLEY STREET,
NORTH SYDNEY NSW 2060
PH 02 9550 1488 Fax 02 9550 1499

PROJECT
**PROPOSED DUAL
OCCUPANCY**

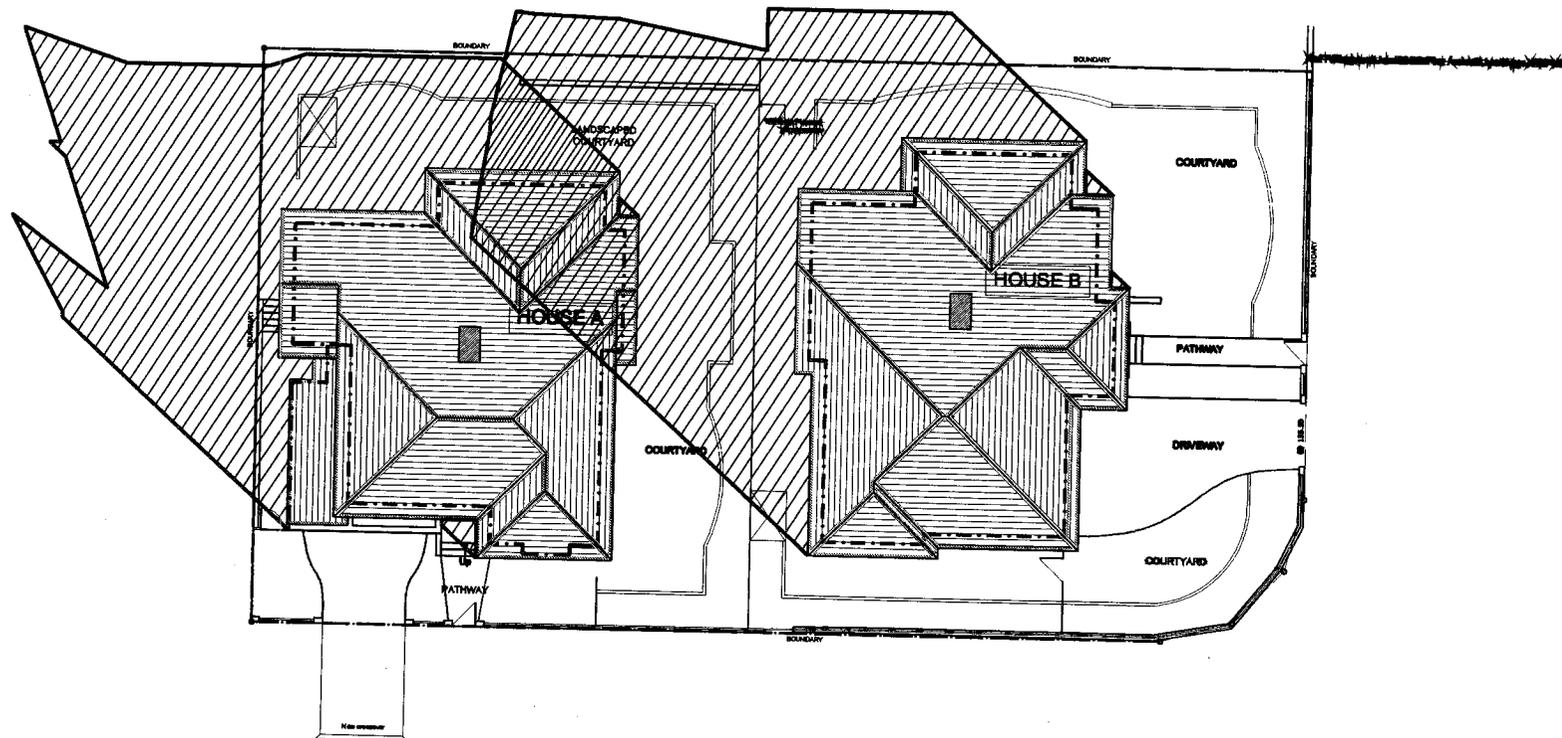
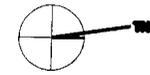
ISSUES
SITE PLAN

SCALE	DRAWING NO.	PAGE
1 : 200	DA06	B

DATE: 04/06/09
DRAWN BY: PFD
JOB NUMBER: 04-07

SHADOW DIAGRAMS - 12 NOON JUNE 22
SCALE 1:200

7 SHELBY ROAD
ST IVE'S, NSW



SHADOW



B	04.06.2006	ISSUED FOR CA
A	04.06.2006	ISSUED FOR CLIENTS REVIEW

bergertröm ARCHITECTS
BERGERTRÖM ARCHITECTS PTY. LTD. (NSW REGISTERED)
SUZELLE L. BERGERTRÖM, DIRECTOR/ARCHITECT
SUZELLE L. BERGERTRÖM PTY LTD
PO BOX 1000 ST IVE'S NSW 2115

PROJECT
**PROPOSED DUAL
OCCUPANCY**

ISSUED
SITE PLAN

SCALE	DRAWING NO.	REV.
1 : 200	DA04	B

DATE: 04.06.2006
DRAWING BY: PJD
JOB NUMBER: 05-07

 **SHADOW DIAGRAMS - 9AM JUNE 22**
SCALE 1:200

Item 3

DEVELOPMENT APPLICATION

SUMMARY SHEET

REPORT TITLE:	5 TO 9 WOODSIDE AVENUE, LINDFIELD - DEMOLITION OF EXISTING STRUCTURES, CONSTRUCTION OF A RESIDENTIAL FLAT BUILDING CONTAINING 27 UNITS, BASEMENT CARPARKING AND LANDSCAPING
WARD:	Roseville
DEVELOPMENT APPLICATION N^o:	1019/06
SUBJECT LAND:	5 to 9 Woodside Avenue, Lindfield
APPLICANT:	Woodside Avenue Pty Ltd
OWNER:	Thomas E White Hoes & Priscila Hoes, Samuel Sakker, JRDJ Holdings Pty Ltd
DESIGNER:	Simon Thorne, Integrated Design Group
PRESENT USE:	Residential (low density)
ZONING:	Residential 2(d3)
HERITAGE:	No
PERMISSIBLE UNDER:	Ku-ring-gai Planning Scheme Ordinance – LEP 194
COUNCIL'S POLICIES APPLICABLE:	KPSO - LEP 194, DCP 31 - Access, DCP40 - Waste Management, DCP 43 - Car Parking, DCP 47 - Water Management, DCP 55 - Multi- unit housing
COMPLIANCE WITH CODES/POLICIES:	Yes
GOVERNMENT POLICIES APPLICABLE:	SEPP 1, SEPP 55, SEPP 65, Draft SEPP 1
COMPLIANCE WITH GOVERNMENT POLICIES:	Yes
DATE LODGED:	12 September 2006
40 DAY PERIOD EXPIRED:	22 October 2006
PROPOSAL:	Demolition of existing structures, construction of a residential flat building containing 27 units, basement carparking and landscaping
RECOMMENDATION:	Approval

Item 3

DEVELOPMENT APPLICATION N^o 1019/06
PREMISES: 5-9 WOODSIDE AVENUE, LINDFIELD
PROPOSAL: DEMOLITION OF EXISTING STRUCTURES,
CONSTRUCTION OF A RESIDENTIAL FLAT
BUILDING CONTAINING 27 UNITS,
BASEMENT CARPARKING AND
LANDSCAPING
APPLICANT: WOODSIDE AVENUE PTY LTD
OWNER: THOMAS E WHITE HOES & PRISCILA
HOES, SAMUEL SAKKER, JRDJ
HOLDINGS PTY LTD
DESIGNER SIMON THORNE, INTEGRATED DESIGN
GROUP

PURPOSE FOR REPORT

To determine development application No.1019/06, which seeks consent for demolition of existing structures, construction of a residential flat building containing 27 units, basement carparking and landscaping.

EXECUTIVE SUMMARY

Issues:

- Previous consent for a residential flat building.
- Height; SEPP 1 variation.

Submissions: Three (3) submissions received to the proposal

Pre DA meeting: No, Pre DA for previous application (DA 1417/05)

Land & Environment Court Appeal: No

Recommendation: Approval

HISTORY

Site history:

The site is used for residential purposes and development with low density residential housing.

28 May 2004, Local Environmental Plan No.194 was gazetted rezoning the site for the purpose of medium density housing.

Development application history:

Previous DA 1417/05

Item 3

On 16 December 2005, DA 1417/05 was lodged for the demolition of existing dwellings and the construction of a residential flat building comprising 27 units, basement car parking for 61 cars and landscaping. The application attracted 28 objections and involved a height/storey non-compliance (SEPP 1 objection) and a setback non-compliance along the north-western boundary.

On 9 May 2006, DA 1417/05 was reported to Council. The Council resolved to defer the application to a site inspection which took place on 13 May 2006.

On 13 June 2006, a supplementary report was presented to Council addressing issues raised at the site inspection including: discussion of setbacks, deep soil, overland flow, underground cabling, zone interface, relationship with surrounding development, minimum dimension of courtyards and screen planting along the boundaries. The application was approved on 13 June 2006.

On 25 June 2006, the consultant planner, acting on behalf of the applicant met with the local residents. The result of this meeting was the current revised design which results in improvements to the overall appearance of the building, setbacks internal amenity. Specifically, the following changes were made in the current design:

- increase in the setback to the eastern boundary (with No. 11 Woodside) from 6 metres to predominately 9m
- retention and enhancement to planting along the eastern boundary, adjacent to No. 11 Woodside Avenue
- limiting pedestrian access to Havilah Road
- reduction of the metal and rendered wall elements of the Woodside façade
- increase to the penthouse setback along the Woodside elevation
- inclusion of air conditioning into the design to prevent future occupants retrofitting units with systems;
- increase in the provision of north-facing units and removal of internal overlooking by integrating the units into one 'block' rather than two.

Current DA 1019/06

On 12 September 2006 DA 1019/06 was lodged and was notified between 29 September and 30 October 2006.

Following a preliminary assessment of the proposal, the applicant was requested to amend the landscape plan and address issues of common open space and planting within setback areas.

Amended architectural drawings were submitted on 20 November 2006 and, following a meeting with Council staff on 5 December, amended landscape plans were submitted on 11 December 2006.

THE SITE AND SURROUNDING AREA

The site

Zoning: Residential 2(d3)

Item 3

Visual Character Study Category:	1920-1945
Lot Number:	Lot 4A DP 17538, Lot 1 DP 330266, Lot 110 DP 6608, Lot 1 DP 959551
Area:	2596.2m ²
Side of Street:	Eastern
Cross Fall:	South
Stormwater Drainage:	Street, southern boundary
Easement:	South western corner (5 Woodside Avenue)
Heritage Affected:	No
Required Setback:	10-12 metres
Integrated Development:	No
Bush Fire Prone Land:	No
Endangered Species:	No
Urban Bushland:	No
Contaminated Land:	No

The site comprises 3 existing lots known as 5, 7 and 9 Woodside Avenue, Lindfield. The development site is trapezoidal in shape and has an area of 2596.2m². The site has dual frontages: 56.36 metres to Havilah Road to the south and a 60.35 metres frontage to Woodside Avenue, to the north. The depth of the site varies between 44.03 metres to the western boundary to 51.96 metres to the eastern boundary. The topography falls 5 metres from the north-eastern corner to the south-western corner.

Three dwellings, with associated garaging, exist on the allotments comprising the subject site.

THE SURROUNDING AREA

The area is predominately low density residential. However, the area is under transition as a result of rezoning to allow for medium density housing under LEP 194.

Properties to the west of the site (No. 1 and 3 Woodside Avenue) are zoned Residential 2d3. The site directly to the east, No. 11 Woodside Avenue, is zoned Residential 2c2, as are the properties opposite the site to the north along Woodside Road. Properties to the south of the site, located along Havilah Road, are zoned Residential 2d and 2d3.

The site is located within walking distance of the Pacific Highway, Lindfield Railway Station and the Lindfield shops.

THE PROPOSAL

The proposal involves the demolition of existing dwellings and the construction of a five storey residential flat building, containing 27 units above a basement car park.

It is proposed to provide 17 x 3 bedroom units and 10 x 2 bedroom units above 2 basement car parking levels. This would provide parking for 27 resident cars, 7 visitor spaces (including

Item 3

accessible parking), bicycle storage racks, storage rooms and a garbage facility. Driveway and pedestrian access is provided via Havilah Road.

The building is proposed to be constructed of face brick, with some textured masonry at podium level. Areas of rendered concrete are proposed across balconies and parapets (blue and off-white in colour). The proposed building has a colourbond steel ('shale grey') roof and white or black aluminium framed windows. The top storey is set back and finished with rendered brick, rather than solid bricks as applied at the lower levels.

A central driveway is proposed, measuring between 5.5 metres in width at Havilah Road and reducing to 4 metres in width at the basement entry. An on-site retention tank is proposed beneath the driveway.

Pedestrian access is provided along 3 pathways, with 3 entry points along Havilah Road. No pedestrian access is proposed along the Woodside Avenue frontage as the Havilah frontage is intended to be the 'front' elevation of the development, providing a formal connection to the public domain. A 700mm high masonry fence with a 600mm louvred fence above, is proposed along the Havilah Road frontage. Letterboxes are also proposed along Havilah Road.

Amended plans dated 14 November 2006

- minor changes at ground floor as well as some adjustment to garden beds, paths retaining walls and details of on-site detention
- minor change to upper level finishes from rendered masonry to face brick and some minor changes to the design of windows

Amended plans dated 11 December 2006

Plans prepared in accordance with Council's Landscape Development Officer's requirements were submitted on 11 December 2006. Some details of the landscape plan were amended, including the provision of additional Sydney Red Gum trees and additional screening, particularly in the south-eastern corner. Rearrangement of tree species within the front setbacks and identification of trees to be retained was also undertaken.

CONSULTATION - COMMUNITY

In accordance with Council's Notifications DCP, owners of surrounding properties were given notice of the application. The following comments have been received:

The following comments have been received:

1. *Lisa Robertson - 3 Havilah Avenue, Lindfield*
2. *Shirley Fisher - 6 Woodside Avenue, Lindfield*
3. *Anthony and Susanne Hodgson - 11 Woodside Avenue, Lindfield*

The submissions raised the following issues:

Item 3

Setback along the eastern side, adjacent No. 11 Woodside Avenue

Residents were concerned that the building setback along the eastern side of the building did not reflect what was agreed between the applicant and objectors at a meeting held on 25 June 2006.

Council's DCP 55 requires a 6 metres side setback from adjoining properties and LEP 194 requires that the third and fourth storeys of the building be set back 9 metres due to the zone interface. The proposed increased setback of 7.1m along first and second storeys (eastern elevation) complies with the setback control, as does the 9 metres setback control to the third and fourth storey (eastern elevation). The proposal is considered to afford adequate separation for the eastern adjoining property. Refer also to the discussion of *Setbacks* under DCP 55.

Provision of a 1.8m high timber paling fence along the eastern boundary agreed to between the applicant and the residents at the site meeting of 25 June 2006 not shown on the plans

A 1.8m high paling fence has not been indicated along the eastern boundary of the site. Recommended **Condition No. 100** requires the provision of this fence along the boundary so as to maximise privacy screening for the adjoining property.

Request that the bedrooms windows facing east on the third and fourth storeys be 'high light' windows to maximise privacy for the eastern adjoining dwelling

The proposed living areas at third and fourth levels are oriented away from the eastern adjoining property. Some small bedroom windows are provided along the eastern elevation however these bedrooms are low use areas.

Given the physical separation between the properties and the provision of landscaping along the eastern boundary, privacy impacts are not considered unreasonable in this instance.

Request that a dilapidation report be prepared in relation to directly adjoining properties

Conditions No's 91 and 116 are recommended requiring the preparation of a dilapidation reports.

Request for the retention of the mature trees along the Woodside Avenue frontage

Many of the existing mature trees along the Woodside and Havilah frontages and the eastern side boundary of the site are proposed to be retained.

Trees to be retained along the Woodside Avenue frontage include a 6m high Magnolia, a number of young and mature Crepe Myrtles, an Evergreen Alder and a number of 15m tall Eucalyptus trees. There are three Italian Cypress trees proposed to be retained within the Woodside Avenue frontage. These trees and the additional trees and shrubs to be established along the street frontage will effectively screen the development.

Item 3

A series of 7 x 10m-12m Jacaranda's are proposed to be retained along the Havilah Road frontage, which will provide an avenue of tall trees to screen the development along this frontage.

Breach of the perimeter ceiling height, maximum storey development standards and deep soil development standards

The proposed development involves a minor breach of the maximum storey development standard. A SEPP 1 objection has been submitted in respect of this breach. This is the same breach that was considered and found acceptable in the previous DA. Refer to discussion of *SEPP 1* under 'Statutory Provisions' below.

Overshadowing, exacerbated by the height and design of the building

The objector at No. 3 Havilah Road raised concern over the overshadowing generated by the building across Havilah Road and dwellings south-west of the site.

Clause C-6 Part 4.5 of DCP 55 stipulates that

'the development shall allow the retention of at least 3 hours of sunlight between 9.00am and 3.00pm on June 21 to the habitable rooms and the principle portion of the outdoor living area of adjoining houses in single house zones (2(c) and 2(c2) zones.

The properties located opposite the site are zoned Residential 2(d3).

Shadow diagrams provided with the application detail that on the winter solstice, the front portion of No. 3 Havilah Road, will have direct sunlight access during the morning and early afternoon. At 3pm, shadow will fall over the front portion of this property. Given that more than 3 hours of morning and midday sun are provided to the dwelling opposite, the proposed complies with the guidelines set out in DCP 55 and the development will afford adequate solar amenity to adjoining properties.

Traffic, access and garbage

Concern was raised as to the impact of additional traffic along Havilah Lane and the increase in heavy vehicles using Havilah Road and Woodside Avenue. It was requested that a mirror be provided along Havilah Lane to allow safe exit of vehicles from garages.

This matter has been discussed with Council's Development Engineer. Vehicles will be exiting the subject site in a forward direction, with clear visibility available toward Havilah Road and Havilah Lane, located opposite. The additional traffic generated by the development is not considered unreasonable or likely to increase in additional traffic conflicts.

A Construction and Traffic Management Plan will be required for review by Council Engineers prior to work commencing on the site. This plan is required by recommended **Condition No. 92** and requires a designated works zone, dedicated construction site entrances and exits, controlled by

Item 3

a certified traffic controller. During construction, this will effectively manage local traffic movements. It is therefore, not considered necessary to provide a mirror as requested.

CONSULTATION - WITHIN COUNCIL

Urban Design Consultant

Council's Urban Design Consultant, Russell Ollson, has commented on the proposal as follows:

Principle 1: Context

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

Comment:

The site is located approximately 350m north of Lindfield Railway Station. The area is predominately zoned 2(c2) and 2(d3).

The built form context is comprised of-

- *Three, single storey, detached houses on the proposed site.*
- *A single storey, detached dwelling house on the site adjacent to the east, which is zoned 2(d3).*
- *Two new dwelling houses on the 2 sites adjacent to the west. These have been zoned 2(c2).*
- *Sites opposite to the south zoned 2(d3) and to the north zoned 2(c2).*

The area, like many others close to railway stations, is undergoing a change from previously single detached residential dwellings to multi-unit residential developments, providing housing close to transport and shop. A couple of new multi-unit residential developments already exist close to the proposed site. This development is compatible with these changes.

The use of face brick on the proposed development is consistent with the existing built form and the highly articulated facades, soften and reduce the perceived bulk of the building.

The relationship to the existing context is acceptable.

Principle 2: Scale

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

Item 3

Comment:

A SEPP 1 objection is to be assessed by Council Planners. From an Urban Design point of view we consider that the additional height is acceptable.

Principle 3: Built Form

SEPP 65: Good design achieves an appropriate built form for a site and the buildings purpose, in terms of building alignments, proportions, building types and the manipulation of building elements....

Comment:

The LEP 194 Clause 25L Zone Interface, requires a 9m setback from the eastern boundary for the third and fourth storey. This has been complied with.

The western boundary has a setback of 6m which is acceptable as the adjacent site is zoned 2(d3).

The proposed building complies with the LEP 194 and DCP 55 setback controls.

The proposed development does not comply with DCP 55 4.4 Built Form and Articulation C-3, as it has street-facing elevations of 42m, exceeding the controls by 6m. This is acceptable however due to the highly articulated facades.

Principle 4: Density

SEPP 65: Good design has a density appropriate to its site and its context in terms of floor space yields (or numbers of units or residents).....

The site coverage is 35% of the site. The fifth level occupies approximately 60% of the floor area of the lower floors. The proposed density is acceptable.

Principle 5: Resource, energy and water efficiency

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

More than 70% of living rooms and/or balconies in apartments will receive greater than 2 hours sunlight between 9am and 3pm in mid-winter. There are no south facing apartments.

More than 25% of kitchens are located on external walls as recommended in the Residential Flat Design Code.

More than 60% of apartments are naturally ventilated as recommended in the Residential Flat Design Code.

Item 3

The development has a deep soil landscaping area of 50%.

Principle 6: Landscape

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

Comment:

The landscape design is acceptable.

Principle 7: Amenity

SEPP 65: Optimising amenity requires appropriate room dimensions and shapes, access to sunlight, natural ventilation, visual and acoustic privacy, storage, indoor and outdoor space, efficient layouts, and service areas, outlook and ease for access and for all age groups and degrees of mobility.

The amenity of the proposed development is acceptable.

Principle 8: Safety and security

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

Comment:

There are no perceived safety and security issues.

Principle 9: Social dimensions

SEPP 65: Good design responds to the social context and needs of the local community in terms of lifestyles, affordability and access to social facilities.

New developments should optimise the provision of housing to suit the social mix and needs in the neighbourhood, or, in the case of precincts undergoing a transition, provide for the desired future community.

Comment:

The mix of apartments is acceptable.

Principle 10: Aesthetics

Item 3

SEPP 65: Quality aesthetics require the appropriate composition of building elements, textures, materials and colours and reflect the use, internal design and structure of the development. Aesthetics should respond to the environment and context, particularly to desirable elements if the existing streetscape or, in precincts undergoing transition, contribute to the desired future character of the area.

Comment:

The design has strong vertical and horizontal elements, a high level of articulation and utilizes a range of various materials. These details break up the facades, reducing the bulk of the building and the impact on the surrounding landscape.

The top floor and roof are further lightened and visually reduced by the extensive use of glass and louvres.

The aesthetics of this development are acceptable.

Conclusion and recommendations

It is recommended that:

- *The SEPP 1 objection with regard to the proposed building's height be assessed by Council Planners. The additional height is not detrimental to the design in urban design terms.*

Heritage

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

Background

DA 1417/05, which proposed demolition of the existing houses for construction of a medium density residential development, was approved in 2006. Following concerns by a number of local residents, the applicant agreed to amend the scheme and submitted another application taking on board the residents' concerns.

Heritage framework

There are no heritage items in the immediate vicinity of the site. The closest nearby heritage items are the group of Inter War shops in Lindfield Avenue and some houses in Nelson Road. Both are a considerable distance from this site.

The site is within the National Trust UCA No 6 – Lindfield and all three houses are graded as contributory. The UCA is currently in transition. Although the majority of the UCA is highly intact with the most buildings being graded contributory, recent development is eroding the intactness of the UCA.

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Clause 25 D of the KPSO requires the applicant to submit a heritage impact statement. Chapter 3.4 of DCP 55 applies as the site is within a UCA.

Demolition of existing houses.

Demolition of the existing houses was approved in DA 1417/05. Condition 5 of the consent required archival photographic recording of the houses before demolition works commence. The applicant submitted an archival recording document on 5 January 2007 and it is considered satisfactory.

National Trust UCA No 6 - Lindfield

Subdivision of the land took place in 1911 as the "Lindfield Heart Estate". The UCA is significant as an area of highly intact residential streetscapes that provide evidence of subdivision and development during the Federation and Inter-War periods. They include Federation and Californian bungalows within mature gardens.

The residential streetscapes are complimented by a number of distinctive buildings and landscape features, such as churches, a whist club, tennis club, Lindfield Park, an Inter-War shopping centre in Lindfield Avenue, and two Inter-War flat buildings. It is noted that a post war residential flat building is located opposite the subject site and that this development will extend medium density further into the UCA.

DCP 55 - Development within a UCA

The applicant recognises that there is a degree of conflict between the scale allowable under the zoning and the existing UCA character. The applicant states that the impact of the proposed development is minimised by the use of contemporary design and detailing and the use of materials commonly found in the UCA such as face brick and rendered and painted surfaces. The bulk of the development is broken down by a high degree of articulation. From the Woodside Avenue elevation, the building is set down due to the slope of the site. Colours chosen for the building include three shades of grey, bark brown, deep red blue/grey face bricks, stone cladding and oiled timber screens.

It is my opinion that the applicant has generally addressed the objectives and guidelines for a residential flat building as set out in Council's policy guideline, DCP 55 in relation to heritage and streetscape.

Conclusions and recommendations

Demolition of the existing houses has already been provided and archival photographic recording has been undertaken and is satisfactory.

The scale and bulk of the proposed medium density residential flat building will conflict with the established character and consistency of one and two storey houses in the immediate

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streetscape however this is a consequence of the density allowable under the rezoning. Given the objectives and guidelines in DCP 55, the application is considered satisfactory. There are no heritage conditions.

No specific conditions are recommended in relation to the proposal and the proposal is considered to integrate acceptably with the surrounding UCA.

Landscaping

Council's Landscape and Tree Assessment Officer, Robyn Askew, has commented on the proposal as follows:

The site

DA1417/05 was previously approved with conditions in June 2006. The current DA has had several amendments, 2 of which are landscape related, including an increase in the setback from the eastern boundary and deleting the pedestrian access off Woodside Avenue.

*The site is characterised by an established landscape setting, with mature trees and shrubs within formal garden beds and grassed expanses. Havilah Rd is characterised by a formal avenue planting of *Jacaranda mimosifolia* (*Jacaranda*) and is typified as a rear setback to the subject properties which front Woodside Ave. Woodside Ave has a residential character of well maintained dwellings and gardens.*

Impacts on trees/trees to be removed

A total of 64 trees have been identified as being located on or associated with the site, comprising 42 on site, 17 within the road reserve and 5 on adjoining allotments. The most significant trees associated with the site are located within the road reserve rather than on site. To accommodate the proposal, 26 trees are proposed to be removed and 35 are to be retained. Of the 26 trees proposed to be removed, 20 have low landscape significance and 6 are considered to have moderate landscape significance.

*It must be noted that one *Jacaranda mimosifolia* (*Jacaranda*) within the avenue planting on the Havilah Road nature strip, is to be removed to allow for vehicular access to the site. Although this interrupts the avenue planting, the tree in question, #59, has been previously pruned which has resulted in an elevated and reduced canopy. To enhance the avenue planting along Havilah Road it should be conditioned that supplementary trees be planted within the road reserve.*

Landscape Services raises no objection to the proposed tree removal subject to adequate and appropriate tree replenishment being undertaken on site.

Tree replenishment

*Eight tall native trees, including 5 x *Syncarpia glomulifera* (*Turpentine*) and 3 x *Angophora costata* (*Sydney Red Gum*), are to be planted as shown on the landscape plan. Two (2)*

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deciduous tree species Nyssa sylvatica (Tupelo) will be planted along the Woodside Avenue frontage along with several smaller deciduous trees to maintain the solar access along the northern façade. Two additional Angophora costata (Sydney Red Gum) will be planted along the Havilah Road nature strip.

The landscape plan complies with the minimum tree replenishment requirements as per DCP55.

Deep soil

By the applicant's calculations the proposed development will have a deep soil landscape area of 1299.8sqm, which is slightly over 50% of the site area. Previous concerns regarding non-compliance with the deep soil landscape area have been satisfactorily addressed. Landscape Services is in agreement with the areas included within the deep soil landscape area calculations as defined by LEP194.

Landscape plan

Overall, the submitted Landscape Plan by Ecodesign can be supported. Any changes required can be conditioned. Proposed screen planting and tree replenishment complies with the intent of DCP55 and LEP194 to have development within a landscaped setting that is consistent with the established character of Ku-ring-gai.

Additional screen planting will be required along the Havilah Road boundary to screen the elevated ramps. The proposed Japanese garden within the Havilah Road frontage will only be visible internally. The white quartz shall be replaced with a more natural coloured stone.

Drainage plan

Landscape Services can support the preliminary stormwater plan. Any potential conflicts with existing trees can be conditioned.

Conclusion

The proposal can be supported by Landscape Services, subject to conditions.

Refer to **Conditions Nos 52-65, 84-87, 95-99 and 118-119** in the recommendation.

Engineering

Council's Team Leader, Development Engineers, Kathy Hawken, has commented on the proposal as follows:

Water management

The site is affected by a Council stormwater pipe across the southern corner. The applicant has submitted survey information to confirm that the basement excavation will be clear of the

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pipe and a flood study which demonstrates that the ground floor units and basement carpark will not be affected by overland flow. Various walls and bunds are necessary to ensure this and they are shown on both the stormwater drainage and landscape plans.

This information is satisfactory. Conditions are recommended to maintain the integrity of the pipe during the construction period, and for the engineer to certify that the habitable rooms and driveway entry have the freeboard required under DCP 47.

The stormwater plans submitted show 39m³ of on-site detention, in an above-ground basin in the front eastern corner of the garden, and 20m³ of on-site retention. The Site storage Requirement for this site is 52m³, with a concession available of up to 25% of that total for an equal volume of retention. That is, the 39m³ is the minimum detention volume required under DCP 47. Although there will be some reduction in storage due to the landscaping of this area, site constraints including the overland flowpath and the level of connection to the public drainage system, mean that it would be difficult to achieve a greater storage volume, and so the volume proposed is accepted.

The Statement of Environmental Effects and the Stormwater plans indicate re-use of retained runoff for toilet flushing and clothes washing. The BASIX Certificate does not indicate any retention and re-use of roof water on the site. The requirements of BASIX override the re-use provisions of DCP 47 only in regard to mains water savings, not in regard to stormwater management, so if a retention volume less than 20m³ were provided, then under DCP 47 a larger detention volume would be required. For that reason, the volumes as proposed are both required and have been included in the conditions.

Overall, the water management proposed for this site is acceptable.

Traffic generation

The development is expected to generate 11 to 15 vehicle trips per peak hour, that is about one vehicle movement every 4 minutes. This is not a significant increase and is not expected to adversely affect traffic flows in the surrounding network.

Vehicular access and parking

The site has frontage to both Woodside Avenue and Havilah Road, however site levels mean that Havilah Road is the logical point of entry to the basement carpark.

The entry/exit driveway is proposed to be opposite Havilah Lane, a prohibited location under Section 3.2.3 of AS2890.1:2004. The traffic engineer has submitted a supplementary letter and traffic counts to justify the driveway location. The reasons given are light traffic flows, the one way movement in Havilah Lane, adequate sight distance and a lower chance of conflict than if the driveway were offset from the Lane. These reasons are accepted.

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The site is within 400 metres of Lindfield Station, so under LEP 194, 27 resident and 7 visitor spaces are required. A total of 54 spaces, 7 of them visitor spaces, are shown on the architectural plans, so the development complies.

The layout of the car park complies with AS2890.1:2004 Off street car parking.

Construction management

The Construction Management Plan contains a comprehensive discussion of such matters as construction sequence, dust and sediment control and an estimate of truck movements. It states that vehicles will be required to reverse into the site due to the lack of space within the site for turning. This would necessitate the full-time presence of a traffic controller and flagmen to manage pedestrians and other vehicles. Forward entry and exit would be preferable, if possible, especially considering the driveway location opposite Havilah Lane. This may be addressed in the detailed construction planning.

The Plan proposes heavy vehicle access to the Pacific Highway via Lindfield Avenue and Stanhope Road, although in another section, access via Treatts Road is proposed. Either route would avoid the need to travel through the shopping centre or past the school. However, this may be difficult for vehicles wishing to travel north on the Highway. The detailed Traffic Management Plan will need to be submitted to Council for assessment prior to commencement of works. As it is possible to direct trucks away from the school frontage, a restriction on truck movement hours is not included in the recommended conditions.

Truck standing in Havilah Road will require a Works Zone. The procedure for Works Zone approval is outlined in the recommended conditions.

Waste collection

A bin room is shown on the upper basement level. The bin room and the visitor parking are outside the security shutter, as required. Turning path diagrams included in the traffic report demonstrate that there is adequate space for the waste collection vehicle to turn within the basement.

Geotechnical investigation

Three boreholes were drilled, one cored, and encountered 1.8 metres of silty clay over sandstone. The sandstone was of medium to high strength below about 2 to 3.5 metres depth. Minor seepage occurred into the boreholes, but no standing water was noted after augering.

The report recommends further cored boreholes once demolition is complete. This has been included in the recommended conditions. Further groundwater monitoring is also recommended, so that basement drainage can be properly designed.

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A dilapidation survey of the residences at 3 and 11 Woodside Avenue and 2a Havilah Road will be required prior to commencement of any works on the site. All these structures are within the zone of influence given in the report.

Excavation of the sandstone will require considerable effort. Vibration monitoring is recommended where rock hammers are to be used. It is expected that further investigation and reporting will address this matter.

The sandstone is expected to stand unsupported below about 2 -3 metres, with rock bolting if adverse defects are present. Rock anchors may be required to retain the materials above these depths if battering is not possible.

The application is supported, subject to conditions.

Refer to **Conditions Nos 35-51, 73-83, 89-94 and 101-117** in the recommendation.

STATUTORY PROVISIONS

State Environmental Planning Policy No 65 - Design quality of residential flat development

SEPP 65 aims to improve the design quality of residential flat buildings across New South Wales and provide a framework and design code for assessing 'good design'. Part 3 of the SEPP institutes a 'design review panel' to provide an independent, open and professional review of designs.

Annexure I of the Statement of Environmental Effects provides a Design Verification Statement in accordance with Part 2 of SEPP 65. Simon Thorne, a registered architect and the Director of the Integrated Design Group of Architects, Sydney, designed the proposed building. The statement provides an adequate compliance assessment of the application against the heads of consideration contained in SEPP 65.

Context:

Good design responds and contributes to its context which is defined by existing built and natural features and 'desirable elements' attributed to an area.

The suburb of Lindfield is formed by a predominately grid subdivision pattern, with large rectangular shaped landholdings. The existing housing stock is predominately circa 1900-1920's and dwellings are generally low rise, recessed behind mature trees and landscaping. Dwellings are largely constructed of dark brick or are painted in light colours. The site is located within proximity of the North Shore Railway line and the Lindfield shopping village.

Although the locality has developed as a 'garden suburb', the precinct was rezoned in 2004 for the purpose of medium density residential development (between 3-5 storeys). The rezoning provides development parameters, including setbacks, heights and floor space which anticipate a different form of development surrounding the railway corridor.

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Under LEP 194, land opposite the site is zoned Residential 2c2, properties to the south-west of the site are zoned Residential 2d3 and the properties adjoining the site directly to the north-east are zoned Residential 2c2, so the site constitutes an interface zone and requires special treatment along this side.

Although the development is significantly larger than existing housing in the area, the proposal is essentially compliant with the objectives and development controls recently established (refer to *Compliance Tables* and discussion under *LEP 194* and *DCP 55*). The proposal will change the area character, however this is appropriate considering the new planning framework.

As detailed in the '*History*' discussion, the design under consideration has improved from the previously approved design (DA 1417/05). The changes have been made following a discussion between the applicant and directly affected neighbours. The amended design comprises a marginally 'narrower' and more compact built form. The proposed building is set back further from the eastern boundary (interface site) and positive changes have been made to certain landscaping features.

Scale:

The scale of new development should suit the scale of the street and surrounding development. The scale should be in keeping with the 'desired future character of the area'.

A marginal breach of Council's height and storey control is proposed at one point at the south-western corner of the Havilah Street elevation. This height non-compliance is consistent with the breach proposed and approved under Development Application 1417/05 (following Council's support of a SEPP 1 objection). The breach is located at the same point of the building and for the same extent, approximately 25m². This issue will be discussed in detail under the section of this report relating to Clause 25I of LEP 194.

The proposed development complies with all other development standards contained in LEP 194 and the design controls and assessment criteria of DCP 55 with respect to scale and built form. The building is located with an appropriate setback and landscaped curtilage. The design is consistent with the requirements of SEPP 65.

Built form:

Design should be appropriate for a site and the purpose of a building. Building alignment, proportions, types and elements should define the public domain, contribute to visual character and provide internal amenity and outlook.

Refer to comments by *Council's Urban Design Consultant* above and *DCP 55* consideration below.

The building is adequately articulated and set back behind vegetation, providing visual relief and interest without detracting from the streetscape. The scale of the proposed development is satisfactory and consistent with the provisions of SEPP 65.

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Density:

Density (including floor space and number of dwellings) should be appropriate for a site and context. Densities should be sustainable and in precincts undergoing a transition should be consistent with the stated desired future density, responding in a regional context based upon availability of services.

LEP 194 aims to increase housing density and choice without compromising the natural environment or area character.

As indicated in the *Compliance Tables*, the proposed building complies with the relevant development standards and controls in relation to floor space ratio and site coverage.

Resource, energy and water efficiency:

Refer to the comments of Council's *Development Engineer*.

Subject to recommended conditions, the proposal is acceptable with respect to sustainability and resources availability. No single aspect units are proposed and units have good access to sunlight and cross ventilation.

Landscape:

Landscape and buildings should operate as integrated and sustainable systems resulting in '*greater aesthetic quality*' and amenity for occupants and the public domain. Landscape design should build on the sites' natural and cultural features, provide habitat for local biodiversity and fit the development within its context.

Landscaping should optimise useability, benefits to neighbours and provide for long term management.

LEP 194 Clause 25I(2) provides a minimum standard for deep soil landscaping. DCP 55 also contains specific requirements in relation to the location, composition and design of deep soil zones to ensure that multi-unit housing within Ku-ring-gai maintains consistency with the unique character of the area. Deep soil landscaping must be designed to optimise useability, provide effective screening to neighbours and the streetscape and promote long term management and protection.

The proposal provides landscaping to comply with LEP 194 Clause 25I(2). Council's Landscape Development Officer has assessed the submitted landscape plan and subject to conditions, the development meets the objectives of DCP 55.

Amenity:

Good design provides amenity through the physical, spatial and environmental quality of a development including considerations such as room dimensions and shapes, solar access, ventilation, privacy, storage, indoor and outdoor space, outlook and access.

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DCP 55 contains specific development objectives and guidelines with respect to achieving a high level of residential amenity. These controls relate to minimum bedroom dimensions, sunlight and ventilation, minimum courtyard/balcony areas, ceiling heights and orientation.

The proposal is consistent with Council's requirements, as indicated in the *DCP 55 Compliance Table*. The development provides a high level of amenity consistent with SEPP 65 and constitutes an improvement in design to the previously approved application in terms of internal and external amenity.

Safety and security:

Good design optimises safety and security both internally and externally by maximising overlooking to public areas and facilitating passive surveillance.

Refer to the discussion of *DCP 55 Clause 4.6 – Safety and Security* design controls.

The development addresses the street, provides an open area and provides limited entrapment areas. The proposal accords with SEPP 65 in this regard.

Social dimensions:

Development should respond to lifestyles, affordability and local community needs, providing a mixture of housing choices.

Refer to discussion of *DCP 55 Clause 4.7 – Social Dimensions*. The proposal provides an acceptable range of unit types for a mixture of income levels, family structures and accessibility levels and is consistent with both SEPP 65 and DCP 55 in this regard.

Aesthetics:

Composition of building elements, textures, materials and colours should reflect the use of the development, its environment and desirable elements of the streetscape. Aesthetics of a building should contribute to the desired future character of the areas undergoing a transition.

An assessment of the aesthetics of the design in relation to the principles of SEPP 65 has been made by Council's Urban Design Consultant. The design and finish of the building has been improved in response to community input and the materials and finishes are considered to be consistent with the surrounding pattern of architectural styles (1920s). The colours used are considered to be suitably recessive and the building is appropriately balanced within a landscape context.

State Environmental Planning Policy No 55 - Remediation of Land

SEPP 55 requires Council to consider the development history of a site and its potential for containing contaminated material.

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The site has been historically used for residential purposes and a contamination assessment is not required.

SEPP - Building Sustainability Index

A BASIX certificate has been submitted with the development application. The proposed development is therefore deemed to comply with the requirements of SEPP BASIX.

Residential Flat Design Code

Relating to the local context

The building envelope, in terms of setbacks, is considered satisfactory having regard to the desired future character of the locality. This is discussed in more detail under *SEPP 65* and *DCP 55*.

Site analysis

An appropriate site analysis was submitted indicating building edges, landscape response, access and parking and building performance.

In terms of site configuration, the proposal is considered to provide acceptable locations for deep soil landscape areas in compliance with Council’s guidelines.

The siting and orientation of the development allows adequate solar access for the habitable areas and private open spaces for the development and adjoining properties.

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

Building design

As detailed in this report, the development provides suitable residential amenity for future occupants in compliance with SEPP 65 and DCP 55.

All other relevant matters relating to building design are detailed elsewhere in this report.

Ku-ring-gai Planning Scheme Ordinance (KPSO)

COMPLIANCE TABLE		
Development standard	Proposed	Complies
Site area (min): 1200m ²	2596.2m ²	YES
Deep landscaping (min): 50%	50%	YES
Street frontage (min): 30m	60.34m (Woodside Ave) 55.9m (Havilah Rd)	YES
Number of storeys (max): 5	Predominately 5 storeys	NO (SEPP 1 objection provided)

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COMPLIANCE TABLE		
Development standard	Proposed	Complies
Site coverage (max): 35%	35%	YES
Top floor area (max): 60% of level below	60%	YES
Storeys and ceiling height (max): 5 storeys and 13.4m	13.62m and part 6 storeys (adjacent Havilah Road)	NO (SEPP 1 objection provided)
Car parking spaces (min): <ul style="list-style-type: none"> • 7 (visitors) • 44 (residents) • 51 (total) 	7 (visitors) 47 (residents) 54 (total)	YES YES YES
Zone interface setback (min): 9m	1-2 storey 7.1m 3-5 storey 9m	YES YES
Manegeable housing (min): 10%	10%	YES
Lift access: required if greater than three storeys	2 lifts	YES

Number of storeys and perimeter ceiling height (cl.25I(5) and (8)):

Buildings proposed on sites measuring 2,400m² or more in area are not to exceed 5 storeys in height.

The site area is 2596.2m² and the building is not permitted to exceed 5 storeys or to have a perimeter ceiling height of 13.4 metres. The proposed building generally complies with this development standard. However, a section of the building breaches the height control by 220mm for an area of 25m². The breach affects the Havilah Road elevation of the building, due to a dip in the topography. The non-compliance has been indicated in shading on Drawing No. DA 18 (as attached).

A SEPP 1 objection has been submitted, claiming that strict application of this development standard is unreasonable and unnecessary in this instance. The SEPP 1 objection is included as an attachment to this report.

The following justification has been provided by the applicant in relation to the breach (excerpts from the submission):

SEPP 1

Compliance with the height limits imposed by both Clauses is considered unnecessary and unreasonable in this case for the following reasons:

- *The amount of extra height is small, a maximum of about 0.22 of a metre over two small parts of the building;*

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- *This small amount will not be noticeable on a 13.4 metre height building and will have no impact in any regard;*
- *There will be no change in the visual impact of the dwelling (building) when viewed from the surrounding area;*
- *The increase in height has been brought about by designing the proposal to ensure that all the units and access points are flood protected.'*

Draft SEPP 1

'The subject development site is zoned Residential 2(d3) which permits residential flat buildings. The proposed development is therefore consistent with the objectives of the zone by providing an increased housing choice whilst maintaining the natural environment, achieving quality urban design and encouraging the use of public transport. The redevelopment of this site is therefore in the public interest by being consistent with the objectives of the zone.

Furthermore, the site has unusual site constraints in that there is a small hollow on the Havilah Road side of the property. The site is also affected by potential flooding, and any proposed development therefore needs to design the levels and access points accordingly to ensure that they are flood protected. As a result of these constraints, a small part of the building has a height that exceeds the limit set. However, rather than complying with this development standard, the proposals minor inconsistency is considered a better environmental planning outcome. This is due to the buildings levels and storey heights appearing consistent, and therefore presenting a higher quality urban design outcome to the surrounding environment.

Conclusion

On the basis of the points made above, it is argued that the proposal is consistent with the objectives of the Clause. The proposal is also consistent with the requirements and objectives of both the SEPP 1 and Draft SEPP 1, notably in that the proposal results in a better environmental planning outcome. Therefore, compliance with the height standard is considered to be unreasonable and unnecessary in the circumstances of this case.

The following is an assessment of the adequacy of the SEPP 1 objection using criteria established in the Land and Environment Court.

whether the planning control in question is a development standard

The number of storeys and ceiling height of a development as required by Clauses 25I (5), (8) and (9) are development standards.

the underlying objective or purpose behind the standard

The purpose of the standard is to control the scale and bulk of buildings by limiting the height and number of storeys. The objectives of the standards are to achieve high quality urban design, built form and architectural design, to achieve a high level of residential amenity and to ensure acceptable sunlight access to neighbours and future occupants.

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The building height essentially complies, except a component of the Havilah Road frontage. The additional height will not unreasonably exacerbate building bulk and the design of the building is considered to be acceptable within a medium density context. The section of the building exceeding the height control will not significantly reduce solar access for surrounding properties. Suitable solar access is provided to properties adjoining the development in accordance with the guidelines contained within DCP 55. The degree of non-compliance will be imperceptible when viewed from the public domain or adjoining sites. The proposed non-compliance is therefore consistent with the objectives behind Council's height and storey development standards.

whether compliance with the development standard is consistent with the aims of the policy and, in particular, whether compliance with the development standard hinders the attainment of the objectives specified in S.5(a)(i), (ii), (iii) and (iv) of the Environmental Planning and Assessment Act, 1979

The variation would not hinder the attainment of the relevant planning objectives stated in S.5(a) of the Environmental Planning and Assessment Act or the objectives for the standard in the Ku-ring-gai Planning Scheme Ordinance because:

- the proposed development has a height of up to 13.62 metres from the existing ground level which occurs over a section of the site where a small hollow exists in the ground
- the amount over the height limit is 220mm only over an area of approximately 25m²
- there will be no appreciable change in the visual impact of the building when viewed from the surrounding area
- the marginal increase in height ensures that all units and access points are flood protected.

whether compliance with the development standard is unreasonable or unnecessary in the circumstances of the case

For the reasons given above, it would be unreasonable and unnecessary for Council to insist upon strict compliance with the standard given that the objectives of the relevant planning instruments are achieved by the proposed design.

On merit, the application is satisfactory and consistent with Council's planning controls. The SEPP 1 objection is supported in this instance.

Draft SEPP 1

The applicant lodged a written statement under Part 2 Clause 7(1) of Draft State Environmental Planning Policy No. 1 (Application of Development Standards) 2004. For the reasons outlined above, the application is considered to be consistent with the zoning, objectives and merit considerations. The proposed non-compliance, being minor in nature and previously considered acceptable by Council will not have any adverse environmental impact and is considered to be in the public interest. The proposal is considered to be supportable pursuant to Draft SEPP 1.

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Draft Ku-ring-gai Local Environmental Plan 2006 (Town Centres)

The site is zoned R4 under the Draft LEP which permits high density residential development. The draft LEP controls permits a residential development to a height 18 metres or 5 storeys and a floor space ratio control of 1.3:1 which is consistent with the parameters contained in LEP 194.

The proposed development is consistent with the objectives and development requirements contained within the Draft Town Centres LEP.

POLICY PROVISIONS

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

COMPLIANCE TABLE		
Development control	Proposed	Complies
Part 4.1 Landscape design:		
Deep soil landscaping (min) <ul style="list-style-type: none"> 150m² per 1000m² of site area = 389.4m² 	1298m ²	YES
No. of tall trees required (min): 9 trees	9 trees	YES
Part 4.2 Density:		
Building footprint (max): <ul style="list-style-type: none"> 35% of total site area 	35%	YES
Floor space ratio (max): <ul style="list-style-type: none"> 1.3:1 	1.28:1	YES
Part 4.3 Setbacks:		
Street boundary setback (min): <ul style="list-style-type: none"> 10-12 metres (<40% of the zone occupied by building footprint) Havilah Road and Woodside Ave 	10m (basement Havilah Rd and Woodside Ave) 10m ground level (Woodside Av) 40.4% 10-12m ground level (Havilah Rd) > 36% building footprint at ground level	YES NO, 0.4% breach YES
Side boundary setback (min): <ul style="list-style-type: none"> 6m 	6m (west) 7.1m (east)	YES YES
Setback of ground floor courtyards to street boundary (min): <ul style="list-style-type: none"> 8m/11m 	No courtyards along Havilah Road 10m (Woodside Av)	YES

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COMPLIANCE TABLE		
Development control	Proposed	Complies
% of total area of front setback occupied by private courtyards (max): <ul style="list-style-type: none"> 15% 	No courtyards proposed along Havilah Rd	YES
	71% (private terraces along Woodside Av)	NO
Part 4.4 Built form and articulation:		
Façade articulation: <ul style="list-style-type: none"> Wall plane depth >600mm Wall plane area <81m² 	>600mm	YES
	<81m ²	YES
Built form: <ul style="list-style-type: none"> Building width < 36m Balcony projection < 1.2m 	42.6m (Havilah and Woodside)	NO
	<1.2m	YES
Part 4.5 Residential amenity		
Solar access: <ul style="list-style-type: none"> >70% of units receive 3+ hours direct sunlight in winter solstice >50% of the principle common open space of the development receives 3+ hours direct sunlight in the winter solstice <15% of the total units are single aspect with a western orientation 	70%	YES
	50% (along Woodside Av)	YES
	No single aspect units with western or southern orientation	YES
Visual privacy: Separation b/w windows and balconies of a building and any neighbouring building on site or adjoining site: Storeys 1 to 4 <ul style="list-style-type: none"> 12m b/w habitable rooms 9m b/w habitable and non-habitable rooms 6m b/w non-habitable rooms 	12m (east)	YES
	9m	YES
	6m	YES

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COMPLIANCE TABLE		
Development control	Proposed	Complies
5th Storey <ul style="list-style-type: none"> • 18m b/w habitable rooms • 13m b/w habitable and non-habitable rooms • 9m b/w non-habitable rooms 	<14m <11m >9m	NO NO YES
Internal amenity: <ul style="list-style-type: none"> • Habitable rooms have a minimum floor to ceiling height of 2.7m • Non-habitable rooms have a minimum floor to ceiling height of 2.4m • 1-2 bedroom units have a minimum plan dimension of 3m in all bedroom • 3+ bedroom units have a minimum plan dimension of 3m in at least two bedrooms • Single corridors: <ul style="list-style-type: none"> - serve a maximum of 8 units - >1.5m wide - >1.8m wide at lift lobbies 	2.7m 2.4m No 1 bedroom units >3m 3 units 1.5m 1.8m	YES YES YES YES YES YES
Outdoor living: <ul style="list-style-type: none"> • ground floor apartments have a terrace or private courtyard greater than 25m² in area • Balcony sizes: <ul style="list-style-type: none"> - 12m² – 2 bedroom unit - 15m² – 3 bedroom unit NB. At least one space >10m ² <ul style="list-style-type: none"> • primary outdoor space has a minimum dimension of 2.4m 	Range 13.5m ² to 26m ² >12m ² >15m ² >2.4m wide	NO YES YES YES
Part 4.7 Social dimensions:		
Visitable units (min): <ul style="list-style-type: none"> • 70% 	100%	YES
Housing mix:		

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COMPLIANCE TABLE		
Development control	Proposed	Complies
<ul style="list-style-type: none"> Mix of sizes and types 	Mix of 2 and 3 bedroom units	YES
Part 4.8 Resource, energy and water efficiency:		
Energy efficiency:		
<ul style="list-style-type: none"> >65% of units are to have natural cross ventilation 	85%	YES
<ul style="list-style-type: none"> single aspect units are to have a maximum depth of 10m 	North single aspect range 8-12m	NO
<ul style="list-style-type: none"> 25% of kitchens are to have an external wall for natural ventilation and light 	All access to natural light	YES
<ul style="list-style-type: none"> >90% of units are to have a 4.5 star NatHERS rating with 10% achieving a 3.5 star rating 	BASIX compliant	YES
Part 5 Parking and vehicular access:		
Car parking (min):		
<ul style="list-style-type: none"> 44 resident spaces 	47 spaces	YES
<ul style="list-style-type: none"> 7 visitor spaces 	7 spaces	YES
<ul style="list-style-type: none"> 51 total spaces 	54 spaces	YES

Part 2: Elements of good design

Part 2 of the DCP contains broad guidelines and controls relating to appropriate design for Ku-ring-gai.

Elements relate to the integration of a building with the local area and the scale, articulation and entry presentation of a building within the streetscape.

A building should provide a clear identity for the street. Entries should relate to the street and be clearly identifiable within the street.

Materials should respond to the existing pattern of building construction materials characteristic of the area, such as dark or red brick, timber or copper. Buildings set well back from the street should be surrounded by a dense tree canopy. Lift overruns and mechanical equipment should be integrated in the design.

The predominant character of the area is created by dwellings constructed during the early 20th century. These buildings are modest in size and many are constructed of dark bricks with painted timber window and door openings. Many have verandahs at the front.

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The exterior of the proposed building is finished with dark/grey textured masonry and grey face brick which are suitably recessive in colour. These materials are similar to the bricks historically used in the area. It is proposed to provide glazed balcony elements, windows and light wells. Some vertical and horizontal elements of the building are proposed to be painted in cream, with an teal/blue element on the eastern corner of the north-eastern elevation. Articulation is provided across the Woodside Avenue and Havilah Road frontages through the use of timber and metal louvres. The building is stepped in form, reducing overall visual impact. The design is acceptable.

Part 3 Local context:

LEP 194 Clause 25 contains objectives in relation to the desired future character of the area including: to encourage the protection and enhancement of the environmental and heritage qualities of Ku-ring-gai, preserve biodiversity, preserve and replenish the existing tree canopy, protect natural watercourses and topographical features and achieve high quality architectural and urban design. Development should have regard to heritage items within the vicinity.

Although the site does not adjoin any heritage items, it is located within a heritage conservation area. The proposal has been assessed by Council's Heritage Advisor and is acceptable. The landscaping proposed protects the treed character of the area.

Part 4.1 Landscape design:

Development should reinforce the landscaped and treed character of the area. Deep soil planting is to be established surrounding built form to increase visual amenity, screening and to maintain consistency with the surrounding garden dominated, leafy landscape.

As indicated in the *Compliance Tables*, the proposal complies with the numerical requirements of the LEP and DCP in relation to the ratio of built form to deep soil landscaping and tree replenishment.

Subject to conditions, Council's Landscape Development Officer considers the proposed landscaping concept plan to be acceptable. The planting proposed integrates the development with the surrounding area and provides screening for adjoining properties.

Part 4.2 Density:

Site density should be balanced with the need to provide appropriate deep soil landscaping on a site. The proposed development complies with the 1.3:1 floor space ratio control, 35% site coverage standard and 50% deep soil landscaping standard, achieving the optimum capacity of the site within a landscaped context.

Part 4.3 Setbacks:

Buildings should not intrude upon the streetscape or unreasonably affect solar access and privacy available to adjoining dwellings. Buildings should be set within a landscaped curtilage.

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DCP 55, Part 4.3, C- 1 sets a general front setback control of 10-12 metres from the street boundary, with no more than 40% of this zone being occupied by building footprint.

C-2 requires that where a site measures more than 45 metres in depth and more than 35 metres in width, an increase setback zone of 13-15 metres is required unless this would result in the loss of significant vegetation or compromise other development standards within LEP 194 and DCP 55. The site has a width of between 56-60 metres and an average depth of 48 metres.

The proposed building has been designed in accordance with a 10-12 metres control. The site has dual street frontages which provides a development constraint. A number of significant canopy trees existing within both front setbacks are proposed to be retained. Accordingly, the implementation of the 13-15 metres control would be unreasonable in this instance. This was also acknowledged under the previous approval issued for the site.

The proposed front setbacks have not changed significantly from the design submitted and approved under DA 1417/06. The encroachment of the basement level to 10 metres from the Woodside Avenue and Havilah Road frontages is not considered to substantially reduce the opportunity for deep soil and tall tree planting along both street frontages. At ground level the building complies with the setback zone and the development is acceptable in relation to streetscape considerations.

Along the Havilah Road frontage, the building footprint occupies 40.4% of the front setback zone, where a maximum of 40% is permitted by DCP 55. Further, 70% of private courtyards are provided within the front setback of Woodside Avenue, where 15% is the maximum allowed under the DCP.

The previous approved proposal (DA 1417/05) featured a 40.2% of the building footprint within the Havilah Street frontage. The current proposal involves an extra 0.2% encroachment, which is considered a minor change which will not increase the overall scale or visual presence of the building within the streetscape. The Havilah frontage has been designed as the major pedestrian access point to the building and the 'front' elevation. Sufficient landscaping and articulation is provided within this frontage and no private courtyards are provided within this area, so landscaping planted will remain viable in the long term.

C-8 requires that not more than 15% of the total area for the front setback is to be occupied by private terraces or courtyards. As indicated in the DCP 55 *Compliance Table*, no courtyards are provided along the Havilah Road frontage while 71% of the front setback zone from Woodside Avenue is occupied by private courtyards.

Approved DA 1417/05 involved 9% of courtyards within the front setback of Havilah Road and 24% of courtyards within Woodside Avenue which also did not fully comply.

The non-compliance of the current proposal with the courtyard ratio along the Woodside Avenue frontage is not considered to adversely impact upon the streetscape. The location of ground floor courtyards allow sufficient area for deep soil planting and the retention and establishment of tall canopy trees within the front setbacks. Numerous existing canopy trees are proposed to be retained along the Woodside Avenue which will provide immediate screening of the built form. Council's

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Landscape Development Officer supports the proposed location of the courtyards. Accordingly, the proposal complies with the objectives of the control and built form is recessive behind landscaping.

The proposed upper levels of the building do not strictly comply with the building separation levels as indicated in the DCP 55 Compliance Table. The separation between non-habitable rooms along the fifth storey (eastern elevation) is 11m where 13m is required and the separation between the habitable rooms is 14m where 18m is required (to the eastern adjoining dwelling).

The dwelling to the east is located close to the boundary and is an interface site. Subject to **Conditions No and 100** requiring a boundary fencing and opaque glazing for bedroom windows along the fourth and fifth storey eastern facing bedrooms, privacy impacts to the eastern adjoining property are not considered unreasonable. Landscaping will also be provided within the eastern setback to improve screening and separation.

The adjoining site to the west is likely to be developed for the purposes of a residential flat building. With the required 6 metres setback this any future building will achieve appropriate separation. The upper levels of the proposed building comply with the required setback controls. Subject to conditions, adequate visual separation is available to the eastern adjoining dwelling.

Part 4.4 Built form and articulation:

Part 4.4 contains design guidelines to prevent buildings visually impacting on the public domain and dominating the streetscape and to control the separation and landscaping between buildings.

Soft landscape features should be evident within the streetscape and building elements should be integrated into the overall building form.

The criteria pertaining to built form and articulation are detailed in the DCP 55 *Compliance Table*. The building complies with the exception of the building width control. The proposed building is 42.6 metres in width relative to the elevations of the building facing Woodside Avenue and Havilah Road, exceeding the requirement by 6.6 metres.

Under DA 1417/05 a building was approved at 44 metres in width due to deep articulation and stepping, with the building appearing as two blocks.

The proposed building has been modified and reduced in overall width. The building now takes on the form of one building as opposed to two blocks. This change has the effect of decreasing the overall bulk in of the development within both the Woodside Avenue and Havilah Road streetscapes.

The design of the building is considered to be of high quality. The development meets the requirements of SEPP 65 and is well articulated. Significant articulation is provided across each elevation of the development with the use of distinct building planes broken up with balconies, glazing and louvered features. The development meets the objectives of Council's building design controls and is acceptable.

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Part 4.5 Residential amenity:

Building layouts, orientation and provision of outdoor space and landscaping should maximise internal and external amenity for occupants.

DCP 55 contains technical requirements relating to availability of space, storage solar access, natural solar ventilation, visual and acoustic privacy and outdoor living areas.

A review of the compliance of the development with these controls is provided in the *Compliance Table*.

The development achieves compliance with the applicable controls, with the exception of ground floor terrace sizes. Unit 1 (3 bedroom unit) provides 34m², Unit 2 (2 bedroom) provides 24.7m², Unit 3 (2 bedroom) provides 24.7m², Unit 15 (2 bedroom) 26.6m², Unit 16 (3 bedroom units) 24.6m² and Unit 17 (2 bedroom) 13.5m². Three of the six ground floor units do not provide the full 25m² of outdoor area required by the DCP. Two of these courtyards marginally breach the control (by less than 1m²). The breaches are marginal and will not result in adverse amenity impacts.

The courtyard area associated with proposed Unit 17 does not comply with the control by 11.5 metres. This courtyard is located adjacent the eastern boundary of the site which adjoins the interface zone. The design allows a significantly improved side setback along this boundary; 9 metres at ground where 6 metres is usually required. This improved setback was provided to address particular concerns expressed by the eastern adjoining resident and to allow additional deep soil planting. Given the improved eastern setback, sufficient outdoor amenity would be available to this unit and the non-compliance is acceptable in this instance.

Part 4.6 Safety and security:

Refer to discussion of *SEPP 65 Principle 8: Safety and Security*. The proposed development provides windows and balcony areas which will overlook the street and external access areas, promoting passive surveillance. Pathways areas are clearly visible and identifiable in accordance with DCP 55.

Part 4.7 Social dimensions:

Refer to discussion of *SEPP 65 Principle 9: Social Dimensions*.

The proposed development provides 10% of 'manageable' units (Unit No.'s 13, 14 and 27) in accordance with LEP 194 Clause 25N and (70% 'visitable' units, internal paths of travel, visitor and resident parking spaces). Lift access is provided to all units.

An access report has been submitted in respect of the development which demonstrates compliance.

Part 4.8 Resource, energy and water efficiency:

100% of apartments have natural cross ventilation and all kitchens have direct or indirect access to natural light via glazing. Adequate sunlight is available for the north-facing units, despite some being 11 metres in depth.

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The development provides no single aspect units with a southern or western orientation.

Construction materials, design and landscaping proposed are assessed as satisfactory with respect to energy efficient and ecologically sustainable development.

Part 5 Parking and vehicular access:

Car parking is provided in accordance with the requirements of LEP 194 and DCP 55.

Development Control Plan 31 - Access

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

Development Control Plan 40 - Construction and Demolition Waste Management

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

Development Control Plan No 43 - Car Parking

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

Development Control Plan 47 - Water Management

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

Section 94 Plan

The development attracts a section 94 contribution of \$573, 566.21 based on 8 'medium' dwellings and 19 'large' dwellings with a credit for 3 'very large'. The contribution is required to be paid by **Condition No. 72.**

LIKELY IMPACTS

The likely impacts of the development have been considered in detail within this report and are considered acceptable, subject to conditions.

SUITABILITY OF THE SITE

The site is considered suitable for the development proposed.

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ANY SUBMISSIONS

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

PUBLIC INTEREST

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

ANY OTHER RELEVANT MATTERS CONSIDERATIONS NOT ALREADY ADDRESSED

There are no other matters for consideration.

CONCLUSION

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

RECOMMENDATION:

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

THAT the Council, as the consent authority, is of the opinion that the objection under *State Environmental Planning Policy No. 1 – Development Standards* to Clause 25I (5) and (8) of the Kuring-gai Planning Scheme Ordinance is well founded. The Council is also of the opinion that strict compliance with the development standard is unreasonable and unnecessary in the circumstances of this case as the amount of extra height will not result in an undue scale, bulk and form. The additional height will not adversely impact upon the streetscape or the amenity of surrounding sites.

AND

THAT the Council, as the consent authority, being satisfied that the objection under SEPP No. 1 is well founded and also being of the opinion that the granting of consent to DA 1019/06 is consistent with the aims of the Policy, grant development consent to DA 1019/06 for the demolition of existing structures and the construction of a residential flat building on land at 5-9 Woodside Avenue, Lindfield, for a period of two (2) years from the date of the Notice of Determination subject to the following conditions:

GENERAL CONDITIONS

1. The development must be carried out in accordance with plans numbered DA02 and DA03, Issue F (August 2006), DA04 Issue G (August 2006), DA05 Issue H (October 2006), DA06 Issue J (November 2006), DA 07 Issue H (October 2006), DA 08 to DA 11 Issue F (August 2006), DA 12 Issue H (October 2006), DA 13 (January 2007), DA 14 Issue I (October 2006), DA 15 and 16 Issue D (August 2006) and DA 17 E (November 2006), DA 18 E (November 2006) and DA 19 E (January 2007), drawn by Integrated Design Group and Landscape Plans

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LA01-LA04 Revision K dated December 2006 and drawn by Eco Design, and endorsed with Council's approval stamp, except where amended by the following conditions:

2. For the purpose of ensuring the compliance with the terms of the approval, an approved copy of the plan and this Consent and Construction Certificate shall be kept on site at all times.
3. For the purpose of safety and amenity of the area, no building materials, plant or the like are to be stored on the road or footpath without the written approval being obtained from the Council beforehand. The pathway shall be kept in a clean, tidy and safe condition during building operations. Council reserves the right, without notice, to rectify any such breach and to charge the cost against the applicant/owner/builder, as the case may be.
4. **HOURS OF WORK:** For the purpose of residential amenity, noise generating work carried out in connection with building and construction operation, including deliveries of building materials and equipment, is restricted to the following hours: Mondays to Fridays inclusive: 7.00am to 5.30pm. Saturdays: 8.00am to 12.00 noon. Sundays and Public Holidays: Not Permitted. The use of the following items of plant on the site is also restricted to the abovementioned hours: compressors, bulldozers, power operated woodworking machines, excavators and loaders, jackhammers, Ramset guns, concrete mixers and concrete delivery wagons, hoists, winches, welding and riveting plant.

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

5. For the purpose of public safety, a sign shall be erected on the site prior to any work commencing which is clearly visible from a public place stating that unauthorised entry to the site is not permitted and showing the name of the builder or another person responsible for the site and a telephone number for contact outside working hours. The sign may only be removed on satisfactory completion of the works.
6. A sign shall be erected in a prominent position on the site which states the name and contact details of the Principal Certifying Authority.
7. All excavations shall be properly guarded and protected with hoardings or fencing to prevent them from being dangerous to life and property.
8. To maintain existing ground levels all excavated material shall be removed from the site.
9. Any excavation of rock involving hydraulic or compressed air rock hammers or other excavation equipment shall comply with the requirements of Council's Code for the Control and Regulation of Noise on Building Sites.
10. Should an electrical substation need to be established on the premises and an area to satisfy Energy Australia's requirements for an electrical substation, such area shall not reduce the deep soil area proposed.

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11. The approved building shall not be occupied unless the development has been completed in accordance with all conditions of consent and the approved plans and an Occupation Certificate has been issued.
12. For the purpose of maintaining visual amenity, no permanent electricity supply poles are to be erected forward of the building setback without the prior Consent of Council. It is the onus of the applicant to consult with the authorised statutory electricity provider prior to construction commencing to ensure that direct connection to the building is possible. Details of any proposed permanent pole must be submitted to and approved by Council prior to installation.
13. The applicant is advised that the Construction Certificate plans and specifications must comply with the provisions of the Building Code of Australia.
14. If an excavation associated with the erection or demolition of a building extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation to be made:
 - a. must preserve and protect the building from damage, and
 - b. if necessary, must underpin and support the building in an approved manner, and
 - c. must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.

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

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

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

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

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

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

17. All noise generating equipment associated with any proposed mechanical ventilation system/s shall be located and/or soundproofed so the equipment is not audible within a habitable room in any other residential premises before 7am and after 10pm Monday to Friday and before 8am and after 10pm Saturday, Sunday and Public Holidays. Furthermore, the operation of the unit outside these restricted hours shall emit a noise level of not greater than 5dbA above the background when measure at the nearest adjoining boundary.
18. The demolition is to be carried out in accordance with the guidelines contained in Australian Standard 2601-1991: The Demolition of Structures.
19. Access to demolition sites shall be protected as directed by the Principal Certifying Authority by the use of suitable fences or hoardings.
20. Demolition work, including removal of material or debris from the site, on any building in a residential area shall only be carried out during the following hours: Mondays to Fridays inclusive: 7.00am to 5.30pm. Saturdays: 8.00am to 12.00 noon. Sundays and Public Holidays: Not Permitted.
21. A person taking down or demolishing or causing to be taken down or demolished any building or part thereof shall, upon identifying or suspecting that asbestos is present in the building, immediately notify the Workcover Authority. The Authority is the controlling body for the safe removal, handling and disposal of asbestos. The Authority supervises and monitors contractors engaged in asbestos removal.

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

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

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- b. Such person shall not chute, throw or let fall or cause to chute, throw or let fall from the floor to floor or into any basement of such building any building materials or any other matter so as to cause dust to escape from the building or cause any such material to fall or cast upon a public way to the annoyance, inconvenience, or danger of persons using such public way.
24. Soil on vacant sites is to be stabilised as soon as possible to prevent erosion and the site shall be kept clear of excess vegetation.
25. A temporary construction exit and sediment trap to reduce the transport of sediment from the site onto public roads shall be provided before demolition commences.
26. Existing stormwater lines on the site are to be blocked and made inoperable after buildings are demolished so as to prevent the conveyance of silt or sediments into the gutter or street drainage system.
27. All combustible material shall be removed from the site on a daily basis. Material shall not be burnt on the site.
28. Materials salvaged from a demolition may be stored on site provided they are non combustible, neatly and safety stockpiled and not likely to become a harbourage for vermin.
29. Buildings built prior to the 1970's may contain lead based paint. Lead dust is a hazardous substance. You are advised to follow the attached WorkCover guidelines to prevent personal and environmental contamination.
30. All demolition materials of value for re-use either on-site or elsewhere, shall be separated and made available for re-cycling.
31. Your attention is directed to the operation of the Commonwealth Disability Discrimination Act 1992, which may impose greater obligations on providing access to disabled persons other than compliance with the Building Code of Australia. You are advised to seek advice from the Human Rights and Equal Opportunity Commission (phone (02) 9284 9600) in respect of your application.
32. Compliance with the commitments set out in BASIX Certificate No. 34904774, dated 5 September 2006.
33. In order to ensure consistency with the streetscape and the character of the Lindfield Urban Conservation Area, materials of construction and finish shall comply with the sample board submitted to Council with the application.
34. To ensure equity of access in accordance with Council's LEP 194, three (3) of the units are to be designed with accessible features for disabled persons and are to incorporate level entries and wider doorways and corridors, slip resistant surfaces, reachable power points, disabled

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toilets level door handles and taps. Such features are to be designed to comply with Australian Standards 1428.1 and 4299. Details demonstrating compliance are to be submitted with the Construction Certificate.

35. Stormwater runoff from new hard surfaces generating runoff or landscaped areas that are not at natural ground level shall be piped to the street drainage system. New drainage line connections to the street system shall conform and comply with the requirements described in sections 5.3 and 5.4 of Councils Water Management Development Control Plan 47, available in hard copy at Council and on the Council website.
36. A mandatory rainwater retention and re-use system comprising storage tanks and ancillary plumbing must be provided for the development. The (minimum) total storage volume of the rainwater tank system, and the prescribed re-use of the water on site, must satisfy all relevant BASIX commitments and the requirements specified in chapter 6 of Ku-ring-gai Council Water Management Development Control Plan 47 (DCP47). Note that if the retention volume is less than 20m³, the detention storage volume is to be increased as necessary to achieve the total Site Storage Requirement.
37. In addition to the mandatory rainwater retention and re-use system provided, an on-site stormwater detention system must be provided for the development to control the rate of runoff leaving the site. The minimum volume of the required on-site detention system must be determined in accordance with chapter 6 of the Ku-ring-gai Council Water Management Development Control Plan 47 (DCP 47) - having regard to the specified volume concession offered in lieu of installing rainwater retention tanks. For this site only, a concession down to a minimum of 39m³ above ground storage may be available on the detention volume, due to the area of the site which is subject to overland flow. Note that if the retention volume provided is less than 20m³, the detention storage volume is to be increased as necessary to achieve the total Site Storage Requirement. The design of the on-site detention system must be performed by a qualified civil/hydraulic engineer and must satisfy the design controls set out in appendix 5 of DCP 47.
38. For stormwater control a 200mm wide grated channel/trench drain with a heavy-duty removable galvanized grate is to be provided in front of the garage door/basement parking slab to collect driveway runoff. The channel drain shall be connected to the main drainage system and must have an outlet of minimum diameter 150mm to prevent blockage by silt and debris.
39. To control surface runoff all new exposed impervious areas graded towards adjacent property and/or habitable areas are to be drained via the main drainage system. This may require the installation of suitable inlets pits, cut-off structures (e.g. kerb), and/or barriers that direct such runoff to the formal drainage system. Details for such measures shall be shown on the approved Construction Certificate issue drawings, to the satisfaction of the Principal Certifying Authority.
40. During construction, stormwater runoff must be disposed in a controlled manner that is compatible with the erosion and sediment controls on the site. Immediately upon completion of any impervious areas on the site (including roofs, driveways, paving) and where the final

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drainage system is incomplete, the necessary temporary drainage systems must be installed to manage and control runoff as far as the approved point of stormwater discharge. Such measures shall be to the satisfaction of the Principal Certifying Authority.

41. It is the Applicants and contractors **full responsibility** to ascertain the exact location of the Council drainage pipe traversing the site and take measures to protect it. All proposed structures and excavation are to be sited fully clear of any Council drainage pipes, drainage easements, watercourses and trunk overland flow paths on the site. Trunk or dedicated flow paths shall not be impeded or diverted by fill or structures unless otherwise approved. In the event of a pipeline being uncovered during construction, all work is to cease and the Principal Certifying Authority and Council must be contacted immediately for advice. Any damage caused to the Council pipe shall be immediately repaired in full and at no cost to Council.
42. To ensure structural stability, footings to be located adjacent to easements and/or Council drainage pipes shall be sited and constructed so that all footings are located outside of easement boundaries. The applicant shall refer to Council Plan 80-011 concerning such works. Footings must extend to at least the depth of the invert of the adjacent pipe within the easement unless the footings are to be placed on competent bedrock. If permanent excavation is proposed beneath the invert of the pipe within the easement, suitable means to protect the excavation from seepage or other water flow from the pipe and trench, and means to retain the easement and associated pipe cover, are to be provided by the applicant at no cost to Council. Council accepts no liability for such seepage or water flows now or at any time in the future resulting from such excavation.
43. A maintenance period of six (6) months applies to all work in the public road reserve carried out by the applicant - **after** the works have been completed to the satisfaction of Ku-ring-gai Council. In that maintenance period, the applicant shall be liable for any section of the completed public infrastructure work which fails to perform in the designed manner, or as would reasonably be expected under the operating conditions. The maintenance period shall commence once the Applicant receives a written indication from Council stating that the works involving public infrastructure have been completed satisfactorily.
44. Where required, the adjustment or inclusion of any new utility service facilities must be carried out by the applicant and in accordance with the requirements of the relevant utility authority. These works shall be at no cost to Council. It is the Applicants full responsibility to make contact with the relevant utility authorities to ascertain the impacts of the proposal upon utility services at the appropriate stage of development (including water, phone, gas and the like). Council accepts no responsibility whatsoever for any matter arising from its approval of this application involving any influence upon utility services provided by another authority.
45. All public footways and roadways fronting and adjacent to the site must be maintained in a safe condition at all times during the course of the development works. Construction materials and plant must not be stored in the road reserve. A safe pedestrian circulation route and a pavement/route free of trip hazards must be maintained at all times on or adjacent to any public access ways fronting the construction site. Where public infrastructure is damaged, repair works must be carried out when and as directed by Council officers. Where pedestrian

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circulation is diverted on to the roadway or verge areas, clear directional signage and protective barricades must be installed in accordance with AS1742-3 (1996) "*Traffic Control Devices for Work on Roads*". **If pedestrian circulation is not satisfactorily maintained across the site frontage, and action is not taken promptly to rectify the defects, Council may undertake proceedings to stop work.**

46. It is highly likely that damage will be caused to the roadway at or near the subject site as a result of the construction (or demolition or excavation) works. The applicant, owner and builder (and demolition or excavation contractor as appropriate) will be held responsible for repair of such damage, regardless of the Infrastructure Restorations Fee paid (this fee is to cover wear and tear on Council's wider road network due to heavy vehicle traffic, not actual major damage).

Section 102(1) of the Roads Act states "A person who causes damage to a public road...is liable to pay to the appropriate roads authority the cost incurred by that authority in making good the damage."

Council will notify when road repairs are needed, and if they are not carried out within 48 hours, then Council will proceed with the repairs, and will invoice the applicant, owner and relevant contractor for the balance.

47. The provision of temporary sediment and erosion control facilities and measures must be installed, prior to the commencement of any works on the site to eliminate unnecessary erosion and loss of sediment. These facilities must be maintained in working order during construction works up to completion. All sediment traps must be cleared on a regular basis and after each major storm, and/or as directed by the Principal Certifying Authority and Council officers.
48. Driveways and vehicular access ramps must be designed not to scrape the underside of cars. In all respects, the proposed vehicle access and accommodation arrangements must be designed and constructed to comply with the minimum requirements of Australian Standard 2890.1 (2004) "Off-Street car parking".
49. The Applicant must obtain a **Section 73 Compliance Certificate** under the *Sydney Water Act 1994*. An application must be made through an authorised Water Servicing Coordinator. The Applicant is to refer to "Your Business" section of Sydney Water's web site at www.sydneywater.com.au then the "e-developer" icon or telephone 13 20 92. Following application a "Notice of Requirements" will detail water and sewer extensions to be built and charges to be paid. Please make early contact with the Coordinator, since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design.
50. In order to allow **unrestricted access at all times** for Ku-ring-gai Council waste collection vehicles into the basement garbage collection area - no doors, grilles, gates or other devices are to be provided in the access driveways to the basement car park preventing this service.

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51. A contractor with specialist excavation experience must undertake the excavations for the development and a suitably qualified and consulting geotechnical engineer must oversee the excavation procedure. Geotechnical aspects of the development work, namely:

- Appropriate excavation methods and techniques,
- Vibration management and monitoring,
- Support and retention of excavated faces,
- Hydrogeological considerations,

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

The geotechnical and hydrogeological works implementation, inspection, testing and monitoring program for the excavation and construction works must be in accordance with the report by Jeffery and Katauskas. Over the course of the works a qualified Geotechnical/hydrogeological Engineer must complete the following:

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

52. Removal, or pruning of the following trees from the subject property, is not approved as part of this Development consent:

Tree/ Location

#12 *Cupressus sempervirens* (Italian Cypress)

Adjacent to Woodside Ave site frontage

#13 *Cupressus sempervirens* (Italian Cypress)

Adjacent to Woodside Ave site frontage

#16 *Lagerstroemia indica* (Crepe Myrtle)

Adjacent to Woodside Ave site frontage

#41 *Magnolia x soulangiana* (Magnolia)

Northern side of building (Woodside Ave frontage)

#42 *Camellia japonica* (Japanese Camellia)

Adjacent to Woodside Ave site frontage

#44 *Magnolia soulangeana* (Soul's Magnolia)

Adjacent to Woodside Ave site frontage

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#55 *Franklinia axillaris* (Gordonia)
 Adjacent to southwest site boundary

#56 *Rothmania globosa* (Tree Gardenia)
 Adjacent to southern site corner

53. Approval is given under this development consent for the following tree works to be undertaken to trees within the subject property and Havilah Road nature strip:

Tree/Location	Tree Works
#14 <i>Chamaecyparis pisifera</i> (Sawarah Cypress) Within proposed building footprint	Removal
#15 <i>Persea americana</i> (Avocado) Within proposed building footprint	Removal
#20 <i>Cyathea australis</i> (Tree Fern) Centrally located on site	Removal
#21 <i>Franklinia axillaris</i> (Gordonia) Centrally located on site	Removal
#22 <i>Washingtonia robusta</i> Centrally located on site	Removal
#23 <i>Washingtonia robusta</i> Centrally located on site	Removal
#24 <i>Franklinia axillaris</i> (Gordonia) Centrally located on site	Removal
#25 <i>Tristanopsis laurina</i> (Water Gum) Within proposed building footprint	Removal
#26 <i>Camellia sasanqua</i> (Chinese Camellia) Within proposed building footprint	Removal
#27 <i>Camellia sasanqua</i> (Chinese Camellia) Within proposed building footprint	Removal
#28 <i>Citrus spp</i> Adjacent to south-east site boundary	Removal
#29 <i>Macadamia tetraphylla</i> (Macadamia) Adjacent to Havilah Rd site frontage	Removal
#30 <i>Acmena smithii</i> (Lillypilly) Within proposed building footprint	Removal
#31 <i>Acmena smithii</i> (Lillypilly) Within Havilah Rd site frontage	Removal
#32 <i>Acmena smithii</i> (Lillypilly) Adjacent to Havilah Rd site frontage	Removal

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#33 <i>Cyathea spp</i> (Tree Fern) Adjacent to eastern site corner	Removal
#34 <i>Cyathea spp</i> (Tree Fern) Adjacent to north-east site boundary	Removal
#35 <i>Cyathea spp</i> (Tree Fern) Adjacent to north-east site boundary	Removal
#36 <i>Livistona chinensis</i> (Fan Palm) Adjacent to north-east site boundary	Removal
#38 <i>Persea americana</i> (Avocado) Adjacent to south-east site boundary	Removal
#39 <i>Callistemon spp</i> (Bottlebrush) Adjacent to south-east site boundary	Removal
#40 <i>Camellia sasanqua</i> (Chinese Camellia) Within proposed building footprint	Removal
#43 <i>Franklinia axillaris</i> (Gordonia) Adjacent to Woodside Ave site boundary	Removal
#45 <i>Chamaecyparis pisifera</i> (Sawara Cypress) Adjacent to Woodside Ave site frontage	Removal
#46 <i>Chamaecyparis pisifera</i> (Sawara Cypress) Adjacent to Woodside Ave site frontage	Removal
#47 <i>Chamaecyparis pisifera</i> (Sarawah Cypress) Adjacent to western site corner	Removal
#54 <i>Livistona australis</i> (Fan Palm) Adjacent to south-west site boundary	Removal
#59 <i>Jacaranda mimosifolia</i> (Jacaranda) Havilah Rd nature strip	Removal
#62 <i>Jacaranda mimosifolia</i> (Jacaranda) Havilah Rd nature strip	Removal

54. The trees to be retained on site and within the adjoining nature strip areas shall be inspected, monitored and treated when necessary by a qualified Arborist before, during and after completion of development works to ensure their long term survival. Regular inspections and documentation from the Arborist to the Principal Certifying Authority are required at the following times or phases of work.

Tree/location	Time of inspection
All existing trees located on site being retained	Prior to demolition
	At the completion of demolition
	Prior to excavation works
	At the completion of excavation works
	Prior to the start of construction works

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At monthly intervals during construction
 At the completion of construction works
 At the completion of all works on site

55. Landscape works shall be carried out in accordance with Landscape Drawing No's L-01, L-02, L-03, L-04 Revision K, dated 11/12/06 and L-05 Revision J, dated 17/11/06 by Ecodesign submitted with the Development Application, except as amended by the following:

Additional screen planting is required within the Havilah Road frontage adjacent to the southern boundary to screen the proposed ramps. The additional planting shall be species that attain a minimum mature height of 3 metres.

Tree #43 shall be removed as it is in poor health and replaced with a *Franklinia axillaris* (Gordonia).

The use of white quartz is not permitted. Natural coloured rocks, gravel or mulch shall be used instead.

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

Tree/Location

#59 *Jacaranda mimosifolia* (Jacaranda)

Havilah Rd nature strip

#62 *Jacaranda mimosifolia* (Jacaranda)

Havilah Rd nature strip

57. If tree roots are required to be severed for the purposes of constructing the approved works they shall be cut cleanly by hand, by an experienced Arborist/Horticulturist with a minimum qualification of the Horticulture Certificate or Tree Surgery Certificate

58. No tree roots of 30mm or greater in diameter located within the specified radius of the trunk/s of the following, tree/s shall be severed or injured in the process of any site works during the construction period.

Tree/Location

Radius From Trunk

#6 *Eucalyptus sideroxylon* (Mugga Gum)

7.0m

Woodside Ave nature strip

#7 *Eucalyptus sideroxylon* (Mugga Gum)

6.0m

Woodside Ave nature strip

#12 *Cupressus sempervirens* (Italian Cypress)

3.0m

Adjacent to Woodside Ave site frontage

#13 *Cupressus sempervirens* (Italian Cypress)

3.0m

Adjacent to Woodside Ave site frontage

#16 *Lagerstroemia indica* (Crepe Myrtle)

3.0m

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Adjacent to Woodside Ave site frontage	
#17 <i>Alnus jorullensis</i> (Evergreen Alder)	4.0m
Adjacent to north-east site boundary in neighbouring property	
#18 <i>Alnus jorullensis</i> (Evergreen Alder)	4.0m
Adjacent to north-east site boundary in neighbouring property	
#19 <i>Alnus jorullensis</i> (Evergreen Alder)	4.0m
Adjacent to north-east site boundary in neighbouring property	
#37 <i>Alnus jorullensis</i> (Evergreen Alder)	5.0m
Adjacent to north-east site boundary in neighbouring property	
#42 <i>Camellia japonica</i> (Japanese Camellia)	3.0m
Adjacent to Woodside Ave site frontage	
#44 <i>Magnolia soulangeana</i> (Soul's Magnolia)	3.0m
Adjacent to Woodside Ave site frontage	
#55 <i>Franklinia axillaris</i> (Gordonia)	3.5m
Adjacent to south-west site boundary	
#56 <i>Rothmania globosa</i> (Tree Gardenia)	3.0m
Adjacent to southern site corner	
#57 <i>Jacaranda mimosifolia</i> (Jacaranda)	5.0m
Havilah Rd nature strip	
#58 <i>Jacaranda mimosifolia</i> (Jacaranda)	6.0m
Havilah Rd nature strip	
#60 <i>Jacaranda mimosifolia</i> (Jacaranda)	4.0m
Havilah Rd nature strip	
#61 <i>Jacaranda mimosifolia</i> (Jacaranda)	5.0m
Havilah Rd nature strip	

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

Tree/Location	Radius From Trunk
#6 <i>Eucalyptus sideroxylon</i> (Mugga Gum)	7.0m
Woodside Ave nature strip	
#7 <i>Eucalyptus sideroxylon</i> (Mugga Gum)	6.0m
Woodside Ave nature strip	
#12 <i>Cupressus sempervirens</i> (Italian Cypress)	4.0m
Adjacent to Woodside Ave site frontage	
#13 <i>Cupressus sempervirens</i> (Italian Cypress)	3.0m
Adjacent to Woodside Ave site frontage	
#16 <i>Lagerstroemia indica</i> (Crepe Myrtle)	3.5m

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Adjacent to Woodside Ave site frontage	
#17 <i>Alnus jorullensis</i> (Evergreen Alder)	4.0m
Adjacent to north-east site boundary in neighbouring property	
#18 <i>Alnus jorullensis</i> (Evergreen Alder)	4.0m
Adjacent to northeast site boundary in neighbouring property	
#19 <i>Alnus jorullensis</i> (Evergreen Alder)	4.0m
Adjacent to north-east site boundary in neighbouring property	
#37 <i>Alnus jorullensis</i> (Evergreen Alder)	5.0m
Adjacent to north-east site boundary in neighbouring property	
#42 <i>Camellia japonica</i> (Japanese Camellia)	3.0m
Adjacent to Woodside Ave site frontage	
#44 <i>Magnolia soulangeana</i> (Soul's Magnolia)	3.0m
Adjacent to Woodside Ave site frontage	
#55 <i>Franklinia axillaris</i> (Gordonia)	3.5m
Adjacent to south-west site boundary	
#56 <i>Rothmania globosa</i> (Tree Gardenia)	3.0m
Adjacent to southern site corner	
#57 <i>Jacaranda mimosifolia</i> (Jacaranda)	5.0m
Havilah Rd nature strip	
#58 <i>Jacaranda mimosifolia</i> (Jacaranda)	6.0m
Havilah Rd nature strip	
#60 <i>Jacaranda mimosifolia</i> (Jacaranda)	4.0m
Havilah Rd nature strip	
#61 <i>Jacaranda mimosifolia</i> (Jacaranda)	5.0m
Havilah Rd nature strip	

60. Excavation for the installation of CONDUITS/SEWER/STORMWATER/GAS within the specified radius of the trunk/s of the following tree/s shall be carried out using the thrust boring method. Thrust boring shall be carried out at least 600mm beneath natural ground level to minimise damage to tree/s root system

Tree/Location	Radius From Trunk
#6 <i>Eucalyptus sideroxylon</i> (Mugga Gum)	7.0m
Woodside Ave nature strip	
#7 <i>Eucalyptus sideroxylon</i> (Mugga Gum)	6.0m
Woodside Ave nature strip	
#29 <i>Macadamia tetraphylla</i> (Macadamia)	2.5m
Adjacent to Havilah Rd site frontage	
#32 <i>Acmena smithii</i> (Lillypilly)	3.0m
Adjacent to Havilah Rd site frontage	

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#37 <i>Alnus jorullensis</i> (Evergreen Alder) Adjacent to north-east site boundary in neighbouring property	5.0m
#55 <i>Franklinia axillaris</i> (Gordonia) Adjacent to south-west site boundary	3.5m
#56 <i>Rothmania globosa</i> (Tree Gardenia) Adjacent to southern site corner	3.0m
#57 <i>Jacaranda mimosifolia</i> (Jacaranda) Havilah Rd nature strip	5.0m
#58 <i>Jacaranda mimosifolia</i> (Jacaranda) Havilah Rd nature strip	6.0m
#60 <i>Jacaranda mimosifolia</i> (Jacaranda) Havilah Rd nature strip	4.0m
#61 <i>Jacaranda mimosifolia</i> (Jacaranda) Havilah Rd nature strip	5.0m

61. The applicant shall ensure that at all times during the site works no activities, storage or disposal of materials shall take place beneath the canopy of any tree protected under Council's Tree Preservation Order.
62. The following tree species shall be planted, at no cost to Council, in the nature strip fronting the property along Havilah Rd to replenish the existing avenue planting. The tree/s used shall be a minimum 25 litres container size specimen/s trees:

Tree Species	Quantity
<i>Angophora costata</i> (Sydney Red Gum)	2
63. Following removal of Trees #59 & #62, 2 x *Jacaranda mimosifolia* (Jacaranda) from Council's nature strip, the nature strip shall be rehabilitated to the satisfaction of Council at no cost to Council.
64. All builders' refuse, spoil and/or material unsuitable for use in landscape areas shall be removed from the site on completion of the building works.
65. The canopy replenishment trees to be planted shall be maintained in a healthy and vigorous condition until they attain a height of 5.0 metres whereby they will be protected by Council's Tree Preservation Order. Any of the trees found faulty, damaged, dying or dead shall be replaced with the same species.

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

66. To maintain streetscape quality for Woodside Avenue and Havilah Road, the overall height of front fencing is not to exceed 1.2 metres above footpath levels, with at least 50% transparency

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(eg metal grille or timber picket type fences). Details are to be included with the Construction Certificate plans.

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

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

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

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- d. Should the development be certified by a Principal Certifying Authority other than Council, a fee for each Part 4A Certificate is to be paid to Council on lodgement of those Certificates with Council.
- 71. Prior to the issue of a Construction Certificate, the compliance certificate obtained under Section 73 of the Water Board (Corporatisation) Act, must be submitted for verification by the Principal Certifying Authority (PCA).
- 72. A contribution is to be paid for the provision, extension or augmentation of community facilities, recreation facilities, open space and administration that will, or are likely to be, required as a consequence of development in the area.

TOTAL CONTRIBUTION FOR THIS DEVELOPMENT OF 24 ADDITIONAL DWELLINGS IS CURRENTLY \$573,566.21. The amount of the payment shall be in accordance with the Section 94 charges as at the date of payment. The charges may vary at the time of payment in accordance with Council’s Section 94 Contributions Plan to reflect changes in land values, construction costs and the consumer price index.

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

1. Community Facilities <i>(If Seniors Living \$412.07)</i>	\$1,117.76
2. Park Acquisition and Embellishment Works - Lindfield	\$8,223.35
3. Sportsgrounds Works	\$1,318.32
4. Aquatic / Leisure Centres	\$27.82
5. Traffic and Transport	\$150.28
6. Section 94 Plan Administration	\$100.04

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

OCCUPANCY RATES FOR DIFFERENT DWELLING SIZES

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

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

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

74. Prior to issue of the Construction Certificate, driveway and associated footpath levels for any fully new, reconstructed or extended sections of driveway crossings between the property boundary and road alignment must be obtained from Ku-ring-gai Council. Such levels are only able to be issued by Council under the *Roads Act 1993*. All footpath crossings, laybacks and driveways are to be constructed according to Council's specifications "Construction of Gutter Crossings and Footpath Crossings" or as specified by Council. Specifications are issued with alignment levels after completing the necessary application form at Customer Services and payment of the assessment fee. When completing the request for driveway levels application from Council, the applicant must attach a copy of the relevant Development Application drawing which indicates the position and proposed level of the proposed driveway at the boundary alignment. Failure to submit this information may delay processing.

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

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

The crest required for flood protection has been accommodated in the design,

Vehicular access can be obtained using grades of 20% (1 in 5) maximum (to allow the laden garbage collection vehicle to exit the site), and

All changes in grade (transitions) comply with clause 2.5.3 of Australian Standard 2890.1 (2004) –“Off-street car parking” to prevent the scraping of the underside of vehicles, particularly along the inside radius for curved driveways.

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

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76. The Applicant must carry out the following infrastructure works in the Public Road:

- a. Construct a concrete footpath along the Havilah Road frontage of the site.

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

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

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

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

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

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

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

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All parking space dimensions, driveway and aisle widths, driveway grades, transitions, circulation ramps, blind aisle situations and other trafficked areas comply in full with Australian Standard 2890.1 – 2004 “Off-street car parking”.

A clear height clearance of 2.5 metres (required under DCP40 for waste collection trucks) is provided over the designated garbage collection truck manoeuvring areas within the basement.

No doors or gates are provided in the access driveways to the basement car park which would prevent unrestricted access for internal garbage collection at any time from the basement garbage storage and collection area.

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

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

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The above construction drawings and specifications are to be prepared by a qualified and experienced civil/hydraulic engineer in accordance with Councils Water Management Development Control Plan 47, Australian Standards 3500.2 and 3500.3 - *Plumbing and Drainage Code* and the BCA. The plans may be generally based on the Stormwater Plan 205126 H1 to H3 Issue B by Demlakian Consulting Engineers submitted for Development Application approval, which are to be advanced as necessary for construction issue purposes.

80. Prior to issue of the Construction Certificate, a suitably qualified and experienced civil/hydraulic engineer is to certify that the plans, including the landscape plan, show the overland flowpath and freeboard to habitable rooms and driveway entrance as identified in Demlakian Consulting Engineers Flood Study Report 205126, 23rd August 2006.
81. Prior to issue of the Construction Certificate, a suitably qualified and experienced structural engineer is to certify that all structures required for flood proofing as identified in Demlakian Consulting Engineers Flood Study Report 205126, 23rd August 2006, have been designed to withstand the forces associated with overland flow.
82. Prior to issue of the Construction Certificate the Applicant must contact Energy Australia regarding power supply for the subject development. A written response detailing the full requirements of Energy Australia (including any need for underground cabling, substations or similar within or in the vicinity the development) shall be submitted to the Principal Certifying Authority for approval prior to issue of the Construction Certificate. Any structures or other requirements of Energy Australia shall be reflected on the plans issued with the Construction Certificate, to the satisfaction of the Principal Certifying Authority and Energy Australia. The requirements of Energy Australia must be met in full prior to issue of the Occupation Certificate.
83. Prior to issue of the Construction Certificate the applicant must make contact with all relevant utility providers whose services will be impacted upon by the approved development. A written copy of the requirements of each provider, as determined necessary by the Principal Certifying Authority, must be obtained. All utility services or appropriate conduits for the same, including electricity, gas, telephone, water and sewerage must be provided by the developer in accordance with the specifications of those supply authorities.
84. The applicant shall ensure that no underground services (ie water, sewerage, drainage and gas) shall be laid beneath the canopy of any of the following trees. A plan detailing the routes of these services shall be submitted to the Principal Certifying Authority for approval prior to the release of the Construction Certificate.

The stormwater plan shall indicate the following:

If the services have to be laid beneath the canopy of a protected tree then details of tree protection measures shall be noted on the plan eg, hand digging or thrust boring. The plan shall note that no roots greater than 30mm shall be severed or injured.

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The stormwater plan shall be amended to locate the services such that they do not impede the designated Deep Soil Zone, in accordance with LEP194.

Tree/Location	Radius From Trunk
#6 <i>Eucalyptus sideroxylon</i> (Mugga Gum) Woodside Ave nature strip	7.0m
#7 <i>Eucalyptus sideroxylon</i> (Mugga Gum) Woodside Ave nature strip	6.0m
#12 <i>Cupressus sempervirens</i> (Italian Cypress) Adjacent to Woodside Ave site frontage	4.0m
#13 <i>Cupressus sempervirens</i> (Italian Cypress) Adjacent to Woodside Ave site frontage	3.0m
#16 <i>Lagerstroemia indica</i> (Crepe Myrtle) Adjacent to Woodside Ave site frontage	3.5m
#17 <i>Alnus jorullensis</i> (Evergreen Alder) Adjacent to north-east site boundary in neighbouring property	4.0m
#18 <i>Alnus jorullensis</i> (Evergreen Alder) Adjacent to north-east site boundary in neighbouring property	4.0m
#19 <i>Alnus jorullensis</i> (Evergreen Alder) Adjacent to northeast site boundary in neighbouring property	4.0m
#37 <i>Alnus jorullensis</i> (Evergreen Alder) Adjacent to north-east site boundary in neighbouring property	5.0m
#42 <i>Camellia japonica</i> (Japanese Camellia) Adjacent to Woodside Ave site frontage	3.0m
#44 <i>Magnolia soulangeana</i> (Soul's Magnolia) Adjacent to Woodside Ave site frontage	3.0m
#55 <i>Franklinia axillaris</i> (Gordonia) Adjacent to south-west site boundary	3.5m
#56 <i>Rothmania globosa</i> (Tree Gardenia) Adjacent to southern site corner	3.0m
#57 <i>Jacaranda mimosifolia</i> (Jacaranda) Havilah Rd nature strip	5.0m
#58 <i>Jacaranda mimosifolia</i> (Jacaranda) Havilah Rd nature strip	6.0m
#60 <i>Jacaranda mimosifolia</i> (Jacaranda) Havilah Rd nature strip	4.0m
#61 <i>Jacaranda mimosifolia</i> (Jacaranda) Havilah Rd nature strip	5.0m

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85. To preserve the following tree/s, footings of the proposed boundary wall/fence along Havilah Rd frontage shall be isolated pier or pier and beam construction within the specified radius of the trunk/s. The piers shall be located such that no roots of a diameter greater than 30mm shall be severed or injured in the process of any site works during the construction period. The beam/s shall be located on or above existing soil levels.

The location and details of the footings shall be submitted to the Principal Certifying Authority and be approved prior to release of the Construction Certificate.

Tree/Location	Radius in Metres
#37 <i>Alnus jorullensis</i> (Evergreen Alder) Adjacent to north-east site boundary in neighbouring property	5.0m
#57 <i>Jacaranda mimosifolia</i> (Jacaranda) Havilah Rd nature strip	5.0m
#58 <i>Jacaranda mimosifolia</i> (Jacaranda) Havilah Rd nature strip	6.0m
#60 <i>Jacaranda mimosifolia</i> (Jacaranda) Havilah Rd nature strip	4.0m
#61 <i>Jacaranda mimosifolia</i> (Jacaranda) Havilah Rd nature strip	5.0m

86. A cash bond/bank guarantee of \$10 000.00 shall be lodged with Council as a Landscape Establishment Bond prior to release of the Construction Certificate to ensure that the landscape works are installed and maintained in accordance with the approved landscape plan/s and other landscape conditions.

Fifty percent (50%) of this bond will be refunded upon verification by Council that the landscape works as approved have been satisfactorily installed. The balance of the bond will be refunded 3 years after the initial satisfactory inspection, where landscape works have been satisfactorily established and maintained.

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

87. A cash bond/bank guarantee of \$6 000.00 shall be lodged with Council prior to the release of the Construction Certificate to ensure that the following trees are maintained in the same condition as found prior to commencement site development work.

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

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

Tree/Location	Bond Value
#6 <i>Eucalyptus sideroxylon</i> (Mugga Gum) Woodside Ave nature strip	\$1 000.00
#7 <i>Eucalyptus sideroxylon</i> (Mugga Gum) Woodside Ave nature strip	\$1 000.00
#57 <i>Jacaranda mimosifolia</i> (Jacaranda) Havilah Rd nature strip	\$1 000.00
#58 <i>Jacaranda mimosifolia</i> (Jacaranda) Havilah Rd nature strip	\$1 000.00
#60 <i>Jacaranda mimosifolia</i> (Jacaranda) Havilah Rd nature strip	\$1 000.00
#61 <i>Jacaranda mimosifolia</i> (Jacaranda) Havilah Rd nature strip	\$1 000.00

CONDITIONS TO BE COMPLIED WITH PRIOR TO WORK COMMENCING

88. To preserve and enhance the natural environment, the downslope side of the proposed construction area of the site is to be enclosed with a suitable erosion control barrier prior to any earthworks or construction commencing.
89. Prior to the commencement of any works on site and prior to issue of the Construction Certificate, qualified practitioners must undertake a closed circuit television (CCTV) inspection and then report on the existing condition of Council drainage pipeline traversing the subject property. The report must be provided to Council, attention Development Engineer, prior to issue of the Construction Certificate. The report is to include a copy of the video footage of the pipeline.
90. Following demolition of the dwellings but prior to commencement of bulk excavation, additional geotechnical investigation comprising at least three cored boreholes, is to be carried out. The report of this investigation is to be submitted for the approval of the Principal Certifying Authority (PCA) or Council if no PCA has been appointed. Works are to proceed in accordance with the recommendations of this report, including vibration monitoring and excavation support.
91. Prior to the commencement of **any excavation works** on site the Applicant must submit, for approval by the Principal Certifying Authority (with a copy forwarded to Council) a full dilapidation report on the visible and structural condition of residences at 3 and 11 Woodside Avenue and 2a Havilah Road. The report must be completed by a consulting

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structural/geotechnical engineer. Upon submitting a copy of the dilapidation report to Council, a written acknowledgment from Council development engineers shall be obtained (attesting to this condition being appropriately satisfied) and submitted to the Principal Certifying Authority prior to the commencement of any works on site.

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

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

Dedicated construction site entrances and exits, controlled by a certified traffic controller, to safely manage pedestrians and construction related vehicles in the frontage roadways,

Turning areas within the site for construction and spoil removal vehicles, allowing a forward egress for all construction vehicles on the site,

The locations of proposed Work Zones in the frontage roadways,

Location of any proposed crane standing areas

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

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

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

Traffic Control Plan(s) for the site

All traffic control plans must be in accordance with the RTA publication "Traffic Control Worksite Manual" and be designed by a person licensed to do so (minimum RTA 'red card' qualification). The main stages of the development requiring specific construction management measures are to be identified and specific traffic control measures identified for each.

Approval is to be obtained from Ku-ring-gai Council for any temporary road closures or crane use from public property.

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

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

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

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In addition, the plan must address:

Evidence of RTA concurrence where construction access is provided directly or within 20m of an Arterial Rd.

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

Minimising construction related traffic movements during school peak periods.

For those construction personnel that drive to the site, the Applicant shall attempt to provide on-site parking so that their personnel's vehicles do not impact on the current parking demand in the area.

The *Construction and Traffic Management Plan* shall be prepared by a suitably qualified and experienced traffic consultant and be certified by this person as being in accordance with the requirements of the abovementioned documents and the requirements of this condition. The construction management measures contained in the approved plan shall be implemented in accordance with the plan prior to the commencement of, and during, works on-site including excavation. As the plan has a direct impact on the local road network, the plan shall be submitted to and reviewed by Council, attention Development Engineer. A written acknowledgment from Council engineers shall be obtained (attesting to this condition being appropriately satisfied) and submitted to the Principal Certifying Authority prior to the commencement of any works on site. A fee is payable for the assessment of the plan by Ku-ring-gai Council.

93. If a Works Zone is proposed, the Applicant must make a written application to the Ku-ring-gai Local Traffic Committee to install the 'Work Zone'. The application must be made at least 15 days prior to the commencement of any works on site approved under this consent. Works Zones are provided specifically for the set down and pick up of materials and not for the parking of private vehicles associated with the site. Works Zones will generally not be approved where there is sufficient space on-site for the setting down and picking up of goods being taken to or from a construction site. If the Works Zone is approved by the Committee, the Applicant must obtain a written copy of the related resolution from the Ku-ring-gai Local Traffic Committee and submit a copy of this to the Principal Certifying Authority for approval prior to commencement of any works on the site. Where approval of the 'Work Zone' is resolved by the Committee, the necessary 'Work Zone' signage shall be installed (at the cost of the Applicant) and the adopted fee paid prior to commencement of any works on the site. Further, at the expiration of the Works Zone approval, the Applicant is required to remove the Works Zone signs and reinstate any previous signs, all at the Applicant's cost.
94. Prior to the commencement of any works on site the applicant shall submit to Ku-ring-gai Council a full dilapidation report on the visible and structural condition (**including a photographic record**) of the following public infrastructure:

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Full road pavement width, including kerb and gutter, of Havilah Road and Woodside Avenue over the site frontage.

All driveway crossings and laybacks opposite the subject site.

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

Council is fully informed when assessing any damage to public infrastructure caused as a result of the development, and

Council is able to refund infrastructure damage bonds, in full or parts thereof, with accuracy.

The developer may be held liable to any recent damage to public infrastructure in the vicinity of the site, where such damage is not accurately recorded under the requirements of this condition prior to the commencement of works. In this respect, the infrastructure damage bond lodged by the subject developer may be used by Council to repair damage regardless. A written acknowledgment from Council engineers must be obtained (attesting to this condition being appropriately satisfied) and submitted to the Principal Certifying Authority prior to the commencement of any works on site.

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

Tree/Location	Radius in Metres
#6 <i>Eucalyptus sideroxylon</i> (Mugga Gum) Woodside Ave nature strip. Pedestrian access to be maintained at all times	2.0m
#7 <i>Eucalyptus sideroxylon</i> (Mugga Gum) Woodside Ave nature strip. Pedestrian access to be maintained at all times	2.0m
#12 <i>Cupressus sempervirens</i> (Italian Cypress) Adjacent to Woodside Ave site frontage	2.0m
#13 <i>Cupressus sempervirens</i> (Italian Cypress) Adjacent to Woodside Ave site frontage	2.0m
#16 <i>Lagerstroemia indica</i> (Crepe Myrtle) Adjacent to Woodside Ave site frontage	3.0m
#17 <i>Alnus jorullensis</i> (Evergreen Alder) Adjacent to north-east site boundary in neighbouring property	4.0m
#18 <i>Alnus jorullensis</i> (Evergreen Alder)	4.0m

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Adjacent to north-east site boundary in neighbouring property	
#19 <i>Alnus jorullensis</i> (Evergreen Alder)	4.0m
Adjacent to north-east site boundary in neighbouring property	
#37 <i>Alnus jorullensis</i> (Evergreen Alder)	5.0m
Adjacent to north-east site boundary in neighbouring property	
#41 <i>Magnolia x soulangiana</i> (Magnolia)	3.0m
Adjacent to northern side of the building	
#42 <i>Camellia japonica</i> (Japanese Camellia)	3.0m
Adjacent to Woodside Ave site frontage	
#44 <i>Magnolia soulangeana</i> (Soul's Magnolia)	3.0m
Adjacent to Woodside Ave site frontage	
#55 <i>Franklinia axillaris</i> (Gordonia)	3.5m
Adjacent to southwest site boundary	
#56 <i>Rothmania globosa</i> (Tree Gardenia)	3.0m
Adjacent to southern site corner	
#57 <i>Jacaranda mimosifolia</i> (Jacaranda)	2.0m
Havilah Rd nature strip	
#58 <i>Jacaranda mimosifolia</i> (Jacaranda)	2.0m
Havilah Rd nature strip	
#60 <i>Jacaranda mimosifolia</i> (Jacaranda)	2.0m
Havilah Rd nature strip	
#61 <i>Jacaranda mimosifolia</i> (Jacaranda)	2.0m
Havilah Rd nature strip	

96. The tree protection fence shall be constructed of galvanised pipe at 2.4 metres spacings and connected by securely attached chain mesh fencing to a minimum height of 1.8 metres prior to work commencing.
97. Prior to works commencing tree protection signage is to be attached to each tree Protection Zone and displayed in a prominent position and the sign repeated at 10m intervals or closer where the fence changes direction. Each sign shall advise in a clearly legible form, the following minimum information:

Tree Protection Zone

This fence has been installed to prevent damage to the trees and their growing environment both above and below ground, and access is restricted.

If encroachment or incursion into this Tree Protection Zone is deemed to be essential the consulting Arborist should be informed prior to the undertaking of such works.

Name, address, and telephone number of the developer/principal certifying authority.

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98. To preserve the following tree/s, no work shall commence until temporary measures to avoid soil compaction (eg rumble boards) beneath the canopy of the following tree/s is/are installed if vehicular or repeated pedestrian access is required:

Tree/Location	Radius in Metres
#6 <i>Eucalyptus sideroxylon</i> (Mugga Gum) Woodside Ave nature strip	7.0m
#7 <i>Eucalyptus sideroxylon</i> (Mugga Gum) Woodside Ave nature strip	6.0m
#12 <i>Cupressus sempervirens</i> (Italian Cypress) Adjacent to Woodside Ave site frontage	4.0m
#13 <i>Cupressus sempervirens</i> (Italian Cypress) Adjacent to Woodside Ave site frontage	3.0m
#16 <i>Lagerstroemia indica</i> (Crepe Myrtle) Adjacent to Woodside Ave site frontage	3.5m
#17 <i>Alnus jorullensis</i> (Evergreen Alder) Adjacent to northeast site boundary in neighbouring property	4.0m
#18 <i>Alnus jorullensis</i> (Evergreen Alder) Adjacent to north-east site boundary in neighbouring property	4.0m
#19 <i>Alnus jorullensis</i> (Evergreen Alder) Adjacent to north-east site boundary in neighbouring property	4.0m
#37 <i>Alnus jorullensis</i> (Evergreen Alder) Adjacent to north-east site boundary in neighbouring property	5.0m
#41 <i>Magnolia x soulangiana</i> (Magnolia) Adjacent to northern side of the building	3.0m
#42 <i>Camellia japonica</i> (Japanese Camellia) Adjacent to Woodside Ave site frontage	3.0m
#44 <i>Magnolia soulangeana</i> (Soul's Magnolia) Adjacent to Woodside Ave site frontage	3.0m
#55 <i>Franklinia axillaris</i> (Gordonia) Adjacent to southwest site boundary	3.5m
#56 <i>Rothmania globosa</i> (Tree Gardenia) Adjacent to southern site corner	3.0m
#57 <i>Jacaranda mimosifolia</i> (Jacaranda) Havilah Rd nature strip	5.0m
#58 <i>Jacaranda mimosifolia</i> (Jacaranda) Havilah Rd nature strip	6.0m
#60 <i>Jacaranda mimosifolia</i> (Jacaranda) Havilah Rd nature strip	4.0m

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#61 *Jacaranda mimosifolia* (Jacaranda) 5.0m
Havilah Rd nature strip

99. Upon completion of the installation of the required tree protection measures you are required to arrange for an inspection of the site by the Principal Certifying Authority to verify that tree protection measures comply with all relevant conditions. Following the carrying out of a satisfactory inspection and subject to the payment of all relevant monies and compliance with any other conditions of approval, work may commence.

CONDITIONS TO BE COMPLIED WITH PRIOR TO OCCUPATION

100. In order to protect the privacy of the eastern adjoining dwelling, No. 11 Woodside Avenue, a 1.8 metres high timber paling or lapped and capped fence shall be provided along the eastern boundary of the site.
101. Prior to issue of the Occupation Certificate, the Principal Certifying Authority (where not Council) must provide Ku-ring-gai Council with a signed declaration that the following works in the road reserve have been completed in full:
- New concrete driveway crossing in accordance with levels and specifications issued by Council.
 - Removal of **all** redundant driveway crossings and kerb laybacks (or sections thereof) and reinstatement of these areas to footpath, turfed verge and upright kerb and gutter. (Reinstatement works to match surrounding adjacent infrastructure with respect to integration of levels and materials).
 - Full repair and resealing of any road surface damaged during construction.
 - Full replacement of damaged sections of grass verge with a non-friable turf of native variety to match existing.

Construction of footpath for the Havilah Road frontage of the development.

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

102. Prior to issue of the Occupation Certificate the applicant must create a Positive Covenant and Restriction on the Use of Land under Section 88E of the Conveyancing Act 1919, burdening the owner with the requirement to maintain the on-site stormwater detention facilities on the lot. The terms of the instruments are to be generally in accordance with the Council's "draft terms of Section 88B instrument for protection of on-site detention facilities" (refer to appendices of Ku-ring-gai Council Water Management DCP 47) and to the satisfaction of Council. For existing Titles, the Positive Covenant and the Restriction on the use of Land is to be created through an application to the Land Titles Office in the form of a request using

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forms 13PC and 13RPA. The relative location of the On-Site Detention facility, in relation to the building footprint, must be shown on a scale sketch, attached as an annexure to the request forms. Registered title documents showing the covenants and restrictions must be submitted and approved by the Principal Certifying Authority prior to issue of an Occupation Certificate.

103. Prior to issue of the Occupation Certificate the applicant must create a Positive Covenant and Restriction on the Use of Land under Section 88E of the Conveyancing Act 1919, burdening the property with the requirement to maintain the site stormwater retention and re-use facilities on the property. The terms of the instruments are to be generally in accordance with the Council's "draft terms of Section 88B instruments for protection of retention and re-use facilities" (refer to appendices of Ku-ring-gai Council Water Management DCP 47) and to the satisfaction of Council. For existing Titles, the Positive Covenant and the Restriction on the use of Land is to be created through an application to the Land Titles Office in the form of a request using forms 13PC and 13RPA. The relative location of the reuse and retention facility, in relation to the building footprint, must be shown on a scale sketch, attached as an annexure to the request forms. Registered title documents showing the covenants and restrictions must be submitted and approved by the Principal Certifying Authority prior to issue of an Occupation Certificate.
104. Prior to issue of the Occupation Certificate the applicant must create a Positive Covenant under Section 88E of the Conveyancing Act 1919, burdening the property with the requirement to maintain the flood-proofing structures constructed under another condition of this consent. The terms of the instruments are to require that the structures be maintained in a sound and watertight condition. The Positive Covenant is to be created through an application to the Land Titles Office in the form of a request using form 13PC. The relative location of the structures, in relation to the building footprint, must be shown on a scale sketch, attached as an annexure to the request forms. Registered title documents showing the covenant must be submitted and approved by the Principal Certifying Authority prior to issue of an Occupation Certificate.
105. Prior to issue of the Occupation Certificate the following must be provided to Council (attention Development Engineer):
 - A copy of the approved Construction Certificate stormwater detention/retention design for the site, and
 - A copy of any works-as-executed drawings required under this consent
 - The Engineer's certification of the as-built system.
 - This condition is required so Council may maintain its database of as-constructed on-site stormwater detention systems, and applies particularly where the appointed Principal Certifying Authority (PCA) is not Ku-ring-gai Council.
106. Prior to issue of an Occupation Certificate the Section 73 Sydney Water compliance certificate must be obtained and submitted to the Principal Certifying Authority.
107. Prior to issue of an Occupation Certificate the applicant must submit certification from a suitably qualified and experienced traffic/civil engineer to the Principal Certifying Authority. This certification must be based on a site inspection of the constructed vehicle access and

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accommodation areas, with dimensions measurements as necessary, and must make specific reference to the following:

That the as-constructed car park complies with the approved Construction Certificate plans,

That the completed vehicle access and accommodation arrangements comply in full with Australian Standard 2890.1 – 2004 “Off-Street car parking” in terms of minimum parking space dimensions provided,

That finished driveway gradients and transitions will not result in the scraping of the underside of cars.

That no doors, gates, grilles or other structures have been provided in the access driveways to the basement car park, which would prevent unrestricted access for internal garbage collection from the basement garbage storage and collection area.

That the vehicular headroom requirements of:

Australian Standard 2890.1 - “Off-street car parking”,
2.44m height clearance for waste collection trucks (refer DCP 40) are met from the public street into and within the applicable areas of the basement car park.

108. Prior to issue of the Occupation Certificate a qualified and experienced consulting civil/hydraulic engineer must undertake a site inspection of the completed stormwater drainage and management system. The engineer is to provide written certification based on the site inspection to the Principal Certifying Authority, prior to issue of the Occupation Certificate, which makes specific reference to all of the following:

That the stormwater drainage works have been satisfactorily completed in accordance with the approved Construction Certificate drainage plans.

That the minimum retention and on-site detention storage volume requirements of BASIX and Ku-ring-gai Council Water Management DCP 47 respectively, have been achieved in full.

That retained water is connected and available for the uses specified on the BASIX Certificate.

That basement and subsoil areas are able to drain via a pump/sump system installed in accordance with AS3500.3 and appendix 7.1.1 of Ku-ring-gai Council Water Management DCP 47.

That all grates potentially accessible by children are secured.

That components of the new drainage system have been installed by a licensed plumbing contractor in accordance with the Plumbing and Drainage code AS3500.3 2003 and the BCA, and

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

The following certification sheets **must be accurately completed and attached** to the certification:

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Rainwater retention certification sheet contained at appendix 13 of Water Management DCP 47

On-site detention certification sheet contained at appendix 4 of Water Management DCP 47.

109. Prior to issue of the Occupation Certificate a registered surveyor must provide a Works-as-Executed (WAE) survey of the completed stormwater drainage and management systems. The WAE plan(s) must be submitted to the Principal Certifying Authority for approval prior to issue of the Occupation Certificate. The WAE survey must indicate:
- As built (reduced) surface and invert levels for all drainage pits.
 - Gradients of drainage lines, materials and dimensions.
 - As built (reduced) level(s) at the approved point of discharge to the public drainage system.
 - As built location and internal dimensions of all detention and retention structures on the property (in plan view) and horizontal distances to nearest adjacent boundaries and structures on site.
 - The achieved storage volumes of the installed retention and detention storages and derivative calculations.
 - As built locations of all access pits and grates in the detention and retention system(s), including dimensions.
 - The size of the orifice or control fitted to any on-site detention system.
 - Dimensions of the discharge control pit and access grates.
 - The maximum depth of storage possible over the outlet control.
 - Top water levels of storage areas and indicative RL's through the overland flow path in the event of blockage of the on-site detention system.
 - The WAE plan(s) must show the as-built details above in comparison to those shown on the drainage plans approved with the Construction Certificate prior to commencement of works. All relevant levels and details indicated must be marked **in red** on a copy of the Principal Certifying Authority stamped construction certificate stormwater plans.
110. Prior to issue of the Occupation Certificate, a suitably qualified and experienced civil/hydraulic engineer is to certify that the as-constructed development, including the landscaping, complies with the approved Construction Certificate plans in relation to the overland flowpath and freeboard to habitable rooms and driveway entrance as identified in Demlakian Consulting Engineers Flood Study Report 205126, 23rd August 2006.
111. Prior to issue of the Occupation Certificate, a suitably qualified and experienced structural engineer is to certify that all structures required for flood proofing as identified in Demlakian Consulting Engineers Flood Study Report 205126, 23rd August 2006, and the approved Construction Certificate plans, have been constructed to withstand the forces associated with overland flow.
112. Prior to issue of the Occupation Certificate a maintenance regime shall be prepared for the basement stormwater pump-out system, and the water quality measures, and submitted to Principal Certifying Authority. The regime shall specify that the system is to be regularly inspected and checked by qualified practitioners.

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113. Prior to issue of the Occupation Certificate a suitably qualified and consulting geotechnical engineer is to provide certification to the Principal Certifying Authority that excavation and construction of the basement level, including temporary and permanent shoring and retention measures, have been carried out:

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

114. Prior to issue of the Occupation Certificate, a complete record of geotechnical inspections, testing and monitoring with certifications as specified in the Report on Geotechnical Investigation by Jeffery and Katauskas 19646Vrpt, the report submitted prior to commencement of works, and the professional geotechnical input over the course of the works, must be compiled in report format and submitted to the Principal Certifying Authority for approval.

115. Prior to occupation, issue of an Occupation Certificate or issue of the Final Compliance Certificate, an easement for waste collection must be provided. This is to permit legal access for Council, and Council's contractors, and their vehicles over the subject property for the purpose of collecting waste from the property. The terms of the easement are to indemnify Council and Council's contractors against damages to private land or property whilst in the course of carrying out waste collection services. The terms of the easement are to be generally in accordance with Council's draft terms for an easement for waste collection.

116. Prior to occupation, issue of an Occupation Certificate or issue of the Final Compliance Certificate (and at the completion of the works) the Applicant shall submit to the Principal Certifying Authority (PCA) a follow up dilapidation report on the visible and structural condition of the existing structures originally assessed at:

- a. Residences at 3 and 11 Woodside Avenue and 2a Havilah Road;
Full road pavement width, including kerb and gutter, of Havilah Road and Woodside Avenue over the site frontage.
All driveway crossings and laybacks opposite the subject site.

The Report must be completed by a practicing consulting structural engineer and be submitted for Council records prior to occupation, issue of an Occupation Certificate or issue of the Final Compliance Certificate.

117. Prior to occupation, issue of an Occupation Certificate or issue of the Final Compliance Certificate (and at the completion of works), a closed circuit television (CCTV) inspection and report on the Council drainage pipeline traversing the subject property is to be undertaken by appropriate contractors and provided to Council, attention Development Engineer. The report is to include a copy of the footage of the inside of the pipeline. Any damage that has occurred to the section of the pipeline since the commencement of construction on the site

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must be repaired in full to the satisfaction of Council's Development Engineer at no cost to Council.

118. The landscape works, shall be installed in accordance with the approved plan/s and/or conditions of consent, be completed prior to release of Occupation Certificate and be maintained in a healthy and vigorous condition at all times.
119. The Principal Certifying Authority shall ensure that the landscape works, have been installed correctly, consistent with the approved landscape plan(s), specification and the conditions of consent prior to release of the Occupation Certificate.

N Richter
Executive Assessment Officer

M Leotta
**Team Leader
Development Assessment - South**

M Prendergast
**Manager
Development Assessment Services**

M Miocic
**Director
Development & Regulation**

Attachments:

- Location Plan - 728339**
- Survey Plan - 728638**
- Zoning Extract - 728078**
- Architectural Plans – 728079, 728080, 728081, 728082**
- Shadow Diagrams - 728083**
- Landscape Plan - 728084**
- SEPP 1 Objection - 728085**

NOTIFICATION SKETCH

5 Woodside Avenue, LINDFIELD



CLAU
PLANN



SCALE: 1:2500

DATE: 21/09/2006

 SUBJECT LAND
SUBJECT LAND

 NOTIFICATION AREA



x Submissions received.

Zoning Extract

5-9 Woodside Ave Lindfield

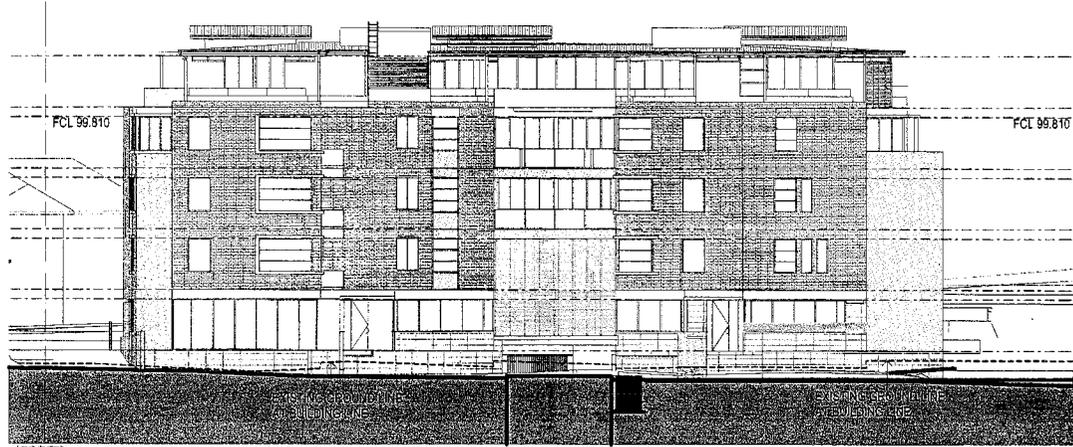


ZONES		RESERVATIONS		GENERAL	
<p>2. RESIDENTIAL</p> <p>(a) RESIDENTIAL A </p> <p>(b) RESIDENTIAL B </p> <p>(c) RESIDENTIAL C </p> <p>(c1) RESIDENTIAL C1 </p> <p>(c2) RESIDENTIAL C2 </p> <p>(d) RESIDENTIAL D </p> <p>(d3) RESIDENTIAL D3 </p> <p>(e) RESIDENTIAL E </p> <p>(f) RESIDENTIAL F </p> <p>(g) RESIDENTIAL G </p>	<p>3. BUSINESS</p> <p>(a) RETAIL SERVICES </p> <p>FLOOR SPACE RATIOS</p> <p>A1 2.0:1 </p> <p>A2 1.0:1 </p> <p>A3 0.75:1 </p> <p>(b) COMMERCIAL SERVICES </p> <p>FLOOR SPACE RATIOS</p> <p>B1 1.0:1 </p> <p>B2 1.0:1 </p>	<p>5. SPECIAL USES</p> <p>(a) SPECIAL USES A (Schools etc) </p> <p>(a1) SPECIAL USES A1 </p> <p>(b) SPECIAL USES (Railway) </p> <p>6. OPEN SPACE</p> <p>(a) RECREATION EXISTING </p> <p>(b) RECREATION PRIVATE </p> <p>(c) RECREATION PROPOSED </p>	<p>OPEN SPACE</p> <p>(a) OPEN SPACE (Public Parks & Recreation) </p> <p>(b) COUNTY OPEN SPACE </p> <p>SPECIAL USES</p> <p>SPECIAL USES (Parking etc) </p> <p>ROADS</p> <p>(a) COUNTY ROAD PROPOSED </p> <p>(b) COUNTY ROAD WIDENING </p> <p>(c) LOCAL ROAD PROPOSED </p> <p>(d) LOCAL ROAD WIDENING </p>	<p>EXISTING COUNTY ROAD </p> <p>OTHER PLANNING INSTRUMENTS </p> <div style="text-align: center;"> </div> <p style="text-align: right;">Scale: 1:2000</p> <p style="text-align: right;">Date: 09-01-2007</p>	

Client name & address
 PROJECT NAME
 PROJECT ADDRESS
 PROJECT LOCATION

Client & contact
 CLIENT NAME
 CLIENT ADDRESS
 CLIENT CONTACT
 CLIENT PHONE
 CLIENT EMAIL
 CLIENT WEBSITE

Project
 PROJECT NAME
 PROJECT ADDRESS
 PROJECT LOCATION

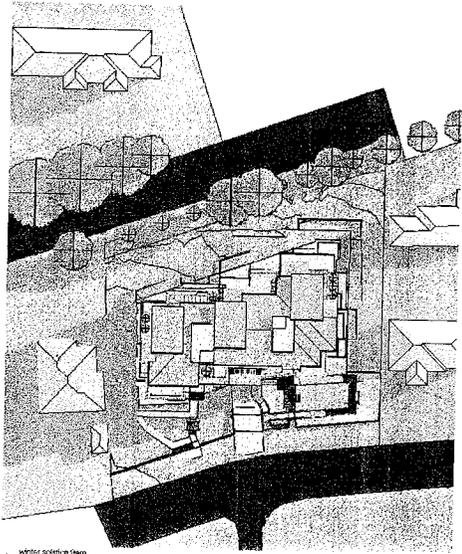


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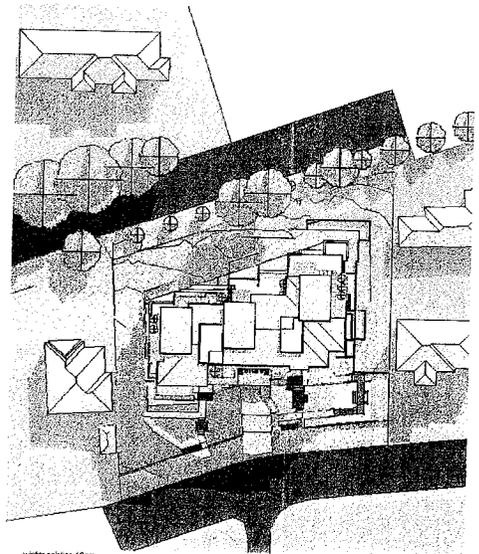
preliminary not for construction

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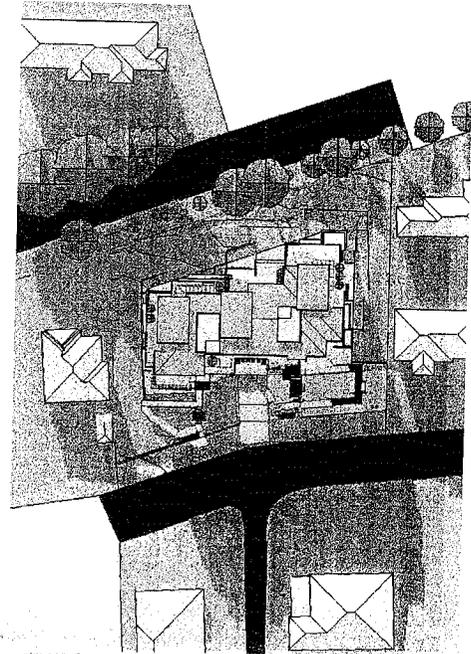
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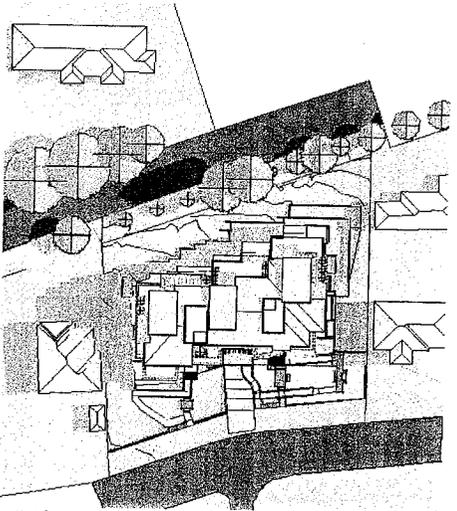
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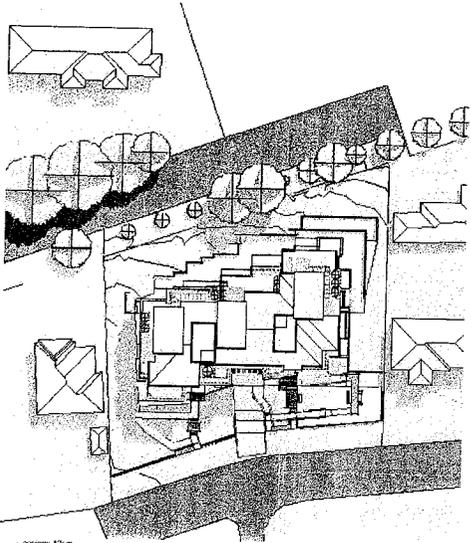
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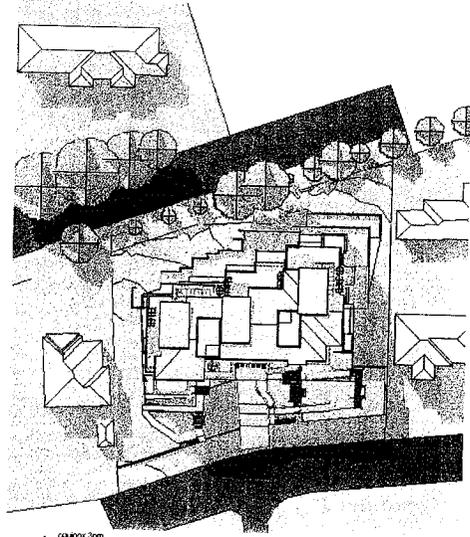
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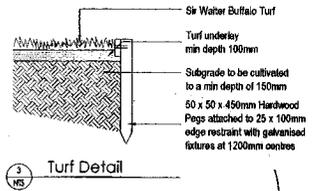
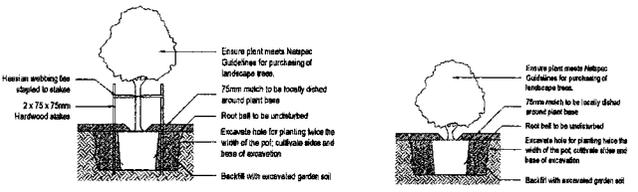
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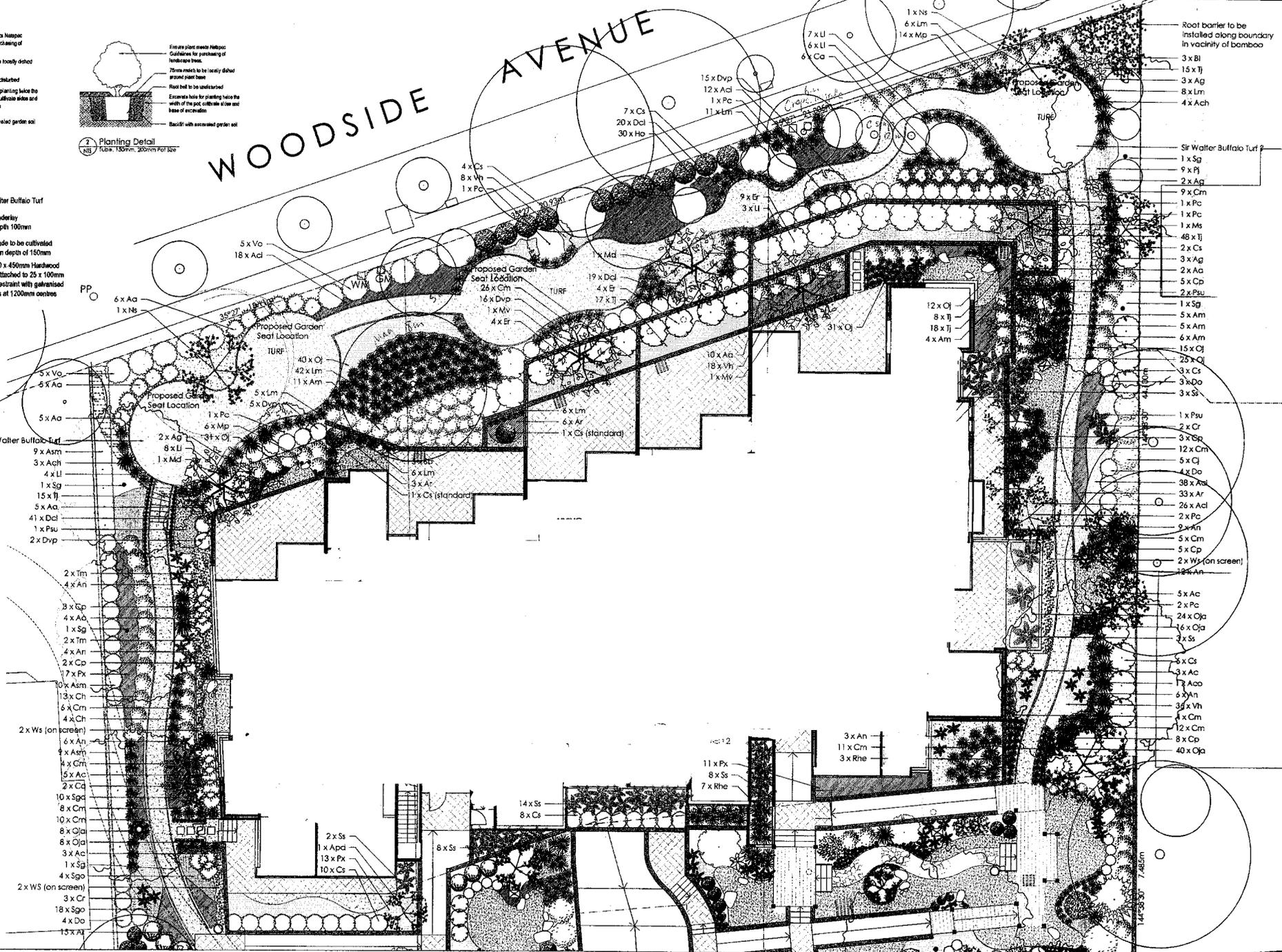
2 summer 12pm



3 summer 3pm



- LEGEND**
- Proposed trees - refer to plant schedule
 - Proposed accents - refer to plant schedule
 - Proposed shrubs - refer to plant schedule
 - Proposed groundcovers and grasses - refer to plant schedule
 - Existing levels
 - Proposed levels
 - Boundary
 - Fence
 - Garden edging
 - Timber retaining walls
 - Masonry retaining walls
 - Existing contours



| REVISION | DESCRIPTION | DRAWN | CHECK | DATE |
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PO Box 3136, Carrington, NSW 2118
Ph: (02) 9871 7701 Fax: (02) 9870 2588
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Web: www.ecodesign.com.au

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8. For application purposes only - NOT FOR CONSTRUCTION

ADDRESS
5 - 9 WOODSIDE AVENUE, LINDFIELD

CLIENT
WOODSIDE AVENUE PTY LTD

PROJECT
NEW RESIDENTIAL DEVELOPMENT

DRAWING
PLANTING PLAN

SCALE
1:100 @ A1

SHEET
DA

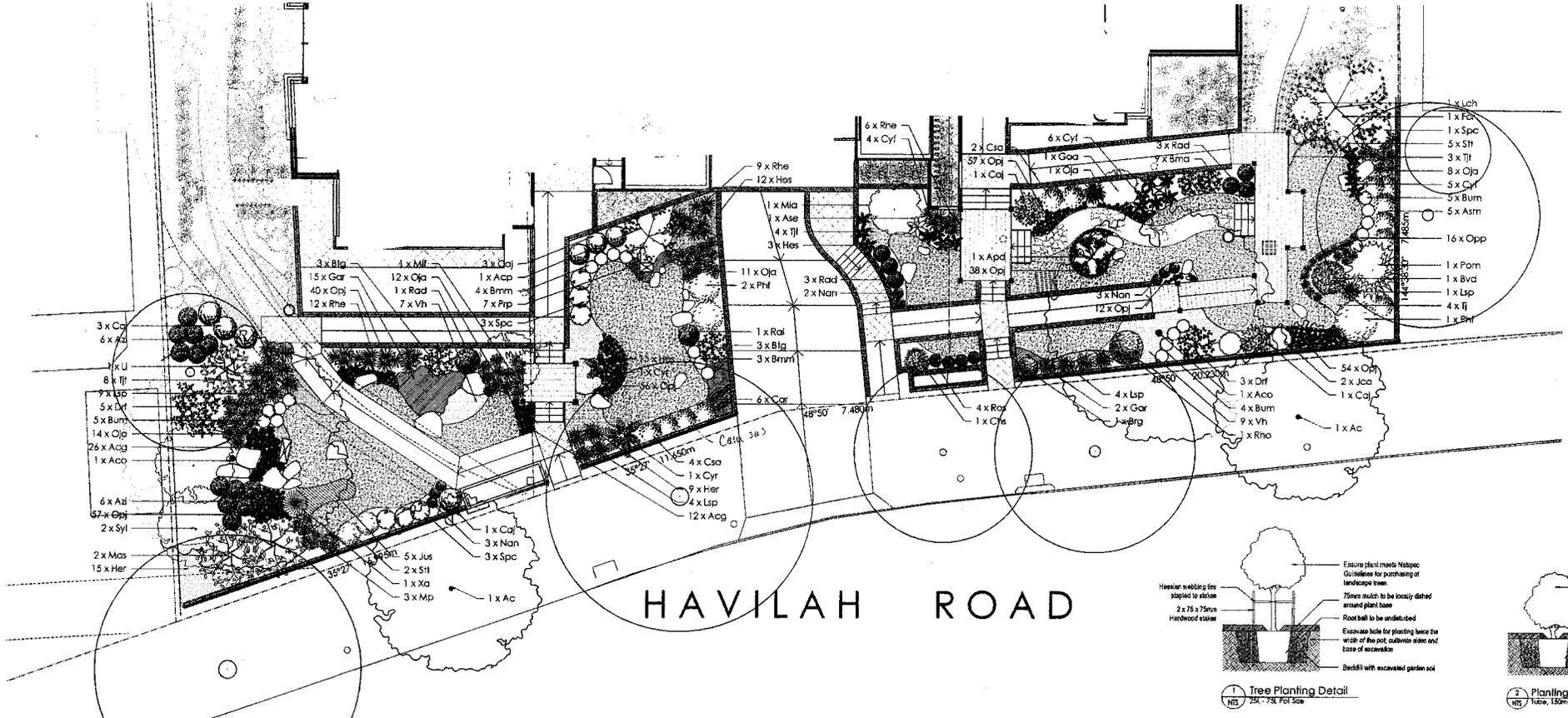
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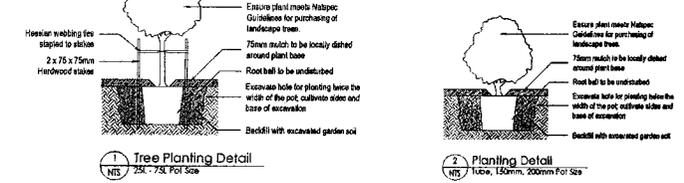
DATE
16-08-06

REVISION
K

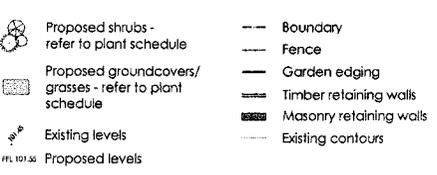
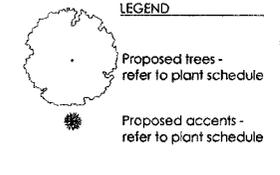


HAVILAH ROAD

- 1 x Lch
- 1 x For
- 1 x Spc
- 5 x SH
- 3 x Tj
- 8 x Oja
- 5 x Cyl
- 5 x Bum
- 5 x Asm
- 16 x Opp
- 1 x Pom
- 1 x Bvd
- 1 x Lsp
- 4 x H
- 1 x Bm



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ENTRY GARDEN PLANT SCHEDULE

| Symbol | BOTANICAL NAME | COMMON NAME | QUANTITY | POT SIZE | MATURE SIZE |
|--------|-----------------------------------|--------------------------|----------|----------|-------------|
| ACP | Acer palmatum | Japanese Maple | 1 | 100L | 3m |
| Apd | Acer palmatum 'Dissectum' | Weeping Japanese Maple | 1 | 100L | 3m |
| *ASM | Acemena smithii 'Mona' | Smith Leaf Lilybilly | 5 | 200mm | 4m |
| Acg | Acrostus gramineus | Sweet Flag | 36 | 200mm | GC |
| ASE | Aspidistra elaeor | Cast Iron Plant | 1 | 200mm | 0.5m |
| Azi | Azalea indica | Azalea | 12 | 200mm | 1.5m |
| *Bvd | Baeckea virgata 'Dwarf' | Dwarf Heath Myrtle | 1 | 200mm | 0.5m |
| Bma | Bambusa multiplex 'Alphonse Karr' | Alphonse Karr | 9 | 60L | 8.0m |
| Btg | Bambusa textilis 'Gracilis' | Slender Weavers Bamboo | 6 | 60L | 3.0m |
| Bru | Brunfelsia australis | Yesterday-Today-Tomorrow | 1 | 200mm | 2m |
| Bum | Buxus microphylla var. japonica | Japanese Box | 14 | 200mm | 1m |
| BmM | Buxus microphylla 'microphylla' | Japanese Box | 7 | 200mm | 0.5m |
| Caj | Camellia japonica | Japonica Camellia | 7 | 45L | 3m |
| Csa | Camellia sasanqua | Sasanqua Camellia | 6 | 45L | 2m |
| Car | Carex | Frosted Quince | 6 | 150mm | GC |
| Chs | Chaenactis speciosa | Flowing Quince | 1 | 300mm | 2.0m |
| Cyr | Cycas revoluta | Sago Palm | 2 | 45L | 2m |
| Cyf | Cyrtanthus fatatsum | Japanese Holly Fern | 16 | 200mm | 0.6m |
| Drf | Drepanostachyum falcatum | Himalayan Weeping Bamboo | 8 | 300mm | 4m |
| For | Fraxinus oxyacera 'Raynoodii' | Claret Ash | 1 | 100L | 10m |
| Gar | Gardenia augusta 'Radicans' | Rock Gardenia | 17 | 200mm | 0.5m |
| Goa | Gordonia axillaris | Gordonia | 1 | 60L | 4m |
| Her | Heisteria elegans | Spanish Shawl | 24 | 150mm | GC |
| Hes | Hebe x exoniensis | Baby's Tears | 30 | 150mm | GC |
| Jca | Juniperus chinensis 'Kalkuta' | Kalkuta Juniper | 2 | 60L | 5.0m |
| Jus | Juniperus prostrata squamata | Juniper | 5 | 200mm | 0.5m |
| Lj | Lagostroemia indica | Crape Myrtle | 1 | 100L | 6m |

| | | | | | |
|------|---------------------------------------|----------------------------|-----|----------|-------|
| Lsp | Lilippe spicata | Lilippe | 18 | 200mm | GC |
| Lch | Loropetalum chinense | Chinese Fringe Flower | 1 | 300mm | 4.0m |
| Mas | Magnolia x soulangeana | Saucer Magnolia | 2 | 60L | 5m |
| Mia | Michelia alba | Michelia | 1 | 45L | 2.0m |
| Mif | Michelia figo | Port Wine Magnolia | 1 | 45L | 2.0m |
| Mp | Murraya paniculata | Orange Jessamine | 3 | 45L | 3m |
| Nan | Nandina domestica 'Nana' | Dwarf Sacred Bamboo | 8 | 200mm | 0.5m |
| Oja | Ophiopogon japonicus | White Mondo Grass | 46 | 150mm | 0.3m |
| Opp | Ophiopogon planiscapus 'Nigrescens' | Mondo Grass | 314 | 200mm | 0.3m |
| Ojp | Ophiopogon planiscapus 'Nigrescens' | Black Mondo Grass | 16 | 100mm | 0.3m |
| Phf | Photinia x fraseri 'Red Robin' | Photinia | 2 | 45L | 3m |
| Pom | Posocarpus macrophyllus | Buddhist Pine | 1 | 100L | 15.0m |
| Prp | Pratia pedunculata | Pratia | 7 | 150mm | GC |
| Rad | Raphiolepis x delcourii | Hawthorn | 9 | 45L | 2.0m |
| Rai | Raphiolepis indica | Indian Hawthorn | 1 | 45L | 2.0m |
| Ras | Raphiolepis 'Springtime' | Springtime Indian Hawthorn | 4 | 300mm | 2.0m |
| Rhs | Rhododendron spp. | Lady Palm | 27 | 25L | 3m |
| Rho | Rhododendron spp. | Rhododendron | 1 | 75L | 3.0m |
| Spc | Sakasa castoriensis | May Bush | 7 | 300mm | 3.0m |
| *Syl | Syzygium leucomela | Small-leaved Lillybilly | 2 | 45L | 7m |
| *STR | Syzygium 'Tiny Tree' | Dwarf Lillybilly | 7 | 200mm | 1.2m |
| TJ | Trachelospermum jasminoides | Star Jasmine | 4 | 200mm | 0.3m |
| Tjt | Trachelospermum jasminoides 'Hicolor' | Star Jasmine | 15 | 200mm | 0.3m |
| Vh | Violet hederaceae | Native Violet | 16 | 150mm | 0.1m |
| *Xa | Xanthorrhoea sp. | Grass Tree | 1 | 1m Trunk | 1m |

* Indicates native species

| REVISION | DESCRIPTION | DRAWN | CHECK | DATE |
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ecodesign
 PO Box 3134, Carrington, NSW 2116
 Ph: (02) 9671 7701 Fax: (02) 9673 2568
 Email: info@ecodesign.com.au
 Web: www.ecodesign.com.au

imperial gardeners
 18 Myoora Rd Terry Hills, NSW 2084
 PO Box 200, Terry Hills, NSW 2084
 Ph: (02) 9450 2465 Fax: (02) 9450 2714
 Email: enquiries@imperialgardeners.com.au
 Web: www.imperialgardeners.com.au

ADDRESS
5 - 9 WOODSIDE AVENUE, LINDFIELD

CLIENT
WOODSIDE AVENUE PTY LTD

PROJECT
NEW RESIDENTIAL DEVELOPMENT

DRAWING
ENTRY GARDEN PLANTING PLAN

SCALE
1:100 @ A1

DATE
16-08-06

REVISION
K

**STATE ENVIRONMENTAL PLANNING POLICY NO 1
OBJECTION**

TO THE HEIGHT STANDARDS SET IN CLAUSE 25I(8)

AND CLAUSE 25I(9) OF KPSO (LEP 194)

Property: 5-9 Woodside Avenue, Lindfield

Proposal: 4 + 1 storey apartment blocks, 27 dwellings

Zoning: 2(d3) Residential

1. Development Standard to which Objection is taken:

Clause 25I(8) Maximum number of storeys and ceiling height and
Clause 25I(9) that deals with the height of the basement above ground level

The Objectives of these Clauses are not stated, but can be assumed to be:

*The objectives of **Clause 25I(8)** are assumed to be:*

- (a) to minimise the impact of new buildings on the locality and maintain reasonable heights,*
- (b) to keep the visual impact of buildings when viewed from the surrounding area to reasonable levels;*
- (c) to keep the effects of bulk and scale of buildings arising from new development in existing residential areas to a reasonable level.*

*The objectives of **Clause 25I(9)** are assumed to be:*

- (a) to minimise the streetscape impact of typical concrete basement on the streetscape;*
- (b) to assist in minimising the overall height of the building.*

The relevant provisions of Clause 25I(8) are:

“Subject to subclause (5) and clause 25K, buildings on land to which this Part applies are not to have:

- a) more storeys than the maximum number of storeys specified in Column 2 of the Table to this subclause, or*
- b) given the number of storeys in the building, a permitter ceiling height greater than that specified in Column 3 of that Table*

Table
Maximum number of storeys and ceiling height

| <i>Column 1</i> | <i>Column 2</i> | <i>Column 3</i> | |
|------------------------|--|--|---|
| <i>Zone</i> | <i>Maximum number of storeys</i> | <i>Calculation of maximum permitter ceiling height</i> | |
| | <i>Number of storeys in a building (not including top storey with floor area reduced because of subclause (7) or attics, where applicable)</i> | <i>Number of storeys in building (not including top storey with floor area reduced because of subclause (7) or attics, where applicable)</i> | <i>Maximum perimeter ceiling height of building (not including top storey with floor area reduced because of subclause (7) or attics, where applicable)</i> |
| <i>2(c1) and 2(c2)</i> | <i>2</i> | <i>1</i> | <i>4.5m</i> |
| | | <i>2</i> | <i>7.2m</i> |
| <i>2(d3)</i> | <i>4</i> | <i>1</i> | <i>4.5m</i> |
| | | <i>2</i> | <i>7.2m</i> |
| | | <i>3</i> | <i>10.3m</i> |
| | | <i>4</i> | <i>13.4m</i> |

Clause 25I(9) says:

“Any storey which is used exclusively for car parking, storage or plant, or a combination of them, in accordance with the requirements of this Ordinance and no part of which (including any wall or ceiling which encloses or defines the storey) is more than 1.2metres above ground level, is not to be counted as a storey for the purpose of the Table to subclause (8)”

2. The Proposal

The proposed development is located on a site that has a small hollow on the Havilah Road side of the property. The site is also affected by potential flooding, and any proposed development therefore needs to design the levels and access points accordingly to ensure that they are flood protected. As a result a small part of the building has a height that exceeds the limit set in the above clauses. The plan showing the location where the height limits are exceeded is attached to this objection. The amount over the limit is 0.22 metres maximum with an even lesser amount in the smaller area to the east.

3. The Aim of the Objection:

Is to address the small amount of extra height over a limited area of the building and justify the retention of the design on its presently proposed levels.

4. Addressing the Issues

4.1. The Purpose of the Development Standard

The purpose of the development standard contained in Clause maximum building height to achieve the assumed objectives of the standard are as noted above.

4.2 Is Compliance with the Development Standard Unreasonable or Unnecessary in the Circumstances of the Case?

Compliance with the height limits imposed by both Clauses is considered unnecessary and unreasonable in this case for the following reasons:

- The amount of extra height is small, a maximum of about 0.22 of a metre over two small parts of the building;
- This small amount will not be noticeable on a 13.4 metre high building and will have no impact in any regard.
- There will be no change in the visual impact of the dwelling when viewed from the surrounding area.
- The increase in height has been brought about by designing the proposal to ensure that all the units and access points are flood protected.

4.3 Draft SEPP 1 Development Standard

Draft SEPP1: The draft Policy was released for public comment in May 2004. The draft policy has been "in abeyance" for over a year so that the format of the policy is not certain and gazettal is not imminent. In any event, the current draft Policy contains Savings and Transitional Provisions. Clause 14 states that "*a development application*

(a) made under clause 6 of the former Policy before the date of commencement of this Policy and that was not finally determined before that date or

(b) made within 28 days after the commencement of this Policy and that could have been made under clause 6 of the former Policy if that Policy had not been repealed by this Policy, is to be determined in accordance with the former Policy as if the former Policy had not been repealed by this Policy.

Notwithstanding this savings clause, a recent decision in the Land and Environment Court has found that Council's failure to consider the draft SEPP (pursuant to s.79C EP&A Act) rendered a consent invalid in the case of *Centro Properties Limited v Hurstville City Council* (2006) NSW LEC 78 by Justice Talbot. As such Council **must** consider the terms of the draft SEPP until it is either adopted or formally withdrawn.

The following two subsections, within Clause 7: Application for departure of the Draft SEPP, are deemed relevant to this application.

- 2a) *that the proposed departure from the development standard will result in a better environmental planning outcome than that which could have been achieved on the site had the standard been complied with, and*
- 2b) *that the proposed development will be in the public interest by being consistent with any aims and objectives expressed in, or implied from;*
 - (i) *the zone in which the development is proposed to be carried out,*
 - (ii) *the development standard, or*
in any relevant environmental planning instrument.
- 3a) *For the purpose of subclause (2) (a), a better environmental planning outcome will not be demonstrated unless the element of the proposed development that is inconsistent with the relevant development standard:*
 - (a) *is necessary because of unusual site characteristics*

In respect of the subject application, and the provisions of draft SEPP1 the following submissions are made:

1. The subject site is zoned 2(d3) which permits residential flat buildings. The proposed development is therefore consistent with the objectives of the zone by providing an increased housing choice whilst maintaining the natural environment, achieving quality urban design and encouraging the use of public transport. The redevelopment of this site is therefore in the public interest by being consistent with the objectives of the zone.
2. Furthermore, the site has unusual site constraints in that there is a small hollow on the Havelah Road side of the property. The site is also affected by potential flooding, and any proposed development therefore needs to design the levels and access points accordingly to ensure that they are flood protected. As a result of these constraints, a small part of the building has a height that exceeds the limit set. However, rather than complying with this development standard, the proposals minor inconsistency is considered a better environmental planning outcome. This is due to the buildings levels and storey heights appearing consistent, and therefore presenting a higher quality urban design outcome to the surrounding environment.

5. Conclusion

On the basis of the points made above it is argued that the proposal is consistent with the objectives of the Clause. The proposal is also consistent with the requirements and objectives of both the SEPP1 and the Draft SEPP1, notably in that the proposal results in a better environmental planning outcome. Therefore compliance with the height standard is considered to be unreasonable and unnecessary in the circumstances of this case.

Item 4

DEVELOPMENT APPLICATION

SUMMARY SHEET

| | |
|---|---|
| REPORT TITLE: | 4 DUDLEY AVENUE, ROSEVILLE -
MODIFICATION OF DEVELOPMENT CONSENT
NO 325/04 FOR PART DEMOLITION OF THE
EXISTING DWELLING HOUSE AND
CONSTRUCTION OF A NEW DOUBLE STOREY
DWELLING, CARPORT AND POOL |
| WARD: | Roseville |
| DEVELOPMENT APPLICATION N^o: | 325/04B |
| SUBJECT LAND: | 4 Dudley Avenue, Roseville |
| APPLICANT: | Ivo and Fiona Porfiri |
| OWNER: | Ivo and Fiona Porfiri |
| DESIGNER: | Rob Crump Design Pty Ltd |
| PRESENT USE: | Residential |
| ZONING: | Residential 2(a) |
| HERITAGE: | National Trust UCA |
| PERMISSIBLE UNDER: | Ku-ring-gai Planning Scheme Ordinance |
| COUNCIL'S POLICIES APPLICABLE: | KPSO, DCP 38 - Residential Design Manual, DCP 40 -
Waste Management, DCP 43 - Car Parking, DCP 47 -
Water Management |
| COMPLIANCE WITH
CODES/POLICIES: | Yes |
| GOVERNMENT POLICIES
APPLICABLE: | N/A |
| COMPLIANCE WITH GOVERNMENT
POLICIES: | N/A |
| DATE LODGED: | 30 November 2006 |
| 40 DAY PERIOD EXPIRED: | 9 January 2007 |
| PROPOSAL: | Modification of development consent No 325/04 for part
demolition of the existing dwelling house and
construction of a new double storey dwelling, carport
and pool |
| RECOMMENDATION: | Refusal |

Item 4

DEVELOPMENT APPLICATION N^o 325/04B
PREMISES: 4 DUDLEY AVENUE, ROSEVILLE
PROPOSAL: MODIFICATION OF DEVELOPMENT
CONSENT NO 325/04 FOR PART
DEMOLITION OF THE EXISTING
DWELLING HOUSE AND CONSTRUCTION
OF A NEW DOUBLE STOREY DWELLING,
CARPORT AND POOL
APPLICANT: IVO AND FIONA PORFIRI
OWNER: IVO AND FIONA PORFIRI
DESIGNER ROB CRUMP DESIGN PTY LTD

PURPOSE FOR REPORT

To determine a section 96(2) modification to development consent No 325/04 proposing to demolish and rebuild the front facade of the existing dwelling (to be retained under the existing consent) and install a panel lift door to the carport.

EXECUTIVE SUMMARY

Issues: Whether the modified application is substantially the same development as that to which development consent has been granted.

Submissions: One submission was received.

Land & Environment Court Appeal: Yes (deemed refusal appeal).

Recommendation: Refusal.

HISTORY

Development application history:

Development application 1528/03

On 20 May 2004, Council refused consent to development application 1528/03 for demolition of the existing house and construction of a two storey dwelling and pool at 4 Dudley Avenue, Roseville. The reasons for the refusal related to unsatisfactory landscaping, non-compliance with built-upon area requirements, excessive size, bulk and scale, out of character with the streetscape, non-compliance with front setback, side setback, landscape area, building height plane, height and storey requirements under DCP38, privacy impacts, non-compliance with off-street car parking requirements, and excessive excavation.

Item 4

Development application 325/04

On 2 April 2004, Council received development application DA325/04. The description of the proposal as set out in the applicant's Statement of Environmental Effects was as follows:

"The Development Application seeks Council consent to partially demolish the existing home and building an extension to this residence that would be carefully designed to be sympathetic to the original Federation style."

The applicant applied for development consent for alterations and additions to the existing dwelling.

On 20 August 2004, Council granted development consent to DA325/04. The consent included the following conditions:

Condition 4 (under the heading 'general conditions')

4. *Demolition work affecting the façade of the dwelling shall be monitored by a suitably experienced and qualified structural engineer before, during and after completion of the works.*

Condition 91 (under the heading 'conditions to be complied with prior to work commencing')

91. *A report prepared by a suitably experienced and qualified structural engineer shall be submitted to Council, which indicates:*
 - *That the proposed works can be carried out in such a manner so as to ensure the façade of the building can be maintained intact;*
 - *The methods proposed to ensure the façade of the building is maintained*
 - *The methods of construction recommended so that any damage to the fabric of the building is minimised; and*
 - *A statement of the structural adequacy of the existing building.*

The above conditions were imposed by Council staff in recognition of the importance of retaining the existing façade of the building as proposed by the applicant, which is seen as a valuable element within the overall streetscape and one which contributes to the character of this part of Dudley Avenue.

Council's assessment staff undertook extensive discussions with the applicant during the assessment process to ensure the façade's retention and documentation was submitted by the applicant's Engineers which assured the retention and repair of the façade. Documentation to this effect was submitted by HughesTrueman Consulting Engineers Planners and Managers, dated 16 February 2004 which stated:

"... we confirm our opinion that it is quite feasible to retain and repair the front façade. We would recommend reconstruction of the verandah to match existing and underpinning of the front façade wall. It would be preferable to underpin prior to

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removal of all return walls to maintain stability during underpinning. Temporary propping would be needed for a period when the return walls are removed.

We would recommend a vertical control joint, probably tucked in behind a downpipe, at the junction of the repaired front façade and the new return walls, although subject to suitable footing details it may be possible to consider avoiding the need for this joint.”

This confirmation was seen as an important aspect of the assessment and on this basis gained Council officer's support.

S96 Application 325/04A

On 15 October 2004, Council received a Section 96 application (DA325/04A) proposing the following modifications to the development consent:

- removal of a Bunya Pine located at the rear of the site and relocation of an existing Palm tree in its place
- construction of a basement rumpus room, laundry and bathroom to the rear of the dwelling (beneath the approved family room/guest room)

The application was assessed and found to be satisfactory subject to conditions. On 17 January 2005, Council approved the proposed modification.

Construction Certificate

A construction certificate was issued by a private certifier on 21 November 2006 with regard to the approved works under Development Consent No.325.04A. Substantial demolition of the existing dwelling has taken place.

During the process of demolition, the structural stability of the front façade has apparently failed, resulting in extensive cracking within the brickwork. A structural report regarding the current condition of the front façade has been prepared by 'abvd design' consulting structural and civil engineers, dated 28 November 2006 (refer **Attachment A**). The report states the current façade is unstable and will not withstand any further work immediately surrounding it.

This matter was discussed with Council's assessment staff and the applicant was advised to submit a new development application on the basis that the proposal now resulted in the entire demolition of the existing dwelling and the construction of an entirely new dwelling.

Current S96 Application 325/04B

On 30 November 2006, Council received Section 96 application (DA325/04B). The proposed modification seeks approval to demolish and rebuild the front façade of the existing dwelling (to be retained under the existing consent) and install a panel lift door to the carport.

Land and Environment Court appeal history.

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On 12 January 2007, Council received a Class 1 appeal to the Land and Environment Court against the deemed refusal of the current Section 96 application 325/04B (L&EC Appeal No.10024 of 2007). The matter is listed for callover on 8 February 2007.

THE SITE AND SURROUNDING AREA

The site

| | |
|----------------------------------|--|
| Visual Character Study Category: | 1945-68 |
| Easements/rights of way: | No |
| Heritage Item: | No |
| Heritage Conservation Area: | Yes, contributory item to the National Trust Urban Conservation Area - Roseville |
| Bush Fire Prone Land: | No |
| Endangered Species: | Yes - Blue Gum High Forest (no impact) |
| Urban Bushland: | No |
| Contaminated Land: | No |

Surrounding development:

The site is located on the western side of Dudley Avenue (low side of the street) between Gerald Avenue and Archibold Road. The site is rectangular, with a frontage of 20.115 metres to Dudley Avenue and a depth of 57.91 metres (total site area of 1164.86sqm). The site falls approximately 3.12 metres from the front south-west corner (RL96.32) to the rear north-east corner (RL93.20), at an average gradient of approximately 5.2%.

Surrounding development includes single and two storey dwelling houses.

A site inspection was carried out on 14 December 2006. The majority of the former dwelling house has been demolished in accordance with the development consent, leaving the existing front façade as shown in the photo below.

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THE PROPOSAL

The proposed modifications involve the following:

- Complete demolition of the existing front façade and erection of a new front façade to match the existing. It is proposed to rebuild the façade utilising the existing bricks.
- Install a double width panel lift door to the front of the carport.

CONSULTATION - COMMUNITY

In accordance with Council's Notification DCP, owners of surrounding properties were given notice of the application.

In response, one submission was received from:

Dorothy and Keith Geering of 6 Dudley Avenue

The submission raised the following issues:

Rendering of façade is out of keeping with original Federation houses in Dudley Avenue

The application proposes to demolish the existing brick front façade and rebuild a new front façade utilising the existing bricks. No rendering of the façade is proposed.

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Panel lift door would dominate the front of the dwelling and have an adverse impact on the amenity in this area of Federation houses.

The carport is located behind the building line (set back 11.3 metres from the front boundary) and is located to the low side of the site. A panel lift door in this instance would not result in an unreasonable impact to the streetscape.

In the event of a future application for a panel lift door, it is recommended that the design changes as suggested by Council's Heritage Advisor which include two doors separated by a central column/pier to provide a more traditional appearance and to break the visual impact of a single door, be incorporated. A recessive colour, such as dark green or red is also recommended.

CONSULTATION - WITHIN COUNCIL

Corporate Lawyer

Council's Corporate Lawyer, Jamie Taylor provided the following comments:

"Council does not have the power to modify a development consent pursuant to section 96(2) unless it is satisfied "that the development to which the consent relates is substantially the same development as the development for which consent was originally granted and before that consent as originally granted was modified". If Council were to purport to modify the consent in a manner that did not meet this requirement, the modification would be subject to challenge in the Land & Environment Court.

There is caselaw as to the meaning of "substantially the same" which has been referred to in a submission by Maddocks Lawyers provided on behalf of the applicant [Attachment D]. I note that Maddocks have sought to distinguish the circumstances of the decisions by the Land and Environment Court from the present application, essentially by saying that the original consent is not properly described as "additions and alterations", but more appropriately as "demolition of existing dwelling, except for front facade (to the extent possible) and construction of a new two storey dwelling". Whether this is or is not the case is a question of fact to be determined by Council, or the Land & Environment Court on appeal, however there are significant similarities in the present application and the decision of Lloyd J in Thomas v Pittwater Council [2003] NSWLEC 19.[Attachment E]"

Heritage

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

"Demolition of the existing façade and rebuilding with the same bricks would retain the appearance of the façade and there would be negligible impact on the nearby heritage items, streetscape of UCA.

Should the application be approved, I advise that an accurate record of the façade should be undertaken before any demolition work commences so that the façade can be reconstructed to match the existing exactly. I also advise that details of the proposed

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footing should also be obtained as there is no indication from the information submitted whether the footings will be retained or replaced with new concrete footings.”

With regard to the panel lift door, the following comments have been provided:

“There is little impact on the neighbouring items - more of a streetscape impact. The original garage was at the back of the house with a drive down the eastern side. The new door has no heritage value, but ideally two doors separated by a column/pier would be preferred as they are more traditional in character and breaks up the strong visual impact of one large door. Wide garage doors were not available until the 1960s or 1970s and suit that architectural style. The colour (beige) tends to make it visually more dominate. I suggest recessive colours such as dark green or red.

I think the real issue that a carport tends to break down the "wall" of building to the street.

There is not enough information on the drawing. The approved carport shows brick pier with two timber columns above supporting the roof. There may be some difficulties fitting a door. Perhaps the applicant would accept 2 doors and a column in the centre.”

Engineering

Council’s Development Engineer (Masahiro Kimura) raised no objection to the proposal, subject to conditions.

STATUTORY PROVISIONS

Section 96 of the Environmental Planning and Assessment Act

The application has been submitted under the provisions of Section 96(2) under the Environmental Planning and Assessment Act 1979, which state:

“(2) A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent if:

- (a) it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which consent was originally granted and before that consent as originally granted was modified (if at all) and*
- (b) it has consulted with the relevant Minister, public authority or approval body (within the meaning of Division 5) in respect of a condition imposed as a requirement of a concurrence to the consent or in accordance with the general terms of an approval proposed to be granted by the approval body and that Minister, authority or body has not, within 21 days after being consulted, objected to the modification of that consent, and*

(c) it has notified the application in accordance with:

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- (i) the regulations, if the regulations so require*
- (ii) a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and*

- (d) it has considered any submissions made concerning the proposed modification within the period prescribed by the regulations or provided by the development control plan, as the case may be."*

The applicant applied for alterations and additions to the existing dwelling under the original development application. The description on the consent issued referred to "part demolition & new dwelling". The plans which are referred to in the original consent show that the front façade was to be retained.

The original application was clearly proposed and assessed by Council staff as alterations and additions which retained the original fabric of the front facade. The proposal was seen as an appropriate response to the heritage and conservation area significance of the streetscape by virtue of the retention of the front façade and maintaining the existing setbacks. Numerous submissions were received with regard to the demolition of the dwelling and the retention of the façade was relied on by both the applicant and Council to address these concerns.

As stated by Council's Corporate Lawyer, Council does not have the power to modify a development consent pursuant to section 96(2) unless it is satisfied "*that the development to which the consent relates is substantially the same development as the development for which consent was originally granted and before that consent as originally granted was modified*". The development is no longer alterations and additions to an existing dwelling (as originally approved), but rather becomes, demolition of the whole of the existing dwelling and erection of an entirely new dwelling. The proposal is not substantially the same development as what was originally applied for. The proposal fails to satisfy the provisions of Section 96(2) of the EP&A Act.

Ku-ring-gai Planning Scheme Ordinance (KPSO)

The original application (DA325/04) and modification application (DA325/04A) complied in all respects to the provisions of the KPSO (refer assessment report for DA325/04 - Attachment A and DA325/04A - Attachment B).

The current S96 application DA325/04B remains compliant with the provisions of the KPSO as there is no variation to the approved built form in this circumstance.

POLICY PROVISIONS

Development Control Plan No 38 - Ku-ring-gai Residential Design Manual

- Front setback

Under the original development application (DA325/04), Council's assessment report indicates that the existing front façade of the dwelling complied with the provisions of Section 4.1.3 (Building

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Setbacks) under DCP38. The modification application results in no change to the approved front setback.

- Panel lift door to carport

The submitted statement of environmental effects seeks approval to install a beige coloured panel lift door to the front elevation of the carport. The architectural plans provide unsatisfactory detail and notation with regard to this component of the application.

The concept of a panel lift door would give the appearance of a double garage when viewed from the street. The setback of the carport is 11.3metres, is located behind the front building line of the dwelling (and to the low side of the property) and complies with the requirements of Section 4.5.3 (Design of Carports and Garages) under DCP38. However, the panel lift door can not be properly assessed having regard to the poor level of information provided on the architectural plans.

In the event of a future application for a panel lift door, it is recommended that the design changes as suggested by Council's Heritage Advisor which include two doors separated by a central column/pier to provide a more traditional appearance and to break the visual impact of a single door, be incorporated in the amended plans. A recessive colour such as dark green or red is also recommended.

ANY SUBMISSIONS

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

PUBLIC INTEREST

The approval of the application is considered not to be in the in the public interest.

ANY OTHER RELEVANT MATTERS CONSIDERATIONS NOT ALREADY ADDRESSED

There are no other matters for consideration.

CONCLUSION

Having regard to the provisions of section 79C and section 96(2) of the Environmental Planning and Assessment Act 1979, the proposed development is not substantially the same development as that to which consent was originally granted under DA325/04. The proposal is no longer alterations and additions to an existing dwelling (by virtue of demolishing the last remaining fabric of the existing dwelling), but rather becomes the erection of an entire new dwelling. The proposal fails to satisfy the provisions of Section 96(2) of the act. The application is recommended for refusal.

RECOMMENDATION:

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

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THAT Council, as the consent authority, refuse development consent to S96 Modification Application No. 325/04B for demolition of existing front façade, erection of new front façade, and panel lift door to front façade of carport on land at 4 Dudley Road, Roseville, as shown on plans #, for the following reasons:

1. The development is not substantially the same development as that to which consent was originally granted under DA325/04 what was originally applied for as the proposal no longer retains any part of the existing dwelling (as originally approved) but rather becomes the erection of an entirely new dwelling. The proposal fails to satisfy the provisions of Section 96(2) of the act.
2. The standard of information and detail provided on the architectural plans with regard to the panel lift door is of an unsatisfactory standard. In the event of a future application, two doors separated by a central column/pier to provide a more traditional appearance and to break the visual impact of a single door is to be incorporated in the amended plans. A recessive colour such as dark green or red is recommended.

R Eveleigh
Executive Assessment Officer

R Kinninmont
Team Leader
Development Assessment - Central

M Prendergast
Manager
Development Assessment Services

M Miocic
Director
Development & Regulation

Attachments:

- A: 'Statement of Structural Adequacy of the Facade: 4 Dudley Avenue, Roseville' prepared by ABVD design consulting structural and civil engineers - 728407**
- B: Development application report for DA 325/04 - 421826**
- C: Modification application report for DA 325/04A - 727277**
- D: Legal advice prepared by Maddocks Lawyers, dated 20/12/06 submitted on behalf of the applicant - 713314**
- E: Thomas v Pittwater Council {2003} NSWLEC 19 - 728408**

abvd design

Consulting Structural and Civil Engineers

61A Gardenia Avenue, Bankstown NSW 2200
P.O. Box 245 Punchbowl NSW 2196

Phone: 02 9790 8874
Fax: 02 9790 8003

28 November 2006

Statement of Structural Adequacy of the Façade: 4 Dudley Ave, Roseville

I have inspected 4 Dudley Avenue Roseville in respect of the above. The owner of the property has requested that I prepare this brief statement as to the structural condition of the front façade.

I note as follows:

- a. It is noted that the façade prior to the commencement of works had already suffered substantial movement and substantial diagonal cracking was evident throughout. Also, much of the brick work was in poor condition as a result of lime mortar decay. I understand that the existing state and condition of the property was considered previously in the DA Application.
- b. Prior to any work being carried out, the façade and internal walls were extensively braced and all adjoining walls saw cut so as to minimize any impact on the façade by the works.
- c. In the process of removing the roof and verandah ceiling extensive cracking was exposed in the upper part of the wall of the façade. It appears most of this cracking was pre-existent to the works however may have been exacerbated by the work.
- d. In removing the right hand side bay window the lintel over it collapsed and it is noted that that window has suffered from extensive termite attack.
- e. In removal of the front verandah some of the sandstone footings have been exposed evidencing extensive cracking and movement. The footings are shallow in their depth and its mortar in poor condition.
- f. In the removal of the left hand bay window it became evident that the surrounding wall would collapse and I advised the owner to cease work and correspond with the Certifying Authority.

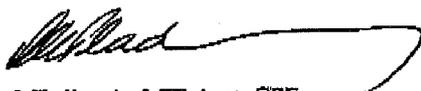
I understand that the Owner is seeking to remove the current brickwork of the façade and to rebuild it with those bricks as is.

I believe that the current façade is unstable and will not withstand any further work immediately surrounding it.

I also believe that the walls as are in potential danger of collapse and pose a potential hazard.

For the above reasons it is my view that the façade should be removed and rebuilt.

Yours faithfully,



D. Miladinovic, MIE Aust, CPEng

ABVD Design

DEVELOPMENT APPLICATION MODIFICATION OF DEVELOPMENT CONSENT

SUMMARY SHEET

| | |
|--|--|
| <i>REPORT TITLE:</i> | 4 DUDLEY AVENUE, ROSEVILLE –
MODIFICATION OF DEVELOPMENT
CONSENT 325/04 FOR PART
DEMOLITION OF THE EXISTING
DWELLING HOUSE AND
CONSTRUCTION OF A NEW
DOUBLE STOREY DWELLING,
CARPORT AND POOL |
| <i>WARD:</i> | Roseville |
| <i>DEVELOPMENT APPLICATION N^o:</i> | 325/04B |
| <i>SUBJECT LAND:</i> | 4 Dudley Avenue, Roseville |
| <i>APPLICANT/OWNER:</i> | Ivo and Fiona Porfiri |
| <i>DESIGNER:</i> | Rob Crump Design Pty Ltd |
| <i>PRESENT USE:</i> | Residential |
| <i>ZONING:</i> | Residential 2(a) |
| <i>HERITAGE:</i> | No |
| <i>PERMISSIBLE UNDER:</i> | Ku-ring-gai Planning Scheme Ordinance |
| <i>COUNCIL'S POLICIES APPLICABLE:</i> | KPSO, DCP38 - Residential Design
Manual, DCP40 - Waste Management,
DCP 43 - Car Parking, DCP 47 - Water
Management |
| <i>COMPLIANCE WITH CODES/POLICIES:</i> | Yes |
| <i>GOVERNMENT POLICIES APPLICABLE:</i> | None applicable |
| <i>DATE LODGED:</i> | 30 November 2006 |
| <i>40 DAY PERIOD EXPIRED:</i> | 9 January 2006 |
| <i>PROPOSAL:</i> | Modification of development consent
325/04 for part demolition of the existing
dwelling house and construction of a new
double storey dwelling, carport and pool |
| <i>RECOMMENDATION:</i> | Refusal |

DEVELOPMENT APPLICATION N^o 325/04B
PREMISES: 4 Dudley Avenue, Roseville
PROPOSAL: Modification of development consent 325/04 for part demolition of the existing dwelling house and construction of a new double storey dwelling, carport and pool.
APPLICANT/OWNER: Ivo and Fiona Porfiri
DESIGNER: Rob Crump Design Pty Ltd

PURPOSE FOR REPORT

To determine modification application 325/04B, which seeks consent to demolish the front façade of the existing dwelling, erect a new front façade, and install a panel lift door to the carport.

EXECUTIVE SUMMARY

Issues: substantially the same development
Submissions: 1
Land & Environment Court Appeal: Yes
Recommendation: Approval

HISTORY

Development application history:

Development Application 1528/03

On 20 May 2004 Council refused development application 1528/03 for demolition of the existing house and construction of a double storey dwelling and pool at 4 Dudley Avenue, Roseville. Reasons of refusal related to unsatisfactory landscaping, non-compliance with built-upon area requirements, excessive size, bulk and scale, out of character with the streetscape, non-compliance with front setback, side setback, landscape area, building height plane, and height and storey requirements under DCP38, privacy impacts, non-compliance with off-street carparking requirements, and excessive excavation.

Development Application 325/04

On 2 April 2004, Council received development application DA325/04 proposing alterations and additions to an existing dwelling at 4 Dudley Avenue, Roseville. The proposed works included:

- demolition of the bulk of the existing dwelling except for the front façade and return walls measuring approximately 2m

- rear ground floor addition accommodating lounge, dining, family/kitchen, guest room, laundry, 4 bedrooms, bath, ensuite
- first floor attic addition accommodating childrens study, a second study room, and ensuite
- double carport adjacent to the east side of the dwelling
- in-ground swimming pool to the rear of the site, adjacent to the east side boundary

On 20 May 2004, Council issued a letter to the applicant advising the following issues:

- Inadequate architectural plans. The submitted plans did not clearly identify walls to be retained or modified. Additional cross sections/longsections were requested.
- Unsatisfactory structural detail. A structural adequacy statement was requested to verify that the proposed works can be carried out in such a manner to ensure the existing façade of the building can be maintained intact.
- Non-compliance with the swimming pool, front fencing, carparking and driveway requirements under DCP38.

On 8 June 2004, Council received amended plans in response to Council's letter above. The information submitted included a letter from HughesTrueman Consulting Engineers Planners and Managers dated 16 February 2004 which stated:

"...we confirm our opinion that it is quite feasible to retain and repair the front façade. We would recommend reconstruction of the verandah to match existing and underpinning of the front façade wall. It would be preferable to underpin prior to removal of all return walls to maintain stability during underpinning. Temporary propping would be needed for a period when the return walls are removed.

We would recommend a vertical control joint, probably tucked in behind a downpipe, at the junction of the repaired front façade and the new return walls, although subject to suitable footing details it may be possible to consider avoiding the need for this joint."

On 20 August 2004, Council issued development consent 325/04 for part demolition of the existing dwelling house and construction of a new double storey dwelling, carport and pool at 4 Dudley Avenue, Roseville. The consent included the following conditions:

Condition 4 (under the heading 'General Conditions')

4. *Demolition work affecting the façade of the dwelling shall be monitored by a suitably experienced and qualified structural engineer before, during and after completion of the works.*

Condition 91 (under the heading 'Conditions to be complied with prior to work commencing')

91. *A report prepared by a suitably experienced and qualified structural engineer shall be submitted to Council, which indicates:*

- *That the proposed works can be carried out in such a manner so as to ensure the façade of the building can be maintained intact;*
- *The methods proposed to ensure the façade of the building is maintained*
- *The methods of construction recommended so that any damage to the fabric of the building is minimized; and*
- *A statement of the structural adequacy of the existing building.*

Modification Application 325/04A

On 15 October 2004, Council received modification application (DA325/04A) proposing the following:

- removal of a Bunya Pine located at the rear of the site and relocate an existing Palm tree in its place
- construction of a basement rumpus room, laundry and bathroom to the rear of the dwelling (beneath the approved family room/guest room)

The application was assessed and no objections were raised to the proposal subject to conditions. On 17 January 2005, Council issued modification of development consent 325/04A.

Construction Certificate

A construction certificate was issued by a private certifier on 21 November 2006 with regard to the approved works under Development Consent No.325/04 and Modification of Development Consent No.325.04A. Substantial demolition of the existing dwelling has taken place.

During the process of demolition, the structural stability of the front façade lapsed resulting in extensive cracking within the brickwork. A structural report regarding the current condition of the front façade has been prepared by 'abvd design' consulting structural and civil engineers dated 28 November 2006 (refer Attachment A). The report states the current façade is unstable and will not withstand any further work immediately surrounding it.

Modification Application 325/04B and Land and Environment Court appeal history.

On 12 January 2007, Council received a Class 1 appeal to the Land and Environment Court for deemed refusal of modification application 325/04B (L&EC appeal No.10024 of 2007). The matter is listed for callover on 8 February 2007.

THE SITE AND SURROUNDING AREA

Visual character study category: 1945-68

Easements/rights of way: No

| | |
|-------------------------------------|---|
| Heritage Item: | No |
| Heritage conservation area: | Yes, contributory item to the National Trust Urban Conservation Area – Roseville. |
| In the vicinity of a heritage item: | Yes (7 and 8 Dudley Avenue) |
| Bush fire prone land: | No |
| Endangered species: | Yes - Blue Gum High Forest (no impact) |
| Urban bushland: | No |
| Contaminated land: | No |

The site is located on the west side of Dudley Avenue (low side of the street) between Gerald Avenue and Archibold Road. The site is rectangular in shape with a frontage of 20.115m to Dudley Avenue and a depth of 57.91m (total site area of 1164.86sqm). The site falls approximately 3.12m from the front southwest corner (RL96.32) to the rear northeast corner (RL93.20), at an average gradient of approximately 5.2%.

Surrounding development includes single and two storey dwelling houses.

A site inspection was carried out 14 December 2006. The bulk of the former dwelling house has been demolished, leaving the existing front façade as shown in the photo below.



THE PROPOSAL

Details of the proposed development are as follows:

Demolish the existing front façade and erect a new front façade to match the existing. It is proposed to rebuild the façade utilising the existing bricks.

Install a beige coloured panel lift door to the front elevation of the carport.

CONSULTATION - COMMUNITY

In accordance with Council's Notifications Policy, owners of surrounding properties were given notice of the application. In response, one submission was received from Dorothy and Keith Geering of 6 Dudley Avenue. The submission raised the following issues:

Rendering of façade out of keeping with original Federation houses in Dudley Avenue

The application proposes to demolish the existing brick front façade and rebuild a new front façade utilising the existing bricks. No rendering of the façade is proposed in the subject application.

Panel lift door would dominate the front of the dwelling and have an adverse impact on the amenity in this area of Federation houses.

The carport is located behind the building line (setback 11.3m from the front boundary) and is located to the low side of the site. A panel lift door in this instance would not result in an unreasonable impact to the streetscape.

CONSULTATION - WITHIN COUNCIL

Heritage

Council's Heritage Officer has commented on the proposal as follows:

“Demolition of the existing façade and rebuilding with the same bricks would retain the appearance of the façade and there would be negligible impact on the nearby heritage items, streetscape of UCA.

Should the application be approved, I advise that an accurate record of the façade should be undertaken before any demolition work commences so that the façade can be reconstructed to match the existing exactly. I also advise that details of the proposed footing should also be obtained as there is no indication from the information submitted whether the footings will be retained or replaced with new concrete footings.”

With regard to the panel lift door, the following comments have been provided:

“There is little impact on the neighbouring items - more of a streetscape impact. The original garage was at the back of the house with a drive down the eastern side. The new door has no

heritage value, but ideally two doors separated by a column/pier would be preferred as they are more traditional in character and breaks up the strong visual impact of one large door. Wide garage doors were not available until the 1960s or 1970s and suit that architectural style. The colour (beige) tends to make it visually more dominate. I suggest recessive colours such as dark green or red.

I think the real issue that a carport tends to break down the "wall" of building to the street.

There is not enough information on the drawing. The approved carport shows brick pier with two timber columns above supporting the roof. There may be some difficulties fitting a door. Perhaps the applicant would accept 2 doors and a column in the centre."

Engineering

Council's Engineering Assessment Officer has raised no objection to the proposal subject to conditions.

STATUTORY PROVISIONS

Section 96 of the Environmental Planning and Assessment Act

The application has been submitted under the provisions of Section 96(2) under the Environmental Planning and Assessment Act 1979, which state:

“(2) A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent if:

- (a) it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which consent was originally granted and before that consent as originally granted was modified (if at all) and*
- (b) it has consulted with the relevant Minister, public authority or approval body (within the meaning of Division 5) in respect of a condition imposed as a requirement of a concurrence to the consent or in accordance with the general terms of an approval proposed to be granted by the approval body and that Minister, authority or body has not, within 21 days after being consulted, objected to the modification of that consent, and*
- (c) it has notified the application in accordance with:*
 - (i) the regulations, if the regulations so require*
 - (ii) a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and*

(d) it has considered any submissions made concerning the proposed modification within the period prescribed by the regulations or provided by the development control plan, as the case may be.”

The applicant applied for alterations and additions to the existing dwelling under the original development application. The proposal was an appropriate response to the heritage significance of the streetscape by virtue of the retention of the front façade and maintaining the existing setbacks.

Despite the description on the consent referring to ‘new dwelling’, the overall substance of the original application was proposed as, and assessed by Council as, alterations and additions. The labeling of the development (as a new dwelling) is not determinative to the form of the development as assessed and shown on the approved architectural plans.

In the event that the front façade is demolished, the development is no longer alterations and additions to an existing dwelling (as originally approved), but rather becomes, demolition of an existing dwelling and erection of a new dwelling. The proposal is not substantially the same development as what was originally applied for. The proposal fails to satisfy the provisions of Section 96(2) of the EP&A Act.

Ku-ring-gai Planning Scheme Ordinance (KPSO)

The original application (DA325/04) and modification application (DA325/04A) complied in all respects to the provisions of the KPSO (refer assessment report for DA325/04 – Attachment A and DA325/04A – Attachment B).

Modification application DA325/04B remains compliant with the provisions of the KPSO as there is no variation to the approved built form in this circumstance.

POLICY PROVISIONS

Development Control Plan No. 38 - Ku-ring-gai Residential Design Manual

- Front setback

Under the original application, Council’s assessment report indicates that the existing front façade of the dwelling complied with the provisions of Section 4.1.3 (Building Setbacks) under DCP38. The modification application results in no change to the approved front setback.

- Panel lift door to carport

The submitted statement of environmental effects seeks approval to install a beige coloured panel lift door to the front elevation of the carport. The architectural plans provide unsatisfactory detail and notation with regard to this component of the application.

The concept of a panel lift door would give the appearance of a double garage when viewed from the street. The setback of the carport is 11.3metres, is located behind the front building line of the dwelling (and to the low side of the property) and complies with the requirements of Section 4.5.3

(Design of Carports and Garages) under DCP38. However, the panel lift door is not supported having regard to the poor level of information provided on the architectural plans.

In the event of a future application for a panel lift door, it is recommended that the design changes as suggested by Council's Heritage Advisor which include two doors separated by a central column/pier to provide a more traditional appearance and to break the visual impact of a single door, be incorporated in the amended plans. A recessive colour such as dark green or red is also recommended.

ANY SUBMISSIONS

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

PUBLIC INTEREST

The approval of the application is considered not to be in the in the public interest.

ANY OTHER RELEVANT MATTERS CONSIDERATIONS NOT ALREADY ADDRESSED

There are no other matters for discussion.

CONCLUSION

Having regard to the provisions of section 79C and section 96(2) of the Environmental Planning and Assessment Act 1979, the proposed development is not substantially the same development as what was originally applied for. The proposal is no longer alterations and additions to an existing dwelling (by virtue of demolishing the last remaining fabric of the existing dwelling), but rather becomes the erection of a new dwelling. The proposal fails to satisfy the provisions of Section 96(2) of the act. The application is recommended for refusal.

RECOMMENDATION:

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

THAT Council, as the consent authority, refuse development consent to Modification Application No. 325/04B for demolition of existing front façade, erection of new front façade, and panel lift door to front façade of carport on land at 4 Dudley Road, Roseville, as shown on plans #, for the following reasons:

1. The development is not substantially the same development as what was originally applied for as the proposal is no longer alterations and additions to an existing dwelling (as originally approved), but rather becomes the erection of a new dwelling. The proposal fails to satisfy the provisions of Section 96(2) of the act.
2. The standard of information and detail provided on the architectural plans with regard to the panel lift door is of an unsatisfactory standard. In the event of a future application, two doors separated by a central column/pier to provide a more traditional appearance and to break the

visual impact of a single door is to be incorporated in the amended plans. A recessive colour such as dark green or red is recommended.

Rebecca Eveleigh
**Development Assessment Officer/
Executive Assessment Officer**

Richard Kinninmont
Team Leader
Development Assessment Services
Team North/Central/South

Matthew Prendergast
Manager
Development Assessment Services

Michael Miocic
Director
Development and Regulation

Attachments:

- A: 'Statement of Structural Adequacy of the Façade: 4 Dudley Avenue, Roseville' prepared by abvd design consulting structural and civil engineers
- B: Development application report for DA325/04
- C: Modification application report for DA325/04A

Director

Michael

This was sent to me by appearance

11-11-11

Maddocks

Contact
Direct
Email
Partner
Our Ref

Pris Whifford
02 8223 4106
pris.whifford@maddocks.com.au
David Baird
02 8223 4106
DJB:PCW:8282478

Lawyers
Level 21, Angel Place
123 Pitt Street
Sydney New South Wales 2000 Australia
Telephone 61 2 8223 4100
Facsimile 61 2 9221 0872
Email info@maddocks.com.au
www.maddocks.com.au
DX 10284 Sydney Stock Exchange

20/12/2008

- For your kind attention & advice

Tony Hall

21.12.06

BY POST

PRIVATE AND CONFIDENTIAL

Ivo Porfiri
PO Box 299
ROSEVILLE NSW 2089

Dear Mr Porfiri

Advice: s.96 Application "demolition and reinstatement of front facade" DA 325/04
Property: 4 Dudley Street, Roseville

Further to our recent discussions in the above, we note your request that we provide you with our legal opinion in respect of the above. We note that on Wednesday 13 December 2008 you met with Mr Miodic (Director of Planning at Ku-Ring-Gai Municipal Council) and other Council officers and that our opinion may be useful in the further consideration and resolution of this matter.

Summary of Advice

Comparing the additional demolition and rebuilding proposed pursuant to the s.96 Application, as against, the development approved under the consent to DA 325/04, we are of the opinion that the modification is substantially the same development as that approved.

On consideration of the factual circumstances in the cases referred to herein, it is our view that the consent granted to DA 325/04 was not properly described as "alterations and additions", but rather would be more appropriately described as "demolition of existing dwelling, except for front facade (to the extent possible) and construction of new two storey building".

Hence, it is our view that the additional demolition and construction works, being minimal in nature (less than 2% respectively), result in a proposal, pursuant to s.96, which is substantially the same as the development contemplated by the consent granted to DA 325/04.

We are instructed as follows:

Background

1. During the period late 2003 and middle 2004 you lodged 3 development applications in respect of the Property. The first two of these, together, sought approval for the total demolition and reconstruction of a new house, and were refused. The third is the current DA 325/04 (the subject of the s.96 Application) which is titled "additions and alterations" and which provides for the total demolition of the house except for the retention of the front facade.

Interstate office
Melbourne

Affiliated offices
Adelaide, Beijing, Brisbane, Colombo,
Dubai, Hong Kong, Jakarta, Kuala Lumpur,
Manila, Mumbai, New Delhi, Perth,
Singapore, Tianjin

[5282478; 4779851v1]

2. Immediately after the lodgement of the first DA, an extensive property inspection was carried out and a report prepared by Simon Wiltshire of Hughes Truman, a highly accredited engineer within the industry, dated 16 January 2004. This report found that the property has "severe cracking" and that there is "potential for ongoing movement" such that "demolition warrants consideration".
3. DA 325/04 was submitted on the basis of discussions with Council, which required retention of the façade, as you were advised that Council would not support the construction of a new façade with new bricks. In this regard, Mr Wiltshire was asked to specifically consider the retention of the façade, and in a letter dated 16 February 2006 he stated that its retention was "feasible". We note Council's subsequent approval of the third application - DA 3235/04.
4. Condition 91 of the Conditions of Approval requires the Submission of a "report that the works can be carried out in such a manner so as to ensure the façade of the building can be maintained intact" prior to the issue of a Construction Certificate. We are instructed that Council has accepted a structural report, dated 4 October 2006, in satisfaction of that condition, which highlighted the possible need to review the situation regarding the façade when footings were exposed and the building demolished.
5. The building has been demolished, except for the façade, in accordance with the approved plans and, in the process of demolition, you have attempted to preserve the façade by implementing the procedures referred to by the structural engineer.
6. We are instructed that the façade is not able to be preserved and has become structurally unsound and "dangerous" and that you have provided two structural engineering reports to Council to this effect.
7. We note that pursuant to your s.96 application you are seeking to demolish the façade and reinstate it using existing materials.

The Law

8. We have reviewed the case law in this matter, in particular those that have been referred to you by Ku-Ring-Gai Municipal Council being *Claron Projects Pty Limited v Leichhardt Municipal Council*; *City Plan Services Pty Limited v Woollahra Council* and *Thomas v Pittwater Council*, collectively referred to as "the cases".
9. For the purposes of a s.96 application there are two matters that need to be satisfied. The first being a matter of environmental impact (i.e. the merits issue) and the second being a test of whether the proposed

development pursuant to the s.96 application is substantially the same as the originally approved development. For the purposes of our consideration, we will consider the second test of "substantially the same" development.

10. Furthermore, we note that a second item of the s.96 application refers to the installation of a panel lift door in the carport and this matter will not form part of the consideration herein.

11. Our views as to the legal principles established by the cases are as follows:

11.1 The test as to determining whether a development proposal is substantially the same is determined by a "comparison between the original development for which consent was granted pursuant to the original development application and that proposed under the s.96". It is a comparison of the "before and after" - it is a comparison of the "qualitative" and "quantitative" elements, where one also considers the "circumstances in which the development consent was granted".

11.2 The definition of development under the Act refers to "the demolition of a building and "the erection of a building". Hence a s.96 application proposing further development needs to be compared to its original consent by the consideration of "additional demolition" and "additional building construction".

11.3 In each of the cases:

11.3.1 The original consents contemplated the retention of a significant proportion of the existing buildings i.e. the original development applications were properly described as "alterations and additions to an existing dwelling house".

11.3.2 The s.96 proposal in each case involved significant demolition and rebuilding of each property.

11.3.3 Some of the original fabric of the walls retained pursuant to the original development consent were also proposed to be retained pursuant to the s.96 applications, in each case.

11.4 In applying the comparison "before and after" test and also in line with the definition of the word "development" under the Act, the Court looked at the extent of the "additional demolition" and

"additional building work" in deciding that the modification proposed in each case could no longer be classified as an "alteration" to an existing dwelling house.

11.5 The Courts found that what is required is a consideration of the "quantitative" demolition and reconstruction rather than an analysis of the remaining component that is essential in the before and after comparison. That is, the test is not "how much of the original fabric was left".

11.6 A practical application of the test can be found in a situation where, for example, a DA, for whatever reason, provides for the retention of one pillar of an existing house. If the applicant therein were to seek to remove that one pillar pursuant to a s.96 application, it is our view that the proposed development would be substantially the same as that granted by application of the before and after test. However, if one were to apply the "the remaining component" test then this result would not be achieved. It is our view that the two proposals are substantially the same as only one further pillar is being demolished and rebuilt.

11.7 As noted above, in each of the cases, the Court came to the view that the proposed changes were not "alterations or additions" to an existing dwelling house, notwithstanding the fact that in each case some of the original walls which were retained pursuant to the original consent, were also proposed for retention pursuant to the s.96 application. Hence, on the basis of the "before and after" test, the essence of the two proposals is what is important, rather than a description of whether something is existing or otherwise. In the cases it was the extent of the additional works which meant that the alterations and additions were no longer to an existing house even though parts of the existing structure of the properties remained.

Your Case

12. Application of what we have termed "The before and after test" would involve a consideration of the original consent to DA 325/04 and the additional works proposed pursuant to the s.96 application. Notwithstanding the description of DA 325/04 as "additions and alterations" and the description provided on the Conditions of Council consent, being "part demolition and construction of a new two storey house", upon consideration of the proposal it is apparent that it could also be described as "demolition of existing dwelling, except for the front facade, (to the extent possible) and construction of a new two storey

house". We advise that, it is important to consider the substance of what is actually proposed.

13. The proposed demolition of the façade walls pursuant to the s.96 application represents "additional demolition" of approximately 2% of that originally approved by the consent granted to DA 325/04. The fact that it represents 100% demolition of the existing fabric at one point in time is not pertinent to the proper application of the "before and after" test.
14. Hence, it is our view that the additional works, being minimal in nature, result in a proposal, pursuant to s.96, which is substantially the same as the development contemplated by the consent granted to DA 325/04.
15. Finally, as referred to in the cases, one needs to, in making a comparison between two proposals, have regard to the "circumstances surrounding the granting of the consent". In your instance:
 - 15.1 The Initial Building Report submitted to Council highlighted the severe structural inadequacies of the building.
 - 15.2 The letter report in respect of the façade which noted that it was "feasible" i.e. possible to retain it and on this basis the approval for the current DA was granted.
 - 15.3 Council has accepted, in satisfaction of condition 91, a report dated 4 October 2006 wherein the engineer refers to the fact that the retention of the façade as is may need to be further considered once footings are exposed and demolition of the house effected.
 - 15.4 The notes on the approved plans referring to "repairs of the façade as necessary" forming part of the consent to DA 325/04.

Amplification of advice

Please contact David Baird on 8223 4101 or Prue Whitford on 8223 4106 if you have any queries in relation to this matter.

Yours faithfully


David Baird/Prue Whitford
Partner/Senior Associate
Public Law, Planning & Environment

SECTION 96 - DELEGATED REPORT

EXECUTIVE SUMMARY

Application details

Development application No: # 325/04A

Details of existing consent: # Ccts + addis + pool

Date of consent: # 19/8/04

Subject land: # 4 Dredley Ave, Roseville

Applicant: # I Pafnai

Owner: # I Pafnai

Date lodged: # 15/1/04

Development assessment officer: # C. Neve

Legislative requirements

Zoning: # 2a

Permissible under: KPSO

Relevant legislation: # DCP 30 DCP 40 DCP 43 + DCP 47

Integrated development: Yes/No (#)

The site

Visual character study category: Pre 1920/1945-68/Post 1968

Lot & DP number: Lot # in DP # 5319

SECTION 96 REPORT FORMAT

Easements/rights of way: Yes (#) No

Heritage Item: Yes/No - proposed UCA

Heritage conservation area: Yes(#)/No →

In the vicinity of a heritage item: Yes(#)/No

Bush fire prone land: Yes (Bushfire prone vegetation Category 1/ Bushfire prone vegetation Category 2/ Bushfire prone vegetation buffer) No

Endangered species: Yes/No

Urban bushland: Yes/No

Contaminated land: Yes/No

Surrounding development: Residential dwelling houses / ~~Mix of residential dwelling houses and multi-unit developments / other~~

History: N/A

Other matters for consideration

Issues: None

Submissions received: 1 submission received - K + D Geering, 6 Durdley Avenue.

Land & Environment Court Appeal: Yes (#)/No

Recommendation: Approval/Refusal

THE PROPOSAL

Under the provisions of section 96 of the Environmental Planning and Assessment Act 1979, consent is sought to modify the development in the following way:

Removal of Bunga Pine in rear garden, (construction of Impus room / laundry bathroom in subfloor space over below family room / guest bedroom. (approx 83 m² of floor space added with no change in foot print of the approved building)

Amended plans dated # *N/A*.

#

CONSULTATION - COMMUNITY

In accordance with Council's Notifications Policy, owners of surrounding properties were given notice of the s.96 application. In response, ~~no submissions were received~~ or submissions from the following were received:

Original scheme dated #

1. *K+D Gerny; 6 Dudley Ave, Roselle*

The submissions raised the following issues:

- (a) *Impact of works on the adjoining property*
- (b) *Leaving along northern (side) boundary*
- (c) *Streamwater runoff from pool and associated paved creeds.*
- (d) *A caution is raised to ensure that the excavation for the pump room is undertaken in such a manner as not to cause any damage to the adjacent property*
- (e) *This concern is not considered valid as a Muregan Hedge capable of attaining a 4m height is proposed along their boundary together with the 3 Eucalyptus Myrtles*
- (f) *The development engineers have not no objection to the amendments and considered the additional streamwater runoff proposed and an improvement over the existing, undeveloped situation.*

2. ...

The submissions in response to the amended plans raised the following issues:

Describe the issue in bold italics

#

REFERRALS

No Referrals Required:

Rural Fire Services (s.79BA of the EPAA 1979):

N/A OK – No Cond OK – Std Cond Ok -Special Cond Unsatisfactory

Comment: #

Other External Referral Body (#):

N/A OK – No Cond OK – Std Cond Ok -Special Cond Unsatisfactory

Comment: #

Engineering: (Council’s Development Engineer has considered the DA against the KPSO, DCP’s 31, 38, 40, 43, 47)

N/A OK – No Cond OK – Std Cond Ok -Special Cond Unsatisfactory

Comment: #

Landscape: (Council's Landscape Officer has considered the DA against the KPSO and DCP 38)

N/A OK – No Cond OK – Std Cond Ok -Special Cond Unsatisfactory

Comment: #

Heritage: (Council's Heritage Officer has considered the DA against the KPSO and DCP 38)

N/A OK – No Cond OK – Std Cond Ok -Special Cond Unsatisfactory

Comment: #

Other: #

N/A OK – No Cond OK – Std Cond Ok -Special Cond Unsatisfactory

Comment: #

ASSESSMENT UNDER S96

S96 (1) Correction of minor error, misdescription or miscalculation

S96 (1A) Modification involving minimal environmental impact

S96 (2) Other modifications

Substantially the same development

The development as modified by the subject application, is substantially the same development as that approved.

~~OR~~

~~The development as modified by the subject application, is not substantially the same development as that approved, for the following reasons:~~

~~#~~

~~On this basis, the application must be refused.~~

S96 (2) (b) consultation with minister, public authority or approval body

N/A

~~OR~~

~~Council has consulted with the #### in respect of condition No. ??? and no objection to the modification has been raised.~~

Threatened species

N/A

~~OR~~

~~#~~

PROPOSED MODIFICATIONS

The modifications the subject of this application have been considered against the relevant Environmental Planning Instruments, Development Control Plans and other Council Codes, as follows:

| Proposed modification | Compliance with SEPPs | Compliance with KPSO | Compliance with DCPs | Maintains residential amenity | Discussion |
|--|-----------------------|----------------------|----------------------|-------------------------------|--|
| Removal of Banyan tree | YES/NO | YES/NO | YES/NO | YES/NO | Landscape officer concurs with arborist's report
no effect on bulk / scale of development, no increase in height, increase
does not affect any trees and will not be visible from
the street and due to the generous setback will not impact on
any neighbouring properties. |
| Reduction of kerbside, landscaping to suit | YES | YES | YES | YES | |
| Occasional excavation | YES | YES | YES | YES | |

CONCLUSION

Having regard to the provisions of section 96 & 79C of the Environmental Planning and Assessment Act 1979, the proposed development is satisfactory/unsatisfactory. Therefore, it is recommended that the application be approved/refused.

RECOMMENDATION:

Pursuant to Section 96 of the Environmental Planning and Assessment Act, 1979

THAT Council, as the consent authority, modifies development consent to Development Application No. DA *325/04A* for alterations, additions and a new pool on land at *A Dudley Ave, Roseville*, in the following manner:

1. Condition No. 1 is modified so as to read as follows:

The development to be in accordance with Development Application No *325/04* and Development Application plans prepared by Jackson Architects + Bill Muir, reference number DA100-A1 to A8, *landscape Concept Plan* dated *October 2003* and lodged with Council on *8 June 2004* and

and amended Development Application No *325/04A* and Development Application plans prepared by *Rolo Crump* and Bill Muir, reference number *1788/03* and *1788/02*; *landscape Concept Plan + landscape Elevations* dated *15 October 2004* and lodged with Council on *15 October 2004*.

2. The following conditions are deleted:

Conditions No's 2, 4, 7, 51, 54, 78, 80, 87, 89 and 90

3. The following conditions are amended: *NIL*
4. The following new conditions are imposed: *(See City Councils on Plan # 462 743)*
- Stormwater runoff from the alterations and additions able to drain to the street shall be piped to the street via the site drainage system, including On-site detention. Drainage line connections to the kerb shall conform and comply with the detailed requirements contained within Council's Plan No82/024 ("Connections of Drainage Lines to Kerb and R.C. Pipe"). Drainage crossings of the footway area shall be a single 100mm diameter sewer grade uPVC pipe with kerb adaptor, where the total design flows from the property are within the capacity of such a pipe, otherwise suitably sized galvanised RHS shall be used. To ensure compliance with this condition, a Certificate from the installer is to be submitted to the Principal Certifying Authority prior to issue of the Final Compliance Certificate.
 - Stormwater runoff from the alterations and additions not able to drain to the street (e.g. paving around the pool and possibly DP1 – refer Stormwater Drainage Concept Plan by AFCE Environment and Building, Drawing No. 342925/D2, Revision B, dated March 2004) shall be piped to a dispersal trench system positioned parallel to the contours of the site at the highest practicable level. A typical detail of a trench can be provided by Council upon request.

The dispersal trenches shall be 700mm wide x 700mm deep x 1.0 metre run/10m² of area to be drained. Trenches shall be fitted with half round PVC (450mm diameter) dome sections backfilled with crushed or round river gravel to within 150mm of surface level, surrounded with suitable geofabric and finished with topsoil. Trenches are to be located as far away as possible from private property boundaries and from the footings of any structures. A suitably designed litter and coarse sediment 450mm square grated arrestor pit is to be provided immediately upstream of the dispersal trench. The trench is not to require excavation underneath the canopy areas of any trees to be retained unless as approved by a qualified arborist's certification that such excavation will not affect the longevity of the subject tree(s).

Note: As the required dispersal trench will be located approximately 1 metre below the proposed rear level lawn, early consideration of this requirement should be given to avoid unnecessary re-excavation of backfill ed material.

- For stormwater control all paved areas at the rear of the site are to be drained to the dispersal trench system at the rear of the site. This may require the installation of suitable cut-off structures, inlets and/or barriers that direct runoff to the dispersal trench system.

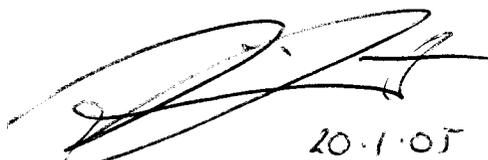
- (48)
- If an excavation associated with the erection or demolition of a building extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation to be made:
 - a. must preserve and protect the building from damage, and
 - b. if necessary, must underpin and support the building in an approved manner, and
 - c. must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.

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

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

5. No other modifications are approved.
6. All other conditions to remain the same.

Development Assessment Officer/Executive Officer



20.1.05

Team Leader
Development Assessment Services

DATE OF DETERMINATION:

LOCAL GOVERNMENT MANAGERS ASSOCIATION 2007 NATIONAL CONGRESS

EXECUTIVE SUMMARY

PURPOSE OF REPORT:

For Council to determine if it wishes to send delegates to the Local Government Managers Association 2007 National Congress.

BACKGROUND:

The National Congress will be held in Hobart from 29 April to 2 May 2007.

COMMENTS:

A Program for the Congress is **attached** to the report.

RECOMMENDATION:

That Council determine if it wishes to send delegates to the Local Government Association 2007 National Congress.

PURPOSE OF REPORT

For Council to determine if it wishes to send delegates to the Local Government Managers Association 2007 National Congress.

BACKGROUND

The National Congress will be held in Hobart from 29 April to 2 May 2007.

The Congress theme will revolve around Power and Passion - The Power to Make a Difference and the Passion to Lead.

COMMENTS

A Program for the Congress is **attached**.

CONSULTATION

Not applicable.

FINANCIAL CONSIDERATIONS

The cost of attending the Congress is \$1,380 for LGMA members and \$1,490 for non-members. Accommodation and travel expenses are additional.

CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

Not applicable.

SUMMARY

Not applicable.

RECOMMENDATION

That Council determine if it wishes to send delegates to the Local Government Association 2007 National Congress.

Geoff O'Rourke
Senior Governance Officer

John McKee
General Manager

Attachments: Congress Program at a glance 2007 - 709935



NATIONAL CONGRESS

& BUSINESS EXPO

Program at a glance 2007

All congress sessions will be held in the Hotel Grand Chancellor. Partners are welcome to attend plenary sessions.

Sunday 29th April

- 2.00pm **Congress Registration** [Mezzanine Foyer]
- 5.00pm **LGMA Annual General Meeting** [Chancellor Room 4, First Floor]
- 6.00pm **Welcome Reception** [Federation Ballroom Exhibition Area]
- 8.00pm **Evening Free**

Monday 30th April

- 8.00am **Congress Registration** [Mezzanine Foyer]
- 8.30am **Morning Coffee/Tea** [Federation Ballroom Exhibition Area]
- 9.00am – 5.00pm **Delegates Program** – Plenary and Concurrent Sessions
- 9.30am – 3.30pm ***Partner's Chocolate and Wine Tour** – see **Congressplus** Partner's Program for details
- 7.00pm **Depart Congress Hotels for Congress Dinner** – Derwent Entertainment Centre [see **Congressplus** Social Program for details]

Tuesday 1st May

- 7.15am ***ICMA Members Breakfast Meeting** [Harbour View Room 2]
- 8.00am **Congress Registration** [Mezzanine Foyer]
- 8.30am **Morning Coffee/Tea** [Federation Ballroom Exhibition Area]
- 9.00am – 5.00pm **Delegates Program** – Plenary and Concurrent Sessions
- 9.30am – 4.30pm ***Partner's Historic Richmond Tour** – see **Congressplus** Partner's Program for details
- 7.00pm ***Optional Social Events**
 - Dining and Entertainment at Meadowbank Estate
 - Dining and Entertainment at Wrest Point
– see **Congressplus** Social Program for details

Wednesday 2nd May

- 7.15am ***Women in Local Government Networking Breakfast** [Harbour View Room 1]
- 8.00am **Congress Registration** [Mezzanine Foyer]
- 8.30am **Morning Coffee/Tea** [Federation Ballroom Exhibition Area]
- 9.00am – 2.00pm **Delegates Program** – Plenary and Concurrent Sessions
- 3.00pm – 5.00pm ***Optional Masterclass and Workshop**
 - Sustainable Management of Infrastructure: An Essential Part of Doing Business* [Grand Ballroom 1]
 - Improving Self Awareness, Organisational Performance and Loving Relationships* [Grand Ballroom 3]
– see **Congressplus** Supplementary Program for details

Thursday 3rd and Friday 4th May

- Thursday 3rd May:** 9.00am – 4.30pm
- * Optional 1 Day Study Tour** – Tasman Region – Port Arthur
- Thursday 3rd May and Friday 4th May:** 9.00am – 5.00pm
- * Optional 2 Day Study Tour** Launceston and Devonport Regions
- see **Congressplus** Supplementary Program for details

* These events are optional and require separate registration and the payment of an additional fee.

Your easy concurrent session guide

| | PEOPLE (PE) | PROCESS (PR) | PLACE (PL) |
|---|-----------------|--------------|------------|
| | Keynote Address | | |
| | Morning Tea | | |
| 1 | | | |
| 2 | | | |
| | Lunch | | |
| 3 | | | |
| 4 | | | |
| | Afternoon Tea | | |
| | Panel Session | | |

Session numbers and starting time appear in this column

These are concurrent sessions. Delegates choose one for each time slot.

These are Focus Sessions for all delegates

Each session has a unique number: this is session PL2

SIMPLE POINTS TO REMEMBER ...

- You can attend all Focus Sessions;
- You can choose any one of three concurrent sessions, for each time slot;
- Nominate your choices on your registration form;
- You DON'T have to stick with one stream throughout the Congress;
- By reading the program notes you will readily see that there are many choices for officers at all levels and elected representatives;
- Some **Congressplus** events require an extra fee and should be paid at the time of registration.

Congressplus

Low cost/no cost options that add extraordinary value to your Congress participation. See pages 8 to 11 for full details.

FOR SALE OR HIRE

The LGMA Business Expo makes good business sense. It brings together representatives from Australia's leading suppliers to local government. Demonstrations, product information, pressure free advice – all in one location will inform your major procurement decisions or even expose solutions and options you weren't aware of. (Check www.lgma.org.au to see who is already booked to be there.)

THE WEDNESDAY MASTERCLASS AND WORKSHOP

Attend a two hour Wednesday afternoon Masterclass or Workshop. These sessions provide practical ideas and lessons.

STUDY TOURS

One or two day study tours following the Congress provide the opportunity to travel out of Hobart to see more of what Tasmania has to offer.

ENTERTAINMENT / RELAXATION

When the work is done, you can join the Congress Dinner renowned as an extraordinary dining and entertainment experience. Also register to attend the unique experience of dining at Wrest Point or Meadowbank Estate. Entertainment is included at both options.

PARTNER'S TOURS

On offer are interesting diversions for delegates' partners including a visit to the historic town of Richmond, a tour of the Cadbury Chocolate Factory, lunch at an operating boutique winery and sightseeing of Hobart.

BREAKFAST MEETINGS

Start the day at the ICMA Members Breakfast or the Women in Local Government Networking Breakfast.

Please register by 23rd March 2007 to ensure bookings as some events have restricted capacity. Registration fees for optional events are non-refundable although substitutes may be provided.

| | |
|--------|---|
| 6.00pm | Welcome Reception – Hotel Grand Chancellor [Federation Ballroom Exhibition Area] |
| 8.00pm | Evening Free |

Monday 30 April

| | | | |
|---------------------|--|---|--|
| 9.00am | Opening Session
National Anthem, Opening by Premier of Tasmania, Management Challenge Presentation and address by a prominent Australian personality representing Principal Partner, Civica. | | |
| 9.45am | Keynote Address: Challenge Leadership – General Peter Cosgrove AC MC, (Ret.)
Leadership is a fundamental activity of human relationships. It transcends all professional and social boundaries no matter whether you are in the military, corporate life or a kids sporting team. Leadership is both the momentum of the spear and the glue which binds the head to the shaft. There are probably some totally natural leaders but many more of us are looking for the confidence and the tools to be better leaders in our various walks of life. | | |
| 10.45am | Morning Tea [Federation Ballroom Exhibition Area] | | |
| 11.15am | Keynote Address: Inspired Leadership – Kirsty Dunphey, Author and Business Entrepreneur
As a gen y, on the cusp of gen x, through her business Kirsty has motivated and managed everyone from those 10 years her junior to 40 years her senior. Kirsty will share with us in this session her techniques for creating a culture in your workplace where your team feel and act as though the company is their own encouraging retention, loyalty and creativity. | | |
| 12.00pm | Major Sponsors Presentation – Presentations by Concurrent Stream Sponsors | | |
| 12.30pm | Lunch [Federation Ballroom Exhibition Area] | | |
| | PEOPLE (PE) | PROCESS (PR) | PLACE (PL) |
| 1.30pm
Session 1 | <p>PEOPLE MAKING ORGANISATIONS POWERFUL?
<i>John Coombe, Chief Executive, Alexandrina Council, SA</i></p> <p>Located on the Fleurieu Peninsula and the second fastest growth area in the State, Alexandrina Council is a growing organisation which is experiencing ever increasing demands on service delivery and work place pressures.</p> <p>Engaging and retaining quality professionals and a recently restructured organisation to place resources in identified areas of need, along with increasing middle management, has been undertaken. Career path opportunities have also received special consideration together with actively engaging local schools and Universities in the quest for quality staff.</p> <p>Council is about building an organisational culture which is not just focused on service excellence but building community engagement.</p> <p>Leadership and performance measurement of staff and elected members is vital to continuing success. Can individuals make a difference and why?</p> <p>This session explores the reasons for sustained success at the officer and elected member level while defining the consequences if we get it wrong.</p> | <p>THE BEST OF THE BEST
<i>Selected category winners from the National Awards for Local Government Program</i></p> <p>GOULBURN - A WATER CONSERVATION COMMUNITY
<i>Vanessa Toparis, Public Communications Officer Goulburn Mulwaree Council, NSW</i></p> <p>Goulburn Mulwaree Council has achieved a high level of water conservation almost entirely through education and the establishment of partnerships with the community. The remarkable aspect of this achievement is that the entire community - residents, businesses, industry, sporting groups and Council - have worked together to save their community.</p> <p>Council is now developing the Goulburn Mulwaree Water Management Strategy to develop a sustainable, long-term solution to the water shortage, again with the co-operation and support of its local community.</p> <p>COMMUNITY DEVELOPMENT PROGRAM
<i>Jean Andrews, General Manager of Community and Culture, Campaspe Shire Council, VIC</i></p> <p>The Shire of Campaspe's Community Development Program has been operating for three years and is a major social capacity building initiative. In that time more than 10 per cent of the Shire's population have participated in some form of consultation, engagement or contribution towards helping secure a better and more sustainable future for local communities, as the program continues to build momentum for change.</p> | <p>THE CHALLENGE OF PLACE IN COASTAL AUSTRALIA
<i>Alan Stokes, Director, National Sea Change Taskforce, NSW</i></p> <p>More than five million people live in Australian coastal areas outside Australia's capital cities. The rate of growth in these areas is 60% higher than the national average. A further one million people are planning to shift to the coast at the end of this decade as the 'baby boomer' generation reaches retirement age.</p> <p>One challenge facing these areas is retaining their sense of community identity. Many small coastal towns and fishing villages around Australia are rapidly becoming urbanised and losing their sense of place, which was one of the factors that attracted 'sea changers' in the first place.</p> |
| 2.30pm
Session 2 | <p>WORKPLACE PLANNING: BEST FIT, NOT BEST PRACTICE
<i>Andrew Reimer, Principal, Managing Director, High Performance Management & Sales Training, TAS</i></p> <p>This session provides an overview to developing a Leadership and Staff Development Program to ensure long-term council success. Not an HR initiative, but a key strategic component at the executive level.</p> <ul style="list-style-type: none"> • What practices can be implemented to attract, retain and motivate your people to fulfil council's longer-term strategies? • Obtaining best "fit" is more important to success than implementing best practices. • Alignment with key council goals. • Development of specific tools to implement your People Strategy. • Identifying top talent: recruitment and current staff. • Creating customised developmental programs with tutorial and experiential learning. • Assessment for effective feedback: recognition and correction of deficiencies. | <p>MANAGED SERVICES AS A RISK MANAGEMENT STRATEGY
<i>Presenters to be advised.</i></p> <p>This session will feature case studies by two Councils in regional and metropolitan Australia, looking at how a Managed Service delivery model has effectively provided Council with the resources and infrastructure necessary to sustain their service levels, with improved economies, and at a predictable cost base.</p> <p>Recruitment and retention of IT staff with the relevant skills and expertise is proving to be an ongoing business challenge for many Councils, particularly those in remote areas and the ramifications of this and the business benefits of a Managed Service model will be discussed in detail by a representative from a regional Council.</p> <p>For Metropolitan Councils a Managed Service delivery model provides the means for Council to consistently achieve a high level of service while also effectively addressing business issues of staff productivity and utilisation and risk management and a representative from a metropolitan Council will discuss their decision process and the business outcomes of adopting this model.</p> | <p>RIVERWAY: SMALL COUNCIL BIG DREAM
<i>Lyn Russell PSM, Chief Executive Officer and Karin Hartog, Riverway Project Manager, City of Thuringowa, QLD</i></p> <p>Thuringowa, twin city to Townsville, is the fastest growing city in regional Queensland, and with this growth comes the need for major public infrastructure. The Riverway project provides the much needed infrastructure in this growing city.</p> <p>The Riverway project was conceived by Council to become an exemplar of ecological sensitivity and river management, while providing an environment for the city's young and expanding community to enjoy a variety of waterfront activities.</p> <p>This case study focuses on the Riverway journey including topics such as community engagement, dealing with opposition, securing funding of the project, land tenure issues, and creating sustainable triple bottom line development; and takes into account learnings along the way.</p> |
| 3.30pm | Afternoon Tea [Federation Ballroom Exhibition Area] | | |
| 4.00pm | International Session: International perspectives on an important national issue. This session involves presentations by the Presidents of the International City/County Management Association [USA], Society of Local Authority Chief Executives[UK], Institute of Local Government Management [South Africa] and Society of Local Government Managers [New Zealand]. | | |
| 7.00pm | Congress Dinner – Serwent Entertainment Centre. Guests depart Congress hotels at 7.00pm for the Official Congress Dinner. This highlight of the social program presents fine dining with entertainment by world class performers, The Giant Hamsters featuring guest artist Ronnie Burns. [attendance by delegates at the Congress Dinner is included in the congress registration fee – see Congressplus Social Program page 10] | | |

| | PEOPLE (PE) | PROCESS (PR) | PLACE (PL) |
|----------------------|--|--|---|
| 9.00am
Session 3 | <p>CREATING THE NEXT GENERATION
<i>Andrew Roach, General Manager, Blayney Shire Council, NSW</i></p> <p>Blayney Shire Council has embarked on a systematic approach to addressing the skill shortage, whilst providing a small rural shire with the innovation direction to ensure its longevity. Council's average ages in strategic departments have decreased by up to 20 years, at the same time of maintaining the balance of corporate knowledge.</p> <p>Council has also been proactive in working closely with its Alliance partners, creating innovation and maintaining the local representation that an amalgamation doesn't provide.</p> <p>This session provides a view through the window of the next 20 years of local government trying to manage the Y Generation.</p> | <p>EMBEDDING SUSTAINABILITY IN LOCAL GOVERNMENT THROUGH TRIPLE BOTTOM LINE
<i>Kate McKeand, Executive Manager, Sustainability Services, ICLEI</i></p> <p>ICLEI-A/NZ has been working successfully with 14 Councils around Australia to implement their TBL Capacity Building Program. The program was specifically designed to assist councils to embed sustainability into their operating systems and processes. The TBL program is based around eleven core modules, which councils work through at their own pace over two years. Each module covers a different component of a council's systems – from examining their objectives, targets and indicators to assisting with TBL tool development and implementation.</p> <p>The councils have successfully commenced embedding sustainability into their operations through the program.</p> | <p>CHILDERS: HERITAGE AT WORK
<i>Steve Johnston, Chief Executive Officer, Isis Shire Council, QLD and Peter Kenyon, Director, Bank of Ideas, WA</i></p> <p>In June 2000 the historic township of Childers was devastated when the Palace Hostel was ravaged by fire, resulting in the tragic deaths of 15 backpackers. The Isis Shire Council instigated a number of strategies to recognise the tragedy, restore the Shire's image and make tangible investments in their community including stimulating residential and industrial development. Seven years have passed since that terrible event and the local economy is now booming, while the town is a bustling success story. This presentation will reflect on the strategies behind these outcomes and the lessons there are for other communities faced with adversity.</p> |
| 10.00am
Session 4 | <p>LEADING CHANGE THAT LASTS
<i>Stephen Goode, Managing Director, Stephen Goode Consulting, WA</i></p> <p>The rate of change required of modern local government is not going to slow down any time soon and creating the right organisational culture is essential to position an organisation for success during these times of enormous change. If organisational change is so important why is that so many attempts fail to achieve their goals?</p> <p>Many organisations have tried – and mostly failed – to achieve significant change in a way that results in positive, lasting outcomes resulting in a failure with a significant waste of resources and burned-out, scared or frustrated employees.</p> <p>But change can be achieved, with a new culture embedded so that results are not temporary or illusionary.</p> | <p>THE GOOD, THE BAD, AND THE UGLY
<i>Allan McGill, Chief Executive Officer, Darwin City Council, NT</i></p> <p>Although passion, will and good intentions might exist, the leadership challenge is to avoid peripheral distractions that consume energy and resources at the expense of getting the job done for people.</p> <p>The risk of being seduced by jargon and fashionable management concepts whilst being strangled by compliance, red tape is a real issue for leaders.</p> <p>The diversity of local government is one of the sector's major strengths and implicit in that is a council's ability to have unique ways in which to deal with its people, places and processes.</p> <p>The power to make a difference and the passion to lead will only survive if we are aware of the good, the bad and the ugly.</p> | <p>SUSTAINABLE PLACE SHAPING
<i>Bruce Davidson, Chief Executive Officer, Noosa Council QLD</i></p> <p>There are lots of nice beach communities in Australia. However, only a few have chosen to plan for their communities in a sustainable way and this does not happen by accident. This presentation will explore how and why successful communities can shape their future. With a focus on Noosa's experience, the session will review the concept of sustainability and the important role that community governance plays in shaping the "look and feel" of special places.</p> |
| 11.00am | Morning Tea [Federation Ballroom Exhibition Area] | | |
| 11.30am | <p>Keynote Address: Change Leadership – The Hon. Jeffrey Kennett AC. <i>The Influence & The Passion – The Influence to make a Difference – The Passion to Lead.</i> Power is an ugly word, and not one I would use to best effect generational change. It is how one uses the 'influence' that comes with character, position, ability and effort that leads to the most positive outcomes. The leadership qualities that effect change are not new, but again it is how an individual uses those qualities that will determine the extent and quality of the outcomes. Sadly, there are very few fine leaders among our ranks!</p> | | |
| 12.30pm | Lunch [Federation Ballroom Exhibition Area] | | |
| 1.30pm
Session 5 | <p>STRENGTHENING THE RELATIONSHIP BETWEEN CHANGE DIALOGUE, BEHAVIOUR AND PRODUCTIVITY
<i>Sanjib Roy, Director Human Resources, Victoria Police, VIC</i></p> <p>Victoria Police has made significant progress in contributing to a safer community in Victoria – however significant challenges exist for the organisation to adapt as the pace of change in the community continues to build. Moving to a more 'open' organisation, cognisant of changing community expectations and types and sophistication of crime has required Victoria Police to address styles of leadership, capabilities and culture in a multifaceted manner. This address reflects on leadership (from the top and throughout the organisation) and a new focus on capabilities as a linking tool between strategy and HR systems as change drivers to build a requisite, evolving organisation.</p> | <p>BEACONSFIELD MINE CRISIS – 1 YEAR AFTER
<i>Mayor Barry Easther and Jannie Turner, Community Service Manager, West Tamar Council, TAS</i></p> <p>This presentation will reveal how the West Tamar Emergency Management and Community Recovery Plan was implemented to deal with the Beaconsfield mine crisis.</p> <p>Having an appropriate plan in place forms the basis for strong and effective leadership in any crisis. It also provides direction for ongoing community recovery which can last for many years. Community recovery during and after a crisis brings the understanding that the affected community will remain changed for ever, but bringing about positive change where the community is "better" than it was before is the challenge.</p> <p>Delegates will gain an insight on how the crisis was managed and things that were learned on the way.</p> | <p>SUBURBAN REVITALISATION - PLANS INTO ACTION: LESSONS FROM FOOTSCRAY TRANSIT CITY
<i>Kelvin Walsh, Manager City Design and Place Making, Maribyrnong City Council, VIC</i></p> <p>Improving city sustainability through revitalisation of suburbs and suburban centres can only be effectively delivered through a comprehensive approach and collaboration between government, the private sector and the community.</p> <p>Using Footscray Transit City as a case study, this presentation outlines a "renewal and revitalisation model" that could be applied wherever improved sustainability and revitalisation of suburban centres is needed. Lessons from this award-winning and practical example will be clearly detailed for delegates to apply in their own local areas.</p> |
| 2.30pm
Session 6 | <p>COURAGE UNDER FIRE – THE NEED TO LEAD
<i>Ricky Burges, Chief Executive Officer, WA Local Government Association, WA</i></p> <p>In leadership roles and positions of influence we are faced with challenges and dilemmas everyday that require us to make the right decisions, act with integrity and be accountable for our actions.</p> <p>Every time we are faced with an opportunity to use power and influence we need to ask the question "who will this benefit? Am I doing this for my own benefit or will it benefit others?"</p> <p>This session looks at the challenges of staying on the "right" side of good management, good governance and leading with integrity. It also provides a comment on the benefits of developing "relational competencies" and how toxic personalities poison our organisations.</p> | <p>WORKING WITH LOCAL GOVERNMENT FOR REGIONAL DEVELOPMENT
<i>Norm McIlfratrick, Secretary, Department of Economic Development and CEO of Tasmania Development and Resources, TAS</i></p> <p>Understanding investment, growth and infrastructure issues, intentions and constraints is vital to continuing economic success for any small regional area. The Regional Economic Development and Investment (REDI) project is giving regions in Tasmania the information needed to set future economic and social infrastructure priorities.</p> <p>This ambitious project of national significance has already produced Tasmania's largest ever survey of business.</p> <p>This information has been vital in continuing to develop structured and effective partnerships with local councils.</p> | <p>TRANSFORMING THE CULTURAL HEART OF NEWCASTLE
<i>Janet Dore, General Manager, Newcastle City Council, NSW</i></p> <p>Since BHP closed its steel mill in 1999, Newcastle has emerged from its industrial base to a modern services oriented economy.</p> <p>Federal and State government assistance has played its part but leadership by local government has provided the impetus. Newcastle Council developed a master plan for the central civic area to rejuvenate and enhance existing cultural facilities. It has rebuilt a 200 seat playhouse, selected winning design to double the size of its Regional Art Gallery and purchased a site to relocate the Regional Museum to the civic heart of the city. This cultural precinct provides a basis for revitalisation of the city for visitors and the regional community to enjoy.</p> |
| 3.30pm | Afternoon Tea [Federation Ballroom Exhibition Area] | | |
| 4.00pm | <p>Panel Session: Women in Local Government - Workforce of the Future This Panel Session will showcase the various initiatives from around Australia that have promoted women in local government. This session is designed to present the best practice on attraction and retention of women in local government.</p> | | |
| 7.00pm | <p>1. Dining and Entertainment at Meadowbank Estate</p> <p>2. Dining and Entertainment at Wrest Point</p> | <p>Optional Social Events – see Congressplus [page 10] for details – separate registration required</p> | |

| | PEOPLE (PE) | PROCESS (PR) | PLACE (PL) |
|----------------------|--|--|---|
| 9.00am
Session 7 | <p>A BEST PRACTICE STORY
<i>Dr Shayne Silcox, Chief Executive Officer, City of Belmont, WA</i></p> <p>This session will present <i>A Best Practice Story</i>; comprehensive working strategies which resulted in the organisation being the first in Western Australia to win the National Best Practice Excellence Medal.</p> <p>It will outline the frameworks utilised, lessons learned, concepts for improvement implemented and philosophies adopted, resulting in recognition as a leading organisation in Australia.</p> <p>The session will address the organisational, management and staff awareness, willingness and commitment to creating not only a sustainable, but thriving organisation. It will identify vital components of an effective and efficient organisation as being the need to recognise and evolve strategic direction, organisational culture and leadership.</p> | <p>LEADING PRACTICE MODEL FOR DEVELOPMENT ASSESSMENT
<i>DAF speaker to be confirmed</i></p> <p>The Development Assessment Forum's role in researching and developing leading practice models for improving all elements of the development assessment system will be discussed. DAF continues to promote new thinking, and their latest work will be presented. Following the 'tracks' model, of particular importance is the eDA work developed in Queensland, which is linking local government systems to enable them to lodge and track DAs on the internet</p> | <p>PUBLIC PLACE AS INFRASTRUCTURE
<i>Noel Corkery, Managing Director, Corkery Consulting, NSW</i></p> <p>For too long the urban development process has divided people and place. The result is urban environments that are at best bland and un-engaging while at worst aggressive, ugly and dysfunctional.</p> <p>The design of infrastructure is a major influence on the quality of public urban places. There is an urgent need to recognize aesthetic qualities as being equally important as functionality, not an optional extra. Attitudes and expectations need to change in relation to the quality of public places as an integral part of the urban infrastructure.</p> <p>As a major client body local government managers are in a powerful position to direct the process to achieve better outcomes that contribute to the quality of the built environment; not only functionally but also socially, economically and aesthetically.</p> <p>While the current poor quality of most urban places in Australian cities is a sad testament to the inadequacies of planning and design process, there are exceptions and we need to look carefully at what makes them successful.</p> <p>This presentation will review the myriad of infrastructure elements that influence the quality of public places, contrasting good and bad examples.</p> |
| 10.00am
Session 8 | <p>LOCAL GOVERNMENT SECTOR RECRUITMENT AND RETENTION PROJECT
<i>Antony Crane, Manager, Recruitment and Retention Project, SOLGM, NZ</i></p> <p>At the request of local authority Chief Executives, SOLGM commissioned research into the problems faced. Project priorities were identified as:</p> <ul style="list-style-type: none"> • Developing an Employer of Choice identity and creating an information-rich website and suitable promotion • Fostering internal people management enhancements • Improving understanding by students about what careers the sector can offer <p>How have those priorities evolved? The following points will be discussed:</p> <ul style="list-style-type: none"> • The importance of gaining sector support • How to balance the interests of the sector and professional bodies • The importance of profile in the schools and tertiary institutions • How to stretch the dollar. | <p>LGIS - INNOVATION AND PROCUREMENT IN LOCAL GOVERNMENT
<i>Graham Matthew, Chief Executive, LG Infrastructure Services, QLD</i></p> <p>LG Infrastructure Services is a unique organisation comprising a joint venture between Local Government Association of Queensland and Queensland Treasury Corporation. It is the first time in an Australian context that two such organisations have joined forces to provide services to local government in infrastructure provision. Now in its second year of operation LG Infrastructure Services has been highly successful and is delivering infrastructure using unique collaborative approaches that had previously been considered impossible. This presentation will address the history and recent activities on LG Infrastructure Services and provide case study examples of infrastructure programs involving collaborations between large numbers of local governments and the State which are delivering significant scale and scope economies.</p> | <p>WHAT TRULY MAKES A PLACE? PEOPLE!
<i>Allan Tranter, Director, Creating Communities, WA</i></p> <p>Some places are simply spectacular, have a certain something that draws people to them and holds their interest. Historical buildings, gorges, groves, fields, vistas ... all come to mind. But usually when we talk about a sense of place in urban settings it's their vibrance that creates the attraction. It's not so much the built form or the layout – human scale, although these are very important, but what actually is happening in the space that draws people to them and holds them there for periods of time. So ... what makes places work well is the theme of this presentation.</p> |
| 11.00am | Morning Tea [Federation Ballroom Exhibition Area] | | |
| 11.30am | <p>National Issues Session: The LGMA National Office has been working with sector partners in developing a position on issues of Skills Shortage and Financial Sustainability. This session will update delegates with latest developments.</p> | | |
| 12.30am | <p>Keynote Address: <i>Chance Leadership – John Anderson, Founder Contiki Holidays.</i> The Contiki Story is an incredible story, which remains virtually untold, yet it's a household name in countries around the world. This is the story of a leader who developed a simple plan and was prepared to take a chance. Building on a huge range of personal and business disciplines, John's story of Contiki provides hard-learned lessons about achieving success in business.</p> | | |
| 1.30pm | <p>Conclusion of Congress and Handover of LGMA National Presidency.</p> | | |
| 2.00pm | <p>Lunch [Mezzanine Foyer]</p> <p>to include drawing of Sponsor and Exhibitor raffles. \$\$\$s in prizes and only delegates in the draw). <i>Sponsored by:</i></p> | |  |
| 3.00pm - 5.00pm | <p>1. Masterclass: Sustainable Management of Infrastructure - an Essential Part of Doing Business,
<i>John Howard, Project Manager, National Asset Management Strategy Australia</i></p> <p>2. Workshop: Improving Self Awareness, Organisational Performance and Loving Relationships,
<i>Rob Noble, Chief Executive Officer, Caboolture Shire Council, QLD</i></p> | <p>Congressplus Masterclass and Workshop – see Congressplus Supplementary Program [page 8] for details.</p> | |



INVESTMENT & LOAN LIABILITY AS AT 30 NOVEMBER 2006

EXECUTIVE SUMMARY

PURPOSE OF REPORT:

To present to Council investment allocations, returns on investments and details of loan liabilities for November 2006.

BACKGROUND:

Council's investments are made in accordance with the Local Government Act (1993), the Local Government (General) Regulation 2005 and Council's Investment Policy which was adopted by Council on 18 July 2006 (Minute No.254).

COMMENTS:

The Reserve Bank of Australia (RBA) increased the official cash rate from 6.00% to 6.25% during the month of November.

RECOMMENDATION:

That the summary of investments and loan liabilities for November 2006 be received and noted.

PURPOSE OF REPORT

To present to Council investment allocations, returns on investments and details of loan liabilities for November 2006.

BACKGROUND

Council's investments are made in accordance with the Local Government Act (1993), the Local Government (General) Regulation 2005 and Council's Investment Policy which was adopted by Council on 18 July 2006 (Minute No. 254).

This policy allows Council to utilise the expertise of external fund managers or make direct investments for the investment of Council's surplus funds.

COMMENTS

During the month of November, Council had a net cash inflow of \$4,550,000 and gross interest and capital appreciation on Council's investments was \$236,600.

Council's total investment portfolio at the end of November 2006 is \$49,989,600. This compares to an opening balance of \$36,366,900 as at 1 July 2006.

Council's interest on investments for November year to date is \$1,102,600. This is less than the year to date budget of \$1,150,000. Council is achieving higher than expected rates of returns on investments, however the below budget result is due to funds from the sale of Council's Depot not being received as anticipated.

Council's total debt as at 30 November 2006 is \$10,895,400. There were no debt repayments during the month of November.

PERFORMANCE MEASUREMENT

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

- **Management of General Fund Bank Balance**

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

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▪ **Performance against the UBS Bank Bill Index**

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

▪ **Allocation of Surplus Funds**

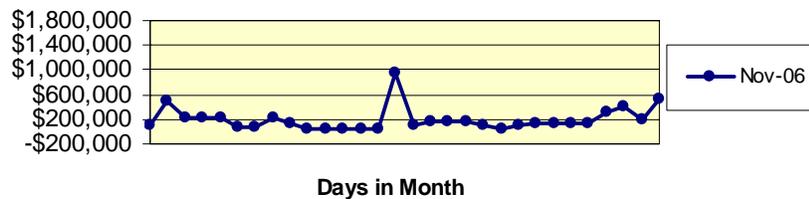
This represents the mix or allocation of surplus funds with each of Council’s Fund Managers and direct securities.

Council’s Investment Policy requires that not more than 35% of funds are to be with any one Fund Manager. All funds are kept below this required level of 35%.

Management of General Fund Bank Balance

During November, Council had an inflow of funds of \$4,550,000. This was as a result of income received from the second quarter rate instalment falling due and Section 94 contributions.

Management of General Fund Bank Balance



Funds Performance against the UBS Bank Bill Index

The weighted average return for the total portfolio year to date was 7.19% compared to the benchmark of the UBS Bank Bill Index of 6.23%.

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| Issuer | Investment Name | Investment Rating | Invested at 30-Nov-06 \$000's | Period Return (%) | YTD Return (%) | % of Total Invested |
|---------------------------------|---------------------------|-------------------|-------------------------------|-------------------|----------------|---------------------|
| Macquarie Bank | Macquarie Income Plus | A | 11,493 | 6.57 | 6.39 | 22.95 |
| Select Access Investments | Titanium AAA | AAA | 2,000 | 7.21 | 7.07 | 3.99 |
| Deutsche Bank | Deutsche Income | A | 11,655 | 7.39 | 6.57 | 23.28 |
| Perpetual | Perpetual Credit Income | A | 4,567 | 6.85 | 6.42 | 9.12 |
| Bankers Trust | BT IMC | AAA | 317 | 6.17 | 6.27 | 0.63 |
| Bendigo Bank | Turramurra Community Bank | BBB | 559 | 6.52 | 6.03 | 1.12 |
| Adelaide Bank | AAA SAVER | AAA | 10,400 | 6.67 | 6.48 | 20.77 |
| CBA/Helix Capital Jersey | Oasis Portfolio Note | AAA | 2,000 | 7.01 | 7.26 | 3.99 |
| Longreach/Rabobank | Longreach CPWF | AAA | 3,038 | 32.26 | 16.13 | 6.07 |
| ABN AMRO/Rembrandt Australia | SURF CPDO | AAA | 2,016 | 8.24 | 8.21 | 4.03 |
| NSW Treasury Corp | KRGC Tcorp MTGF | UNRATED | 2,029 | 13.95 | 11.79 | 4.05 |
| TOTALS/WEIGHTED AVERAGES | | | 50,074 | 8.88 | 7.24 | 100 |

| | |
|---|-------------|
| Matured/Traded Investments - Weighted YTD Average Return (%) | 5.81 |
| Weighted Average Overall Return Year To Date (%) | 7.19 |
| Benchmark Return: UBSWA Bank Bill Index(%) | 6.23 |
| Variance From Benchmark (%) | 0.96 |

Comment on Individual Investment Performance

Longreach/Rabobank: This investment is in property, infrastructure and utilities. The investment was made on 29 September 2006 and has reported 4.38% positive price growth during November (16% annualised). After investment, units commenced trading at 0.982 per \$1 unit reflecting the fees and other costs in launching the investment. The increase in the Fund unit's net asset value of 2.16% was due to a combination of strong price growth in the ASX index investments and a more stable interest rate environment.

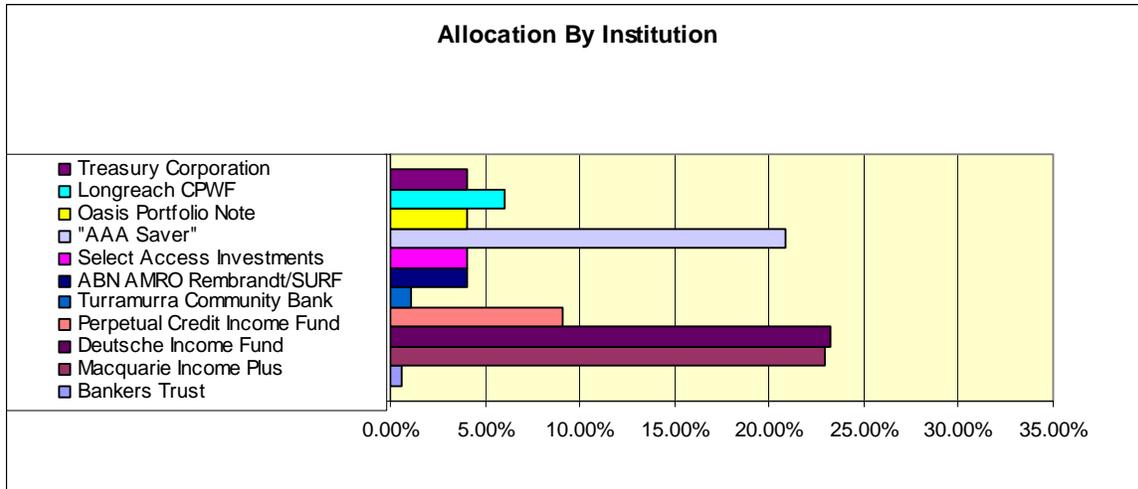
Treasury Corporation: The medium term growth fund is a new investment made in October. This is a fund managed by the NSW Treasury Corporation which invests in a range of Australian shares 12.5%, international shares 12.5% and bonds and cash 75%. Shares performed very well in November driving the good result of 11.8% annualised on this investment.

ABN AMRO/SURF: The SURF Notes were purchased in October 2006. This is an investment based on corporate bonds issued by major companies in the iTraxx Europe and DJ CDX five year indices. The investment has a AAA rating from S & P and pays 190 basis points above Bank Bill resulting in 8.2% annualised return on this investment.

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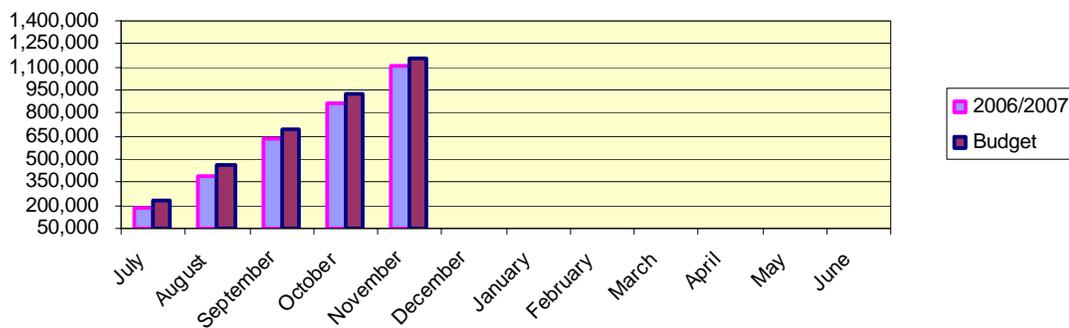
Council's funds during November were allocated as follows:



Accumulative Interest

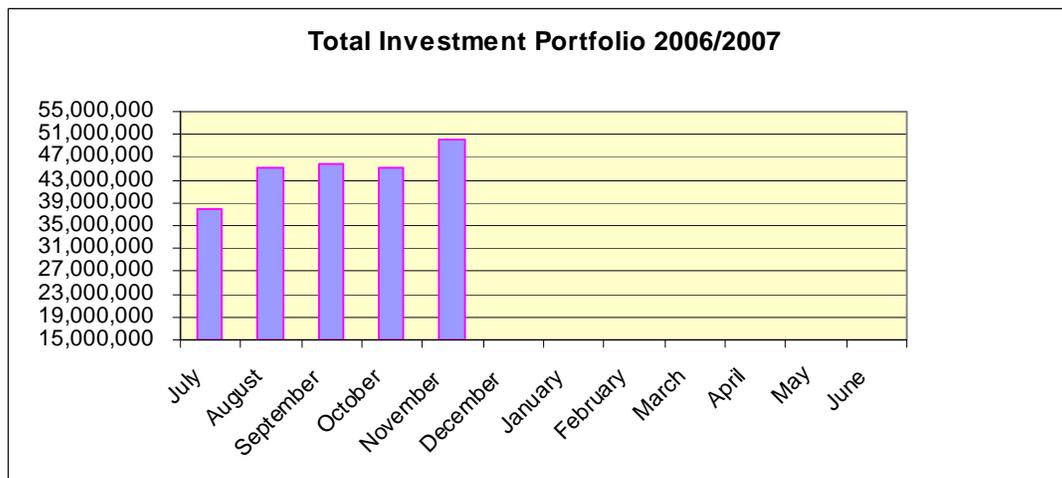
The following chart compares the interest earned on an accumulative monthly basis against the budgeted year to date forecast. At the end of November, year to date interest earnings totalled \$1,102,600 against a budget of \$1,150,000, a negative variance of \$47,400.

Accumulative Interest 2006/2007 v's Budget



Total Investment Portfolio

The following chart tracks the year to date investment portfolio balances for 2006/2007.



During November 2006 Council’s investment portfolio increased by \$4,550,000.

Council’s closing investment portfolio after interest and fees of \$49,989,600 in November 2006 is \$13,622,700 higher than the July 2006 opening balance of \$36,366,900. This is due to income from the second quarter rates instalment and Section 94 contributions.

Summary of Borrowings

There were no loan repayments made in November leaving total debt at \$10,895,400.

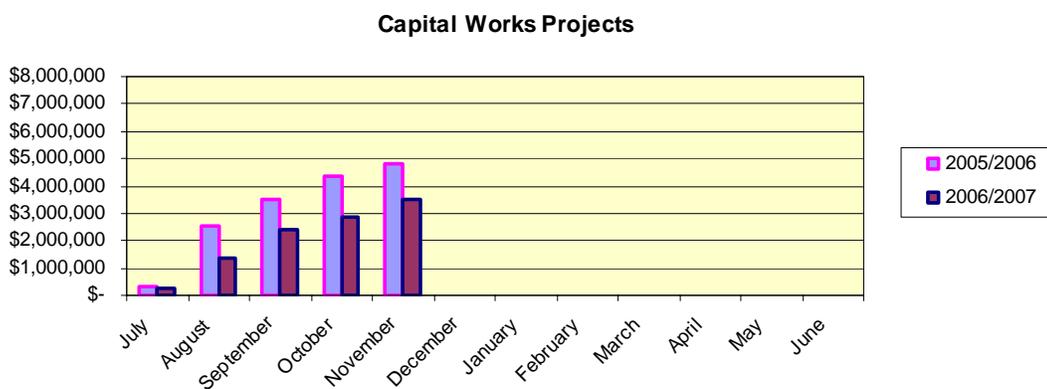
| Lender | Loan Number | Original Principal | Principal Repayments | Balance Outstanding | Interest Rate | Draw Down Date | Maturity Date |
|--------------|-------------|---------------------|----------------------|---------------------|---------------|----------------|---------------|
| Westpac | 127 | \$1,000,000 | \$747,409 | \$252,591 | 6.32% | 29-Jun-98 | 29-Jun-08 |
| CBA No 1 | 128 | \$2,600,000 | \$1,950,000 | \$650,000 | 6.56% | 29-Jun-99 | 13-Jun-09 |
| CBA No 2 | 129 | \$2,600,000 | \$1,690,000 | \$910,000 | 6.56% | 13-Jun-00 | 14-Jun-10 |
| CBA | 130 | \$2,600,000 | \$1,099,393 | \$1,500,607 | 6.32% | 26-Jun-01 | 28-Jun-11 |
| NAB | 131 | \$2,600,000 | \$835,742 | \$1,764,258 | 6.85% | 27-Jun-02 | 27-Jun-12 |
| Westpac | 132 | \$1,882,000 | \$467,466 | \$1,414,534 | 5.16% | 27-Jun-03 | 27-Jun-13 |
| CBA | 133 | \$1,800,000 | \$276,017 | \$1,523,983 | 6.36% | 23-Jun-04 | 23-Jun-14 |
| Westpac | 134 | \$1,600,000 | \$120,575 | \$1,479,425 | 6.05% | 29-Jun-05 | 30-Jun-15 |
| NAB | 135 | \$1,400,000 | | \$1,400,000 | 6.48% | 30-Jun-06 | 29-Jun-16 |
| TOTAL | | \$18,082,000 | \$7,186,602 | \$10,895,398 | | | |

Capital Works Projects

During November 2006, Council expended \$635,700 on capital works, which compares to \$465,200 during November 2005, an increase of \$170,500.

Council’s 2006/2007 total revised budget for capital works is \$28,370,100, which leaves funds of \$24,884,800 unexpended at the end of November.

The following graph compares the gross accumulative monthly expenditure totals for capital works for financial years 2005/2006 and 2006/2007.



CONSULTATION

Not applicable

FINANCIAL CONSIDERATIONS

The Reserve Bank of Australia (RBA) increased the official cash rate from 6.00% to 6.25% during the month of November.

CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

Not applicable.

SUMMARY

As at 30 November 2006:

- Council’s total investment portfolio is \$49,989,600. This compares to an opening balance of \$36,366,900 as at 1 July 2006, an increase of \$13,622,700.

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1 December 2006

- Council's interest on investments totals \$1,102,600. This compares to the year to date budget of \$1,150,000.
- Council's total debt stands at \$10,895,400.

RECOMMENDATION

That the summary of investments and loan liabilities for November 2006 be received and noted.

CERTIFICATE OF THE ACTING DIRECTOR FINANCE & BUSINESS

I certify that as at the date of this report the investments listed have been made and are held in compliance with Council's Investment Policy and appropriate legislation.

John Clark
Acting Director Finance & Business
Responsible Accounting Officer

Edwin Athaide
Finance & Business Officer

INVESTMENT & LOAN LIABILITY AS AT 31 DECEMBER 2006

EXECUTIVE SUMMARY

PURPOSE OF REPORT:

To present to Council investment allocations, returns on investments and details of loan liabilities for December 2006.

BACKGROUND:

Council's investments are made in accordance with the Local Government Act (1993), the Local Government (General) Regulation 2005 and Council's Investment Policy which was adopted by Council on 18 July 2006 (Minute No.254).

COMMENTS:

The Reserve Bank of Australia (RBA) maintained the official cash rate at 6.25% during the month of December.

RECOMMENDATION:

That the summary of investments and loan liabilities for December 2006 be received and noted.

PURPOSE OF REPORT

To present to Council investment allocations, returns on investments and details of loan liabilities for December 2006.

BACKGROUND

Council's investments are made in accordance with the Local Government Act (1993), the Local Government (General) Regulation 2005 and Council's Investment Policy which was adopted by Council on 18 July 2006 (Minute No. 254).

This policy allows Council to utilise the expertise of external fund managers or make direct investments for the investment of Council's surplus funds.

COMMENTS

During the month of December, Council had a net cash inflow of \$1,200,000 and gross interest and capital appreciation on Council's investments was \$274,300.

Council's total investment portfolio at the end of December 2006 is \$51,196,000. This compares to an opening balance of \$36,366,900 as at 1 July 2006.

Council's interest on investments for December year to date is \$1,377,000. This is marginally less than the year to date budget of \$1,381,700. Council is achieving higher than expected rates of returns on investments, however the below budget result is due to funds from the sale of Council's Depot not being received as anticipated.

Council's total debt as at 31 December 2006 was reduced by \$779,740 to \$10,115,660 from \$10,895,400. There were six debt repayments made during the month of December.

PERFORMANCE MEASUREMENT

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

- **Management of General Fund Bank Balance**

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

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▪ **Performance against the UBS Bank Bill Index**

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

▪ **Allocation of Surplus Funds**

This represents the mix or allocation of surplus funds with each of Council’s Fund Managers and direct securities.

Council’s Investment Policy requires that not more than 35% of funds are to be with any one Fund Manager. All funds are kept below this required level of 35%.

Management of General Fund Bank Balance

During December, Council had a net inflow of fund of \$1,200,000. This was as a result of income received from the second quarter rate instalment falling due on 30 November 2006.

Management of General Fund Bank Balance



Funds Performance against the UBS Bank Bill Index

The weighted average return for the total portfolio year to date was 8.25% compared to the benchmark of the UBS Bank Bill Index of 6.27%.

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| Issuer | Investment Name | Investment Rating | Invested at 31-Dec-06 \$000's | Period Return (%) | YTD Return (%) | % of Total Invested |
|---------------------------------|---------------------------|-------------------|-------------------------------|-------------------|----------------|---------------------|
| Macquarie Bank | Macquarie Income Plus | A | 11,563 | 7.57 | 6.59 | 22.45 |
| Select Access Investments | Titanium AAA | AAA | 2,000 | 7.32 | 7.11 | 3.88 |
| Deutsche Bank | Deutsche Income | A | 11,711 | 6.01 | 6.47 | 22.73 |
| Perpetual | Perpetual Credit Income | A | 4,795 | 7.44 | 6.54 | 9.31 |
| Bankers Trust | BT IMC | AAA | 318 | 6.30 | 6.27 | 0.62 |
| Bendigo Bank | Turramurra Community Bank | BBB | 559 | 6.52 | 6.12 | 1.09 |
| Adelaide Bank | AAA SAVER | AAA | 11,318 | 6.65 | 6.54 | 21.97 |
| CBA/Helix Capital Jersey | Oasis Portfolio Note | AAA | 2,000 | 7.17 | 7.24 | 3.88 |
| Longreach/Rabobank | Longreach CPWF | AAA | 3,191 | 81.93 | 37.37 | 6.19 |
| ABN AMRO/Rembrandt Australia | SURF CPDO | AAA | 2,016 | 8.24 | 8.23 | 3.91 |
| NSW Treasury Corp | KRGC Tcorp MTGF | UNRATED | 2,046 | 10.20 | 11.25 | 3.97 |
| TOTALS/WEIGHTED AVERAGES | | | 51,517 | 11.39 | 8.34 | 100 |

| | |
|---|-------------|
| Matured/Traded Investments - Weighted YTD Average Return (%) | 5.81 |
| Weighted Average Overall Return Year To Date (%) | 8.25 |
| Benchmark Return: UBSWA Bank Bill Index(%) | 6.27 |
| Variance From Benchmark (%) | 1.98 |

Comments on Individual Investment Performance

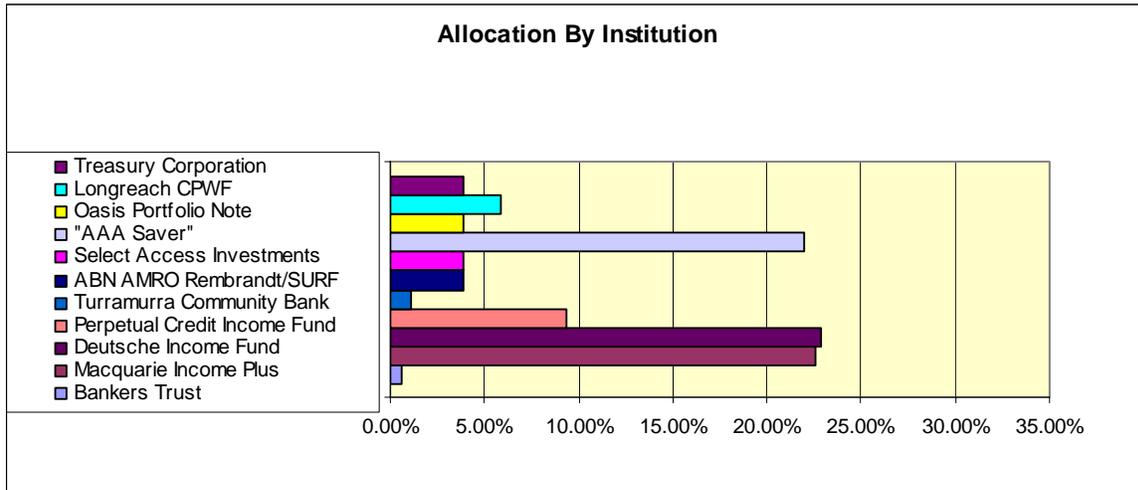
Longreach/Rabobank: This investment is in property, infrastructure and utilities and was made on 29 September 2006. The unit price has improved by 6.38% since inception with an increase of 5.05% over the month of December. The performance in December was due to a combination of strong price growth in the ASX index investments and a continued stable interest rate environment. It should be noted that the issuers of the investment do not expect to maintain price growth at this levels in 2007.

Treasury Corporation: The investment in the medium term growth fund was made in October 2006. This is a fund managed by the NSW Treasury Corporation which invests in a range of Australian shares 12.5%, international shares 12.5% and bonds and cash 75%. Shares performed very well in December driving the good result of 11.25% annualised on this investment.

ABN AMRO/SURF: The SURF Notes were purchased in October 2006. This is an investment based on corporate bonds issued by major companies in the iTraxx Europe and DJ CDX five year indices. The investment has a AAA rating from S & P and pays 190 basis points above Bank Bill resulting in 8.2% annualised return on this investment.

Adelaide AAA Saver: This was a new investment in August 2006. Funds are primarily invested in mortgages issued by Adelaide Bank, returns are generally set by the bank at approximately 0.25% above Bank Bill rates. These funds are accessible within 24 hours and this investment is used for active cash management.

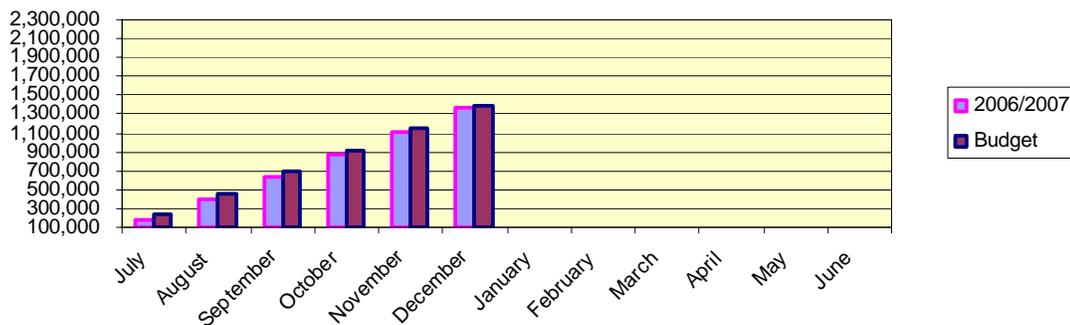
Council's funds during December were allocated as follows:-



Accumulative Interest

The following chart compares the interest earned on an accumulative monthly basis against the budgeted year to date forecast. At the end of December, year to date interest earnings totalled \$1,377,000 against a budget of \$1,381,700, a negative variance of \$4,400.

Accumulative Interest 2006/2007 v's Budget

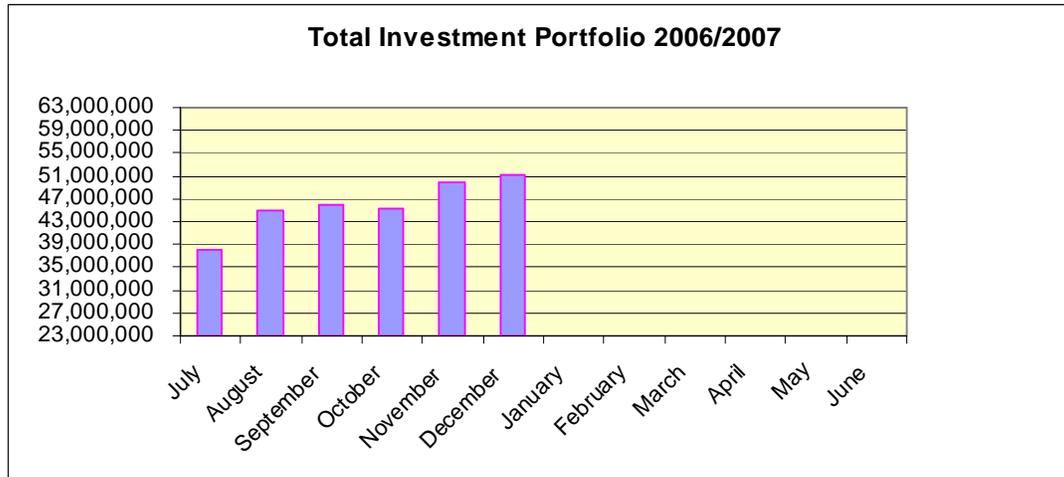


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Total Investment Portfolio

The following chart tracks the year to date investment portfolio balances for 2006/2007.



During December 2006 Council’s investment portfolio increased by \$1,200,000.

Council’s closing investment portfolio after interest and fees of \$51,196,000 in December 2006 is \$14,829,100 higher than the July 2006 opening balance of \$36,366,900.

Summary of Borrowings

There were six loan repayments made in December reducing total debt to \$10,115,660.

| Lender | Loan Number | Original Principal | Principal Repayments | Balance Outstanding | Interest Rate | Draw Down Date | Maturity Date |
|--------------|-------------|---------------------|----------------------|---------------------|---------------|----------------|---------------|
| Westpac | 127 | \$1,000,000 | \$815,623 | \$184,377 | 6.32% | 29-Jun-98 | 29-Jun-08 |
| CBA No 1 | 128 | \$2,600,000 | \$1,950,000 | \$650,000 | 6.56% | 29-Jun-99 | 13-Jun-09 |
| CBA No 2 | 129 | \$2,600,000 | \$1,690,000 | \$910,000 | 6.56% | 13-Jun-00 | 14-Jun-10 |
| CBA | 130 | \$2,600,000 | \$1,276,750 | \$1,323,250 | 6.32% | 26-Jun-01 | 28-Jun-11 |
| NAB | 131 | \$2,600,000 | \$1,017,433 | \$1,582,567 | 6.85% | 27-Jun-02 | 27-Jun-12 |
| Westpac | 132 | \$1,882,000 | \$589,105 | \$1,292,895 | 5.16% | 27-Jun-03 | 27-Jun-13 |
| CBA | 133 | \$1,800,000 | \$399,061 | \$1,400,939 | 6.36% | 23-Jun-04 | 23-Jun-14 |
| Westpac | 134 | \$1,600,000 | \$228,369 | \$1,371,631 | 6.05% | 29-Jun-05 | 30-Jun-15 |
| NAB | 135 | \$1,400,000 | | \$1,400,000 | 6.48% | 30-Jun-06 | 29-Jun-16 |
| TOTAL | | \$18,082,000 | \$7,966,341 | \$10,115,659 | | | |

Item 7

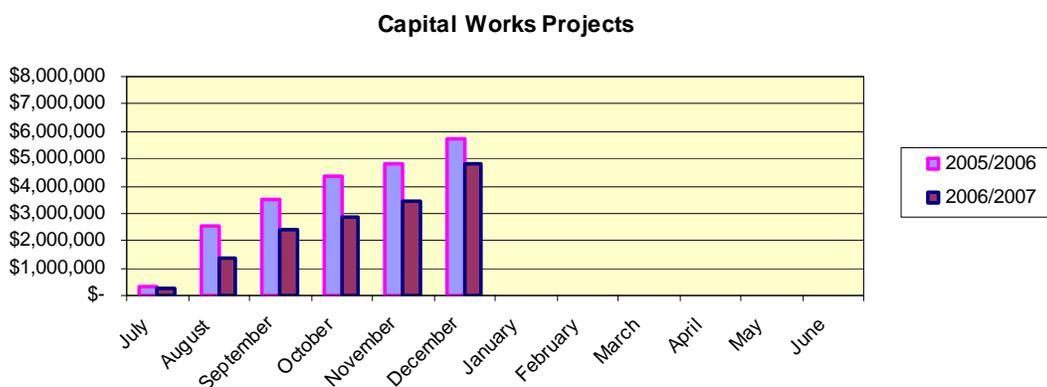
S02722
24 January 2007

Capital Works Projects

During December 2006, Council expended \$1,313,300 on capital works, which compares to \$865,500 during December 2005, an increase of \$447,800.

Council’s 2006/2007 total revised budget for capital works is \$28,395,400, which leaves funds of \$23,607,900 unexpended at the end of December. \$11,300,000 relates to the Depot relocation.

The following graph compares the gross cumulative monthly expenditure totals for capital works for financial years 2005/2006 and 2006/2007.



CONSULTATION

Not applicable

FINANCIAL CONSIDERATIONS

The Reserve Bank of Australia (RBA) maintained the official cash rate at 6.25% during the month of December.

CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

Not applicable.

SUMMARY

As at 31 December 2006:

- Council’s total investment portfolio is \$51,196,000. This compares to an opening balance of \$36,366,900 as at 1 July 2006, an increase of \$14,829,100.

Item 7

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- Council's interest on investments totals \$1,377,000. This compares to the year to date budget of \$1,381,700.
- Council's total debt reduced to \$10,115,660.

RECOMMENDATION

That the summary of investments and loan liabilities for December 2006 be received and noted.

CERTIFICATE OF THE ACTING DIRECTOR FINANCE & BUSINESS

I certify that as at the date of this report the investments listed have been made and are held in compliance with Council's Investment Policy and appropriate legislation.

John Clark
Acting Director Finance & Business
Responsible Accounting Officer

Edwin Athaide
Finance & Business Officer

ENVIRONMENTAL LEVY PROGRAMS COMMITTEE MINUTES OF MEETING TUESDAY, 28 NOVEMBER 2006

EXECUTIVE SUMMARY

PURPOSE OF REPORT:

To bring to the attention of Council the proceedings from the Environmental Levy Programs Committee meeting held on Tuesday 28 November 2006.

BACKGROUND:

The Programs Committee is one of three Environmental Levy Advisory Committees that meet twice yearly for discussions in relation to the progress and direction of the Environmental Levy.

COMMENTS:

The meeting of 28 November 2006 discussed five items including the role of the Committee, the evaluation process for the selection of projects, ideas for promotion and marketing, riparian projects and pre and post fire weeding.

RECOMMENDATION:

That the Minutes of the Environmental Levy Programs Committee meeting held on Tuesday 28 November 2006 and attachments be received and noted.

PURPOSE OF REPORT

To bring to the attention of Council the proceedings from the Environmental Levy Programs Committee meeting held on Tuesday 28 November 2006.

BACKGROUND

The role of the Environmental Levy Programs Committee is to provide expert advice and feedback to Council on matters in relation to the direction and progress of the Environmental Levy. Membership to this Committee was previously considered and supported by Council on 26 September 2005.

After the initial Environmental Levy Programs Committee meeting in August 2006, it was clear that further development was required to effectively gain from an advisory committee. Two distinct areas to investigate for improvement of the Committee's impact were:

1. Developing and further defining the role of the Programs Committee; and
2. Identifying how the evaluation of projects can assist in improving future outcomes.

COMMENTS

Five items were discussed at the meeting of Tuesday 28 November 2006:

1. The role of the Committee (as outlined in Attachment 1) is to provide input into the strategic direction of the Environmental Levy programs. This includes, amongst other things, reviewing the direction and success of projects against the initial intent of the Levy, investigating opportunities for promotions and marketing and reviewing consultation strategies;
2. Strategic review of projects, including an assessment of the progress of various projects;
3. Marketing and Promotions – in particular the value of signs promoting Levy funded projects;
4. Potential projects within the water and catchment area; and
5. Integration with operational programs undertaken by the Natural Areas outdoor staff. Specific discussions were held on the importance of pre and post fire weeding associated with hazard reduction burns. While this was not identified as a priority area for Levy funding, it is a notable gap and an area for improvement to be considered in future reviews.

CONSULTATION

Consultation between Council and the members of the Environmental Levy Programs Committee has been through email, face-to-face discussions and telephone.

FINANCIAL CONSIDERATIONS

Financial consideration is not necessary as this work has been identified as part of the running of the Environmental Levy.

CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

Consultation with other Council departments has not occurred in the development of this report.

SUMMARY

The Environmental Levy Programs Committee provides an advisory role as to the direction of new projects to be funded by the Environmental Levy. The meeting of 28 November 2006 further defined the role of this Committee and considered future projects and ideas within the water and catchments, biodiversity, fire management and promotions areas.

RECOMMENDATION

That the Minutes of the Environmental Levy Program Committee meeting of Tuesday, 28 November 2006 and attachments be received and noted.

Mary-Lou Lewis
**Natural Areas &
Environmental Levy
Program Leader**

Peter Davies
**Manager Sustainability &
Natural Environments**

Steven Head
**Director Open Space &
Planning**

Attachments: **1. Minutes of Meeting of Tuesday, 28 November 2006 - 709031**
 2. Role of Environmental Levy Programs Committee - 711274

ENVIRONMENTAL LEVY PROGRAMS COMMITTEE

Monday 28 November 2006
Level 2 - 7.00pm – 9.00 pm

Attendees:

| Members | Staff |
|---|--|
| Alex Horn
Breville Johnson
Eija Roti
Elizabeth Deane
Harley Wright
John Balint
Nancy Pallin
Ross Peacock | Peter Davies – Manager Sustainability & Natural Environments
Mary-Lou Lewis – Natural Areas & Environmental Levy Program Leader |

Apologies:

| Members | Staff |
|---------|-------|
| | |

Meeting open 7.00pm.

General Business

ELPC 1 – Role of Environmental Levy Programs Committee

The Committee defined their role as well as reviewing suggestions by Ross Peacock and John Balint (*see attached*).

Natural Areas & Environmental Levy Program Leader to add suggestions and distribute to Committee members. This will also include a review of the initial Environmental Levy Program role as in application for special variation and change accordingly.

ELPC 2 – Evaluation Process

All Committee members expressed concerns in relation to the need to define the evaluation process. It needs to be presented in easy language with headings based on experience and proportion of funding. Nancy Pallin requested access to contractor's monthly reports.

Natural Areas & Environmental Levy Program Leader will develop strategic review criteria

ELPC 3 – Ideas of promotion and marketing

There were several suggestions in relation to marketing and the promotion of the Environmental Levy which are noted below:

- “Open day” for sites advertised in rates notice;
- Signs (particularly in high profile areas);
- Newsletters/ advertisements; and
- School newsletters (schools can sponsor sites).

Environmental Levy Programs Committee will contribute further ideas through email or phone.

ELPC 4 – Riparian Works

The following considerations in relation to riparian works were discussed at this meeting:

- Rapid Riparian Assessment;
- Relativity to other projects;
- Vegetation community;
- Downstream impacts; and
- Other criteria.

Manager Sustainability & Natural Environments and the Natural Areas & Environmental Levy Program Leader will articulate rationale for recommendations in easy language for the Advisory Committee

ELPC 5 – Pre and post fire weeding

It was discussed that there is a need to prioritise selected sites for pre and post fire weeding works through identifying areas where works are concentrated.

Manager Sustainability & Natural Environments and the Natural Areas & Environmental Levy Program Leader will investigate the above suggestion with Weed CRC and Ryde TAFE.

Other Business:

A site visit was undertaken on 21 November 2006 to review all Environmental Levy sites. There was high praise for this however it also highlighted the need to advertise sites to promote the Levy. There were 21 representatives on the tour which reviewed regeneration sites. There are more tours organised for 2007.

Next Meeting

Monday 10 February 2007 – Site visit on water and catchment creek maintenance and bushland outlet protection.

Meeting Closed at 9.30pm

ROLE OF ENVIRONMENTAL LEVY PROGRAM COMMITTEE

- A consultative group to provide input to strategic direction to the environmental program.
- Provide a mechanism for community members to have direct strategic input to the decision-making, review and audit processes associated with the following Environmental Management Program areas;
 - Water sensitive urban design;
 - Water and catchments;
 - Town centre projects;
 - Biodiversity;
 - Community partnerships;
 - Recreation;
 - Fire management;
 - Monitoring and evaluation;
 - Regulation and enforcement;
 - Communication; and
 - And any other projects deemed necessary.
- Develop a community based strategic review process for each program area including, where necessary, current projects as well as flexible and inflexible projects.
- Develop a process of evaluation where outcomes deliver to set targets and objectives.
- Program development:
 - Assess list of projects in each program area against strategic review criteria; and
 - Examine project linkages – projects which could complement each other and relationship to sub catchment priorities.
- Promotion and marketing:
 - Assess options for program promotion and marketing, for example promoting projects through signs on site “Your Environmental levy at work through Street Care”;
 - Assess options for allow the participants of the projects to “spread the word”; and
 - News reports, community radio, local newspapers, Out in the Open, Kuring-gai Observer, Council website, support for paid articles in the press to help focus on a personal approach.
- Consultation:
 - Assess options for consultation, eg site visits, quarterly meetings;
 - Communicate by email or phone throughout the process;
 - Web enabled reporting to residents on the activities of the Environmental Programs Committee;
 - re visit the original roles in application and make necessary changes; and
 - review scientific evaluation of projects through:
 - a) Set objectives;
 - b) Said deliverables;
 - c) Money spent; and
 - d) Presentation of pictorials.

ENVIRONMENTAL LEVY SMALL GRANTS SCHEME - ROUND THREE

EXECUTIVE SUMMARY

PURPOSE OF REPORT:

To seek Council's support to fund the third round of the community small grants scheme funded by the Environmental Levy.

BACKGROUND:

The community small grants scheme is designed to assist the Ku-ring-gai community to fund small community based environmental projects at the neighbourhood level. As part of a review process an independent small grants panel has been established, as resolved by Council.

COMMENTS:

11 applications were received under round three of the program. Of these, the small grants panel recommended funding 9 applications with a combined contribution of \$36,982.

RECOMMENDATION:

That Council supports the decision to fund the 9 projects recommended by the small grants panel as part of the Environmental Levy.

PURPOSE OF REPORT

To seek Council's support to fund the third round of the community small grants scheme funded by the Environmental Levy.

BACKGROUND

The community small grants scheme is designed to assist the Ku-ring-gai community to fund small community based environmental projects at the neighbourhood level. The scheme was identified in the development of the Environmental Levy with strong support by the residents and Councillors as an opportunity to invest at the local level into projects of direct community benefit.

As part of the scheme, it was identified that an independent panel be established to provide a community and peer review of grant applications and funding protocols. This panel would then make recommendations to Council for the funding of projects, the subject of this report. Membership on this panel was previously considered and supported by Council on 26 September 2005.

Under the first round of applications 3 projects were funded to a total value of \$12,500. Many of the projects are nearing completion and will be reported to Council separately with project outcomes included on Council's website. Second round funded 12 projects to a value of \$52,249.

COMMENTS

The third round of funding was promoted through advertisements in local papers, the Mayor's column, bus shelters, website and through the Out in the Open and Bushcare News. Applications closed on 7 December, 2006.

The panel met on 14 December, 2006 to discuss the applications and make recommendations. Table 1 provides a summary of the applications received including the recommendation of the panel. As part of the deliberations of the panel, additional information was requested by some applicants to clarify their project to ensure it conformed with the grant guidelines as set. A summary of the review and recommendation by the panel is provided as Attachment 1.

Table 1: Summary of applications and recommendations by the small grants panel

| Applicant | Project summary | Funding sought | Recommended Funding |
|--|---|----------------|---------------------|
| Pinjarra Childcare Centre | Installation of rainwater tank | \$4,746 | \$4,746 |
| Beaumont Road Public School | Installation of rainwater tank, plants and signs | \$3,633 | \$3,633 |
| Department of Medical Entomology (Sydney West Area Health Service) | Study of mosquito pests associated with the backyard buddies frog habitat program | \$2,221 | \$2,221 |
| Permaculture North | 16 sustainable solutions workshops | \$3,663 | \$5,000 |
| Ravenswood School for Girls | Solar boat challenge | \$5,000 | \$0 |
| Wahroonga Public School | Weed reduction and management | \$5,000 | \$5,000 |
| Wombin Reserve Bushcare Group | Bush regeneration | \$5,000 | \$5,000 |
| Department of Biological Sciences, Macquarie University | Micro climate characteristics in grey headed flying fox roosts | \$10,000 | \$0 |

Item 9

S04078
15 December 2006

| Applicant | Project summary | Funding sought | Recommended Funding |
|--|--|-----------------|---------------------|
| Dunoon/ Kiparra Bushcare Group | Stormwater improvement | \$1,210 | \$3,000 |
| Murrumba Place Bushcare Group | Drainage works | \$8,868 | \$5,000 |
| Moore's Creek Roseville Bushcare Group | Community education program for students | \$3,382 | \$3,382 |
| TOTAL | | \$52,723 | \$36,982 |

* Increase in funding from application as a result of a review of expected expenditure needed to complete the project against its objectives.

It should be noted that of the 11 applications, 6 required slight variations as detailed in attachment 1 to meet the guidelines for the Environmental Levy small grants. We are currently seeking acceptance from these applicants in relation to the suggested variations of their application. The applications were from the following sources:

- 3 Bushcare groups;
- 1 University study;
- 1 community group;
- 1 Sydney Area Health;
- 1 Pre-school; and
- 4 Schools.

Two applications were not successful but are encouraged to apply for the fourth round of small grants which closes May 2007.

CONSULTATION

Consultation on the review and selection of grant projects has been undertaken by the small grants panel. This comprises of 5 local residents, with experience in:

- Government policy and guidelines;
- Writing skills;
- Community projects;
- Local issues;
- Reviewing projects; and
- Environmental issues.

Correspondence was through email, post and face-to-face meetings and 2 Council representatives were present at the meeting on 14 December 2006.

FINANCIAL CONSIDERATIONS

\$80,000 per year has been allocated for the community small grants scheme each year as part of the Environmental Levy, with two rounds of grants available per year. The first round of grants a total of \$12,500 was awarded. In the second round of grants, \$52,249 was awarded and it is recommended that \$36,982 be allocated for round three.

CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

Due to the focus of the applications on the natural environment and bushland, consultation was only undertaken within Open Space.

SUMMARY

This report seeks Council's endorsement for the projects to be funded from the Environmental Levy as part of the community small grants scheme.

RECOMMENDATION

That Council supports the following applications for funding under round three of the community small grants scheme:

| | | |
|----|---|-----------------|
| 1. | Pinjarra Childcare Centre | \$4,746 |
| 2. | Beaumont Road Public School | \$3,633 |
| 3. | Department of Medical Entomology
(Sydney West Area Health Service) | \$2,221 |
| 4. | Permaculture North | \$5,000 |
| 5. | Wahroonga Public School | \$5,000 |
| 6. | Wombin Reserve Bushcare Group | \$5,000 |
| 7. | Dunoon/ Kiparra Bushcare Group | \$3,000 |
| 8. | Murrumba Place Bushcare Group | \$5,000 |
| 9. | Moores Creek Roseville Bushcare Group | \$3,382 |
| | TOTAL | \$36,982 |

Mary-Lou Lewis
**Natural Areas &
Environmental Levy
Program Leader**

Peter Davies
**Manager Sustainability &
Natural Environments**

Steven Head
**Director Open Space &
Planning**

Attachments: 1. Detailed summary of applications received - 712740.

**Round three 7th December 2006
Environmental Levy Small Grants**

| Contact | Project name | Aims | Amount | Success | Recommended |
|--|--|--|---------------|--|---|
| Pinjarra Childcare centre
9498 4399
etan@unison.net.au | Installation of rain water tank | Water use for garden and children's play area. Also cooling off of the artificial turf | \$4,746 | It's ok with NSW health check with DOCS | \$4746
For healthy maintenance of tanks
http://www.health.nsw.gov.au/pubs/r/pdf/rainwater020067.pdf |
| OOSH
Maree Somerville
9498 6855
brpoosh@gmail.com | Beaumont Road conservation corner | Install tank, plant indigenous plants, signs | \$3,633 | Plants from Council nursery | \$3633 |
| Department of medical entomology
Sydney West Area Health Service
Cameron Web
9845 7548
cameronw@icpmr.wsahs.nsw.gov.au | Determine diversity and abundance of pest mosquitos associated with experimental frog ponds. | Results of document outlining mosquito risk
Additional info for macro invertebrate data | \$2,221 | Yes | \$2221 |
| Permaculture North
Peter Brecknock
1300 887 145
Fundraising
Team@permaculturenorth.org.au | Sharing sustainable solutions
16 workshops | Seeding grant to change behaviours | \$3,663 | Clarify funds for work with Council KWG eg. feedback forms | Information Open Day to be held in June, 16 speakers not duplicated in budget.
Possibility of duplicating the program at te Wild flower festival

\$5000 |
| Ravenswood School for Girls
Jane Curran
9498 9898
jcurran@ravenswood.nsw.edu.au | Solar Boat challenge
Look at alternative power | Promotion throughout the school community of renewable energy | \$5,000 | No
Unable to fund projects that have already progressed
Purchasing material for one class to learn | 0 |

**Round three 7th December 2006
Environmental Levy Small Grants**

| | | | | | |
|--|--|--|----------|---|--------|
| | | | | from is limited.
However we would like to increase the opportunities for girls to discover physics | |
| Wahroonga Public School
Graham Hill
9489 3086
Wahroonga-p.school@det.nsw.edu.au | Weed reduction and management | Compliment weed control in Turiban Reserve (Council owned) | \$5,000 | Yes | \$5000 |
| Janet Fairlie-Cunninghame | Regeneration extension of Wombin Reserve | Residents and bush care group together with paid bush regenerators
Land owned by Department of Planning | \$5,000 | Yes | \$5000 |
| Dr Calum Brown
Dept of Biological Sciences, Macquarie University
9850 6292
www.geocities.com/culumbrown | Micro-climate characteristics in Grey headed Flying Fox roosts | Develop guidelines through research of how best land managers manager their habitat. | \$10,000 | No allocation of grant funds What is money for | 0 |
| Bandalong Street West Pymble
Ann Cuthbert | Dunoon/Kiparra Stormwater improvement | School, community and bush care with Council expertise to design and build a detention system | \$1,210 | Yes
Work with Council on design increase allocated funds to \$5000 | \$3000 |
| John Balint coordinator for Murrumba Place Bushcare group
9498 7527 | Murrumba Place Bush care site drainage works | Rock line stormwater channel to direct water to pond for | \$8,868 | Yes
Additional funds from outlet protection | \$5000 |

**Round three 7th December 2006
Environmental Levy Small Grants**

| | | | | | |
|---|--|--|-----------------|---|--------------------------|
| sbalint@ozemail.com.au | | siltation deposition and evaporation. A deep pool will provide cover for native fish to reduce impacts from mosquitos. | | 5 plus 5 | |
| Moores Creek Roseville Bushcare Group
Marlen Dyne
94176660 0412121799 | Caring for the environment, a community education program for students | Roseville Public School
24 classes (615 students) @ 2hour on site education | \$3,382 | Who is the contractor experience ? and credentials? | awaiting reply
\$3382 |
| | | Total | \$52,723 | | \$36,982 |

PARKS, SPORT AND RECREATION REFERENCE GROUP MINUTES OF MEETING OF 14 DECEMBER 2006

EXECUTIVE SUMMARY

PURPOSE OF REPORT:

To bring to the attention of the Ordinary Meeting of Council, the Minutes from the Parks, Sport and Recreation Reference Group meeting held on Thursday 14 December 2006.

BACKGROUND:

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

COMMENTS:

Three (3) items of business were discussed (PSRRG 51 – PSRRG 53). Comments have been provided on items relevant to Council and items not referred relate to general business of the Reference Group.

RECOMMENDATION:

That the Minutes of the Parks, Sport and Recreation Reference Group meeting held on 14 December 2006 be received and noted.

PURPOSE OF REPORT

To bring to the attention of the Ordinary Meeting of Council, the Minutes from the Parks, Sport and Recreation Reference Group meeting held on Thursday 14 December 2006.

BACKGROUND

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

COMMENTS

At the meeting held on 14 December 2006, several items of business were discussed. Comments have been provided on items relevant to Council. Items not referred, relate to matters requiring further consideration prior to recommendation to Council or were items directed towards the sharing of information. At the December 2006 meeting, the Reference Group considered in detail the Spring Sports Forum, South Turrumurra corridor land, North Turrumurra Recreation Area Project and an overview of the Acquisition Strategy.

Campbell Wratt, the community's representative on the committee provided an overview of the Spring Sports Forum held in October 2006 at Kissing Point Sports Club (PSRRG 52). Campbell advised that the meeting was very well attended with a large cross section of sporting codes sending representatives. The keynote speaker, Tim Gledhill, Soccer NSW, addressed the group on various techniques that coaches can implement at training to help reduce the impact on sportsground playing surfaces.

A general discussion followed Campbell's review regarding the challenge for this information to permeate to the individual coaches at each club. It was discussed that it would be useful for clubs to be able to distribute to coaches a one page leaflet identifying the key points of the forum's presentation and a motion was moved by the group that:-

“Council will provide hirers with a leaflet outlining the basic principles that can be implemented for training.”

The motion was supported unanimously. Staff have undertaken to prepare and distribute this information to existing and potential users.

An update was provided to the Reference Group on current Council projects (PSRRG 53). The land originally identified for the B2/B3 corridor was discussed in regard to the on-going investigation for alternative sportsfield locations. The Director advised that this land is owned by both the State Government and Council. Future uses of the land are currently being considered with Council staff preparing a report for Council advising options that encompass residential and open space

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21 December 2006

development, or a mixture of both. A general discussion ensued highlighting the need for on-going identification of areas that may be suitable for open space use or sportsfield adaptation.

In regard to the North Turrumurra Recreation Area project, members of the group were advised that an on-site meeting had been held between the subcommittee members, Council staff and the consultants. The concept design is nearing finalisation with staff to report to Council early in 2007. If a Council resolution is provided, the concept design will be submitted for public and community comment.

Staff provided a brief overview of the draft Open Space Acquisition Strategy that has been under development by consultants and staff throughout the year. The rationale behind the need for a strategy was discussed regarding the accumulation of Section 94 funding for open space acquisition. The process followed in completing the strategy was discussed, with the Director advising that, following a report to Council in early 2007, a more comprehensive presentation will be provided to the Reference Group.

The Reference Group was also briefed on the meeting schedule for 2007, Greenwood Quarry project progress, the new tennis bookings system being implemented, updates on dog off-leash areas, NSW Standing Committee on Public Works – Inquiry into Sportsground Management, future use of St Ives Village Green and Section 94 funding.

The next meeting of the Reference Group is scheduled for Thursday 8 March 2007, 7pm – 8.30pm, in the Level 3 Ante Room.

CONSULTATION

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

FINANCIAL CONSIDERATIONS

There are no direct financial considerations related to this report.

CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

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

SUMMARY

The meeting held on 14 December 2006, gave the Group members present the opportunity to review and discuss in detail the Spring Sports Forum, South Turrumurra corridor land, North Turrumurra Recreation Area project and Acquisition Strategy.

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Three items of business were discussed at the December 2006 meeting, two items (PSRRG 52 & 53) were considered significant, with the remaining item relating to general matters as detailed in this report and the attached minutes (Attachment 1).

The Reference Group recommended the preparation of a one page leaflet that Council will provide to hirers with their seasonal confirmation letters, outlining the basic principles that can be implemented at training to help reduce the wear and tear on Ku-ring-gai's sportsground playing surfaces. Staff have undertaken to prepare and distribute this information.

RECOMMENDATION

That the Minutes of the Parks, Sport and Recreation Reference Group held on Thursday 14 December 2006 be received and noted.

Steven Head
Director Open Space and Planning

Attachments: Minutes of Meeting of 14 December 2006 - 728248

Ku-ring-gai Council

Parks, Sport and Recreation Reference Group

Minutes from meeting on Thursday 14 December 2006

Level 3, Council Building.
7.00pm - 8.30pm

Attendees:

| Members | Councillors | Staff | Guests |
|---------------------------------|-----------------|-------------------------------|--------|
| Sandra Van De Water | Elaine Malicki, | Steven Head | |
| Grant Corderoy | Deputy Mayor | Director of Open Space | |
| Matthew Horne | | Carol Harper | |
| Alan Fredericks | | Sport & Recreation
Planner | |
| Frank Freeman | | | |
| Andrew Falk | | | |
| Campbell Wratt | | | |
| Craig Bryant
(sent delegate) | | | |

Apologies:

| Members | Councillors | Staff |
|-----------------|-------------------|-------|
| Nick Farr-Jones | Mayor Nick Ebbeck | |
| Hugh Bennett | | |
| Ann Smith | | |
| David Smith | | |
| Birgitte Lund | | |

Meeting Commenced: 7.00pm
8 members were present, thus a quorum was reached.
Councillor Malicki chaired the meeting as Mayor Ebbeck had sent his apologies.

Declaration of Pecuniary Interests

No pecuniary interests were declared.

Frank Freeman moved that the Minutes from 31 August 2006 meeting be accepted.
Matthew Horne seconded the motion with the motion being moved unanimously.

PSRRG 51 - 2007 Meeting Schedule

The 2007 schedule was discussed and dates determined for 2007. A copy of these dates will be distributed to all members with the minutes of the December 2006 meeting.

PSRRG 52 - Sports Forum

Campbell Wratt provided a review of the Spring Sports Forum held on Monday 23 October 2006. He advised that the Spring meeting was very well attended with representatives from a wide array of sporting codes in attendance.

The evening included an interesting presentation from an employee of Soccer NSW who advised techniques that coaches can implement at training to help reduce the impact on Ku-ring-gai's sportsfield playing surfaces. Whilst basic, these techniques were logical and easy to incorporate into a training session.

A general discussion followed where it was identified that the challenge is now for the organisation to get this information down to the 'grass root' level and to the many coaches that each sporting organisations have. It was discussed that a one page leaflet explaining some of the key points of the forum's presentation would be useful to distribute to coaches and it was decided that this would be provided by Open Space staff when sending out seasonal confirmation letters. The next step now may be the facilitation of one-on-one meetings between clubs and council staff so that these concepts can be discussed and presented directly to the coaches, club members etc.

A motion was moved by the group that the following recommendation be referred to Council:-
"Council will provide hirers with a leaflet outlining the basic principles that can be implemented for training"
and this was supported unanimously.

Cr Malicki then advised the group that she had received a letter from Sandra Nori advising that local representatives had been in attendance at the Regional Forum. It was discussed that many of the issues discussed on this day were also identified in the NSW Inquiry into Sportsfield Management report.

PSRRG 53 – Sportsfield Projects

Investigations for alternative sportsfield – South Turramurra Corridor land

The land originally identified for the B2/B3 corridor has been rezoned since the freeway was disbanded. Ownership of the land is a mixture between State Government agencies and Council. Council staff are in the progress of preparing a report for Council advising them of the development options of the site. This will encompass a variety of options including use for open space, residential development and a mixture of the two. Further, Council is currently completing planning for stormwater harvesting of the nearby Auluba fields and staff are also looking at the option of water storage tanks at this location.

Update on projects

- a. **North Turramurra Recreation Area (NTRA)** – an onsite meeting was held with the subcommittee, Council staff and the Consultants. It is aimed that a report advising Council of the draft concept design will be reported to the first meeting of Council in February 2007. If a resolution is provided, the concept plans will go on public exhibition and community input encouraged. The contact person for all clubs will be sent an email with a link to the report prior to the Council meeting. DOS&P also advised that he had presented info on the project to the annual NTAG meeting which was well received. It was identified that funding was already being accumulated for the project under S94. CW said that the project was a well thought out plan and appeared to take into consideration many of the issues raised last time the concept was explored.
- b. **Greenwood Quarry** – the final touches on the report are being completed with an aim for the feasibility study to be on the agenda of the first Council meeting in 2007. Again clubs will be emailed and advised accordingly.
- c. **Acquisition Strategy** – DOS&P and the SRP provided a brief overview of the work completed on the acquisition strategy. \$16.1 million had been accumulated to date for acquisition purposes. A more detailed presentation on the strategy will be provided at the first PSRRG meeting in 2007. Dr Van De Water advised that the link between the need for planning and associated health issues is the most important consideration for improvements to health. The DOS&P advised that he would recommend to Council that the draft DCP for the Town Centres include reference to supporting recreational facilities on roof spaces where appropriate.

PSRRG 55 - General Business

Issues discussed briefly:

New tennis booking system – advised that Council will be implementing a new booking system in the new year.

Cr Malicki advised that Council resolved to set up community relationship with a drought affected region of Australia. To date the region had not be identified. Sporting clubs provide an excellent opportunity to give assistance to the sporting community of the region selected and the group's email addresses will be provided to Cr Malicki so that she can provide updates on the project. A story on the project will also be included in the Autumn edition of 'Out in the Open'.

Dog off-leash areas – updates on Acron Oval and WA Bert Oldfield Oval were provided to the members. The difficulty of satisfying everyone was discussed.

An email received from a resident commending the group on their work was tabled by SR&P.

NSW Inquiry into Sportsground Management – the report has been published by the State Government and the findings made public. Dept S&R are to provide funding for Parks Leisure Australia to ensure the group can continue making progress into the important issues. The NSROC Councils have formed a sportsfield officers group that meet every 2 months to discuss issues that have a regional affect.

SIVG – the impact on softball as a result of the town planning was raised as a question. DOS&P advised that there is no change proposed. William Cowan will remain a sportsfield although the current limitations of the site for softball and likely increased pressures on the Village Green need to be acknowledged and understood in planning and management of this parkland.

S94 – Dr Van De Water asked about the recent media coverage of Ku-ring-gai's S94 accumulated funds. DOS&P provided a brief explanation on how the funding programme works and the progress that had been achieved to date. It was explained that the acquisition funding would be sourced from this fund, as would be NTRA and a number of other projects.

Meeting Closed: 9.30pm

**Next Meeting: Thursday 8 March 2007
7.00pm – 9.30pm
Level 3, Council Building, Ante Room.**

8TH INTERNATIONAL CITIES, TOWN CENTRES & COMMUNITIES CONFERENCE

EXECUTIVE SUMMARY

PURPOSE OF REPORT:

To advise Council of the 8th International Cities, Town Centres and Communities Conference.

BACKGROUND:

The Conference and workshops are to be held from 26 to 29 June 2007.

COMMENTS:

The Program for the Conference will be circulated to Councillors when available.

RECOMMENDATION:

That approval be granted for Councillor Andrew to attend the Conference.

PURPOSE OF REPORT

To advise Council of the 8th International Cities, Town Centres and Communities Conference.

BACKGROUND

The Conference and workshops are to be held from 26 to 29 June 2007 at North Shore City, Auckland, New Zealand.

COMMENTS

The Conference will feature a number of invited Keynote Speakers along with optional Conference workshops & field trips.

The report is submitted to Council at this early stage as Councillor Andrew has advised that she needs to accept an offer to present a Paper to the Conference by 9 February 2007.

Hence, Council's resolution for Councillor Andrew to attend the Conference is required now before making any commitments.

The Conference Program will be circulated to Councillors when available. When the Program is available, a further report will be submitted to Council to determine whether additional delegates will attend the Conference.

CONSULTATION

Not applicable.

FINANCIAL CONSIDERATIONS

The cost of attending the Conference is \$995.00 (non-Member), \$895.00 (Member) and \$595.00 for delegates providing a paper to the Conference. Accommodation and travel expenses are additional.

CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

Not applicable.

Item 11

S02812
1 February 2007

SUMMARY

Not applicable.

RECOMMENDATION

- A. That approval be granted for Councillor Andrew to attend the 8th International Cities, Town Centres and Committees Conference.
- B. That a further report be brought back to Council once the Program is available so that Council can determine whether it wishes to send additional delegates to the Conference.

Geoff O'Rourke
Senior Governance Officer

John McKee
General Manager