



**ORDINARY MEETING OF COUNCIL
TO BE HELD ON TUESDAY, 8 AUGUST 2006 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 25 July 2006

Minutes numbered 275 to 286

Minutes of Extraordinary Meeting of Council

File: S02131

Meeting held 26 July 2006

Minutes numbered EMC7

MINUTES FROM THE MAYOR

MM.1 Vale "Mr Ku-ring-gai"

1

File: S04813

In Ku-ring-gai's Centenary year, we pay tribute to the passing of a man who served Ku-ring-gai and its people for half of the past 100 years.

The man known as "Mr Ku-ring-gai", Norman Griffiths, passed away on July 22 at the age of 102, leaving a legacy few people in local government could ever equal.

Norman, whom I have known since I was first elected to Council 15 years ago, spent his entire career – a remarkable 50 years – working at Council including the last 22 years as Town Clerk.

Earlier this year, we were honoured to have Norman as guest of honour at our Centenary dinner where he won praise for his fine speech.

Norman began at Council as a clerk in 1919 as a 16-year-old, and rose to become Town Clerk in 1947. Under his stewardship, Ku-ring-gai enhanced its reputation as a progressive municipality, with milestones including the State's first council-run library and the first appointment of a full-time senior citizens' welfare officer.

In 1970, Norman's contribution was recognised on a wider scale when he was awarded the British Empire Medal for services to local government.

It is sad to say "Goodbye" to such a fine person and I will truly miss Norman Griffiths. Ku-ring-gai is undoubtedly the poorer for his passing, and I know we will never see his like again.

PETITIONS

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 Election of Mayor & Deputy Mayor - 2006/2007 2

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File: S03662

To give consideration to setting the date for the 2006/2007 Election of the Mayor & Deputy Mayor.

Recommendation:

That the 2006/2007 Election of the Mayor & Deputy Mayor be held on Tuesday, 12 September 2006 & that the 2006/2007 election of Chairpersons & Deputy Chairperson of Council's Committees & Advisory Committees be held on 26 September 2006, & also, that Council consider the appointment of various Community Committee members/delegates on 26 September 2006.

GB.2 Local Government Association Conference 2006 5

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File: S04415

For Council to determine its delegates to the 2006 Local Government Association of NSW Annual Conference.

Recommendation:

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

GB.3 Local Government Association of New South Wales 2006 Election of Executive Committee 20

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File: S02046

To advise Council of the 2006 Election of the Executive Committee of the Local Government Association of New South Wales.

Recommendation:

That Council determine if it wishes to nominate a Councillor/s for the Local Government Association of New South Wales 2006 Executive Committee.

GB.4 Ku-ring-gai Access Advisory Committee - Minutes of 15 June 2006 28

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File: S02116

To provide Council with the Minutes of the Ku-ring-gai Access Advisory Committee of 15 June 2006.

Recommendation:

That the Minutes of the Ku-ring-gai Access Committee of 15 June 2006 be received and noted.

GB.5 1 Kintore Street, Wahroonga - Supplementary Report following Site Inspection 41

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File: DA0470/05

To determine Development Application No 470/05 demolition of existing dwelling and the construction of a SEPP (Seniors Living) development.

Recommendation:

Approval

EXTRA REPORTS CIRCULATED AT MEETING

MOTIONS OF WHICH DUE NOTICE HAS BEEN GIVEN

NM.1 Pymble Town Centre Draft Local Environmental Plan & Draft Development Control Plan 115

.
File: S04291

Notice of Rescission from The Mayor, Councillor E Malicki, Councillors Andrew & Bennett dated 25 July 2006.

We move rescission of Section T of motion dealing with Precinct J from the motion on Pymble Town Centre from Council's meeting of 25 July 2006.

"That Precinct J include 17 and 15 Livingstone Avenue and that the Precinct be zoned R4 and that building controls be developed to consider topography, existing trees and drainage. Further, that any building adjacent to single residential development be restricted to 3-storeys".

NM.2 Drug & Alcohol Forum

116

File: S02319

Notice of Motion from Councillor N Ebbeck dated 31 July 2006.

An opportunity has been presented for Council to make use of the skills of a highly respected guest speaker, Darren Marton, to facilitate a Drug and Alcohol Forum in partnership with Ku-ring-gai Council on 4 September 2006, at Hornsby RSL for the youth of Ku-ring-gai.

I move:

"That Council support the Drug and Alcohol Forum on Monday 4 September at Hornsby RSL, and that funding for the forum be made available through the Community Services budget, capped at \$3,500. The appropriate source for funding to be identified in the first 2006-07 quarterly review".

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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Environmental Planning & Assessment Act 1979
(as amended)

Section 79C

1. Matters for consideration - general

In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application:

a. The provisions of:

- i. any environmental planning instrument, and*
- ii. any draft environmental planning instrument that is or has been placed on public exhibition and details of which have been notified to the consent authority, and*
- iii. any development control plan, and*
- iv. any matters prescribed by the regulations,*

that apply to the land to which the development application relates,

- b. the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,*
- c. the suitability of the site for the development,*
- d. any submissions made in accordance with this Act or the regulations,*
- e. the public interest.*

MAYORAL MINUTE

VALE NORMAN GRIFFITHS

On behalf of Ku-ring-gai Council, I would like to pay tribute to the life of Norman Griffiths, who passed away on the 22nd of July aged 102.

I have long respected Mr Griffiths as he is a most significant person in Ku-ring-gai's history, having spent his entire career – a remarkable 50 years – working at Council, including 22 years as Town Clerk.

In our Centenary year, this is a man who was a true servant of Ku-ring-gai and its people for half of the past hundred years. This is a remarkable record which few people in local government could ever equal.

I have known Norman during the 15 years I have been a Councillor, as he attended Council functions such as the 25 Year Club.

This was a function for staff who served the residents of Ku-ring-gai for 25 years or more. Norman was always a guest of honour at the 25 Year Club and he was highly regarded by all the staff who had known him.

We always had a brief speech from Mr Griffiths and it was interesting to see the respect given to him by the long serving staff members. He always maintained his wonderful manners and his respectful demeanour towards people which made him one of nature's gentlemen.

We were honoured to have Norman as guest of honour at our Centenary dinner earlier this year, and many people remarked to me about the fine speech he made on that historic occasion, at the age of 102!

To me Norman Griffiths is "Mr Ku-ring-gai", and it is always a pleasure to go to the playing field named in his honour at the Bicentennial Park and to spend a few quiet moments thinking about a man who served the residents of our Council area in a way that will probably never be equalled in the future.

I would like to briefly summarise the enormous contribution Norman Griffiths made to Council from 1919, when he began as a clerk aged 16, to his retirement in 1969.

He became Chief Accountant in 1929, Deputy Town Clerk in 1937 and, after serving in the Army during World War 11, was appointed Town Clerk in 1947.

Item 1

S04813
2 August 2006

Under Norman's stewardship, Ku-ring-gai enhanced its reputation as a progressive municipality. He oversaw the introduction of the first Council-run library in NSW and the appointment of the first full-time senior citizens' welfare officer.

Norman also led the development of major roads in Ku-ring-gai such as Eastern Arterial Rd and Lady Game Drive.

He was passionate about Ku-ring-gai – and this enthusiasm obviously rubbed off on the Council's staff and elected representatives who had enormous admiration and respect for him.

Norman's contribution was also recognised on a wider scale in 1970 when he was awarded the British Empire Medal for services to local government.

In his later years after retiring, Norman retained many links with Council through living in East Gordon and his association with Ku-ring-gai Rotary. His wife of an incredible 74 years, Gwendoline, passed away in March last year at the age of 100.

It is sad to say "Goodbye" to such a fine person and I will truly miss Norman Griffiths. As Mayor I consider that Ku-ring-gai is the poorer for his passing, and I know we will never see his like again.

On behalf of Council, I also offer our sincere condolences to Norman's daughter, Barbara Manton, and family.

RECOMMENDATION

- A. That this Mayoral Minute be received and noted.
- B. That we stand for a minute's silence to pay respects to the life of Norman Griffiths

Elaine Malicki
Mayor

ELECTION OF MAYOR & DEPUTY MAYOR - 2006/2007

EXECUTIVE SUMMARY

PURPOSE OF REPORT:

To give consideration to setting the date for the 2006/2007 Election of the Mayor & Deputy Mayor.

BACKGROUND:

Section 290 of the Local Government Act provides that Council shall elect a Mayor and is required to hold a Mayoral Election in September each year of its term.

Section 231 of the Act empowers the Council to elect a Deputy Mayor.

COMMENTS:

Traditionally, Council has held the Mayoral Election on the first or second Tuesday in September. As Council's Meeting Cycle has changed, it is recommended that the Mayoral Election take place on 12 September 2006.

RECOMMENDATION:

That the 2006/2007 Election of the Mayor & Deputy Mayor be held on Tuesday, 12 September 2006 & that the 2006/2007 election of Chairpersons & Deputy Chairperson of Council's Committees & Advisory Committees be held on 26 September 2006, & also, that Council consider the appointment of various Community Committee members/delegates on 26 September 2006.

PURPOSE OF REPORT

To give consideration to setting the date for the 2006/2007 Election of the Mayor & Deputy Mayor.

BACKGROUND

Section 290 of the Local Government Act provides that Council shall elect a Mayor and is required to hold a Mayoral Election in September each year of its term.

Section 231 of the Act empowers the Council to elect a Deputy Mayor.

Also, Council's Code of Meeting Practice (Clause 20 - Annual Elections) states:

That Council determine the meeting in September each year at which the election for Mayor, Deputy Mayor, Committee members and delegates is to be held.

COMMENTS

Traditionally, Council has held the Mayoral Election on the first or second Tuesday in September.

As Council's Meeting Cycle for September has been changed, it is suggested that the Mayoral Election be held on 12 September 2006.

In previous years, the election of the Chairpersons/Deputy Chairpersons of Council's Committees and Advisory Committees has been deferred to the following Council meeting. These elections could then be held in conjunction with the appointment of the various Community Committee members and organisation delegates.

CONSULTATION

Not applicable.

FINANCIAL CONSIDERATIONS

Not applicable.

CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

Not applicable.

SUMMARY

Not applicable.

RECOMMENDATION

- A. That the 2006/2007 Election of the Mayor and Deputy Mayor be held at the Ordinary Meeting of Council on Tuesday, 12 September 2006.
- B. That the 2006/2007 Election of the Chairpersons/Deputy Chairpersons of Council's Committees and Advisory Committees be held on Tuesday, 26 September 2006.
- C. That Council consider the appointment of various Community Committee members/delegates on Tuesday, 26 September 2006.

Geoff O'Rourke
Senior Governance Officer

John McKee
General Manager

LOCAL GOVERNMENT ASSOCIATION CONFERENCE 2006

EXECUTIVE SUMMARY

PURPOSE OF REPORT:

For Council to determine its delegates to the 2006 Local Government Association of NSW Annual Conference.

BACKGROUND:

The Annual Conference will be held at Leura in the Blue Mountains from Sunday, 29 October to Wednesday, 1 November 2006.

COMMENTS:

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

RECOMMENDATION:

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

PURPOSE OF REPORT

For Council to determine its delegates to the 2006 Local Government Association of NSW Annual Conference.

BACKGROUND

The Annual Conference will be held at Leura in the Blue Mountains from Sunday, 29 October to Wednesday, 1 November 2006.

COMMENTS

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

FINANCIAL CONSIDERATIONS

Registration for the Conference is \$925 per person which includes a number of functions and the Conference sessions.

SUMMARY

The Local Government Association Conference will be held in the Blue Mountains from 29 to 1 November 2006 with the theme "Community: A Sense of Place"

RECOMMENDATION

- A. That Council determine its elected delegates to the 2006 Local Government Association Conference.
- B. That the General Manager accompany the elected representatives to the Conference.

John McKee
General Manager

Attachments: 2006 LGA Registration Guide - 644616



Registration Guide 2006

Local Government Association of NSW Annual Conference

28 October – 1 November 2006 Peppers Fairmont Resort, Leura, Blue Mountains



Local Government
Association of NSW



Conference Elite Sponsor





Community:

A Sense of Place

LGA CONFERENCE 2006

Welcome to the Blue Mountains



“I look forward to meeting our delegates and their partners in the Blue Mountains for this year’s Local Government Association Annual Conference.

Our theme this year is ‘Community – A Sense of Place’. In a complex world, knowing and drawing inspiration from our own community and its unique sense of place gives focus to our role in Local Government, whether as representative, employee, or supporter.

The release earlier in the year of the report into the Financial Sustainability of Local Government has given us all much to think about. More importantly, the report and what we choose to do now will give us purpose in shaping the future of Local Government and ensuring that our community’s expectations can be translated into affordable, relevant and ultimately sustainable public service. Our communities expect nothing less and I know we will rise to the challenge.

The Blue Mountains are iconic in the hearts of all Australians. Their listing as a world heritage area bears out what we have all known and experienced: that they are special to every generation of Australians from the dreamtime until the present day. Their conservation ensures that they can be special to the generations that will succeed us. I am sure you will enjoy the hospitality offered by the Blue Mountains community and gain, with me, a deeper understanding of the sense of place which draws residents and visitors in their thousands to this wonderful location.”

A handwritten signature in black ink that reads "Genia McCaffery". The signature is fluid and cursive.

Cr Genia McCaffery
President

Message from the Mayor



Blue Mountains City Council is happy to be hosting the 2006 Local Government Conference and we hope you enjoy your experience in our region.

The Blue Mountains is, indeed, an exceptional and unique area – a City within a World Heritage National Park.

We will welcome you and hope you enjoy the fresh air, grandeur and beauty of this place we call home. The Blue Mountains can offer a range of experiences, from adventure tours into the wilderness to visiting one of our many galleries. Close to Sydney, yet a million miles away from the hustle and bustle, the Mountains has a variety of experiences to truly elevate your senses.

The Blue Mountains is one of the prime tourist destinations in New South Wales and, as such, can offer first class accommodation, a varied choice of dining and entertainment venues and cultural events. This is in addition to our world famous views.

Our residents are renowned for their hospitality and friendliness and I am sure you will have many happy memories of your visit and gain new friendships along the way.

A handwritten signature in black ink, reading "Jim Angel".

Jim Angel
Mayor

Message from Country Energy

Country Energy is celebrating our fifth anniversary this year since forming, as well as a renewed partnership with the LGSA.

Five years on, Country Energy has become a leading Australian energy services corporation with more than 3,300 employees and 800,000 customers across five states and territories.

We take great pride in working with local councils to support more than 1,500 country and coastal communities across New South Wales, from Bega to Tweed Heads, west to Broken Hill and south to the River Murray.

In addition to providing local jobs and returning services to local communities, Country Energy has opened 36

new customer service and field service centres, introduced award winning programs for Indigenous employment, demand management and customer support and helped to bridge the gap between opportunities available in country and metropolitan NSW.

Becoming one of Australia's strongest regional businesses could not have been achieved without the support of our customers and stakeholders such as the LGSA. Thank you for being a part of the journey. We look forward to continuing to work together.



Local Government Association of NSW Annual Conference Program



Saturday 28 October 2006

12.00pm – 5.00pm **REGISTRATION OPEN**

1.30pm – 4.30pm **Local Government Association Forum**

Peppers Fairmont Resort, Leura

The Saturday Forum is essential for all councillors. Following last years Forum launch of the **Inquiry into the Financial Sustainability of Local Government in NSW**, the LGA is inviting you to attend the Forum this year in the ballroom of the Fairmont Resort where, in focus groups, you will workshop the findings and recommendations of the Inquiry's Final Report. Delegates will join together for a plenary session to assess the direction for implementation of their findings. Afternoon tea provided.

Sunday 29 October 2006

9.00am – 5.30pm **REGISTRATION OPEN**

2.00pm – 3.00pm **Ecumenical Church Service**

St Albans Anglican Church, Leura

3.00pm – 4.00pm **Afternoon Tea – Trade Exhibition**

Peppers Fairmont Resort, Leura

4.00pm – 5.30pm **Official Opening Ceremony**

Peppers Fairmont Resort, Leura

- Mayoral Procession
- National Anthem
- Indigenous Welcome
- Welcome from **Mayor, Cr Jim Angel, Blue Mountains City Council**
- Welcome Address by **Cr Genia McCafferty, President LGA**
- Welcome Address by **Premier of New South Wales (Invited)**
- Official Opening by **Professor Marie Bashir AC, Governor of New South Wales**

5.30pm – 7.00pm **PRESIDENT'S WELCOME RECEPTION**

Peppers Fairmont Resort, Leura

Monday 30 October 2006		
8.00am – 5.30pm	REGISTRATION OPEN	
9.00am – 9.30am	Conference Opening of Business Session <i>Peppers Fairmont Resort, Leura</i> Address by the Honourable Morris Iemma MP <i>(Invited)</i> <i>Premier of New South Wales</i>	
9.30am – 10.00am	Address by the Honourable Kerry Hickey MP <i>Minister for Local Government</i>	
10.00am – 10.30am	Address by the Honourable John Watkins MP <i>Minister for State Development and Transport</i>	
10.30am – 11.30am	Address by the Honourable Robert Debus MP <i>Attorney General, Minister for Environment and Arts</i>	
11.30am – 12.00pm	Address by the Honourable Frank Sartor MP <i>(Invited)</i> <i>Minister for Planning</i>	
12.00pm – 12.30pm	Address by Cr Paul Bell <i>(Invited)</i> <i>President ALGA</i>	
12.30pm – 1.30pm	Lunch <i>Peppers Fairmont Resort</i>	
1.30pm – 2.00pm	Address by the Honourable Tony Kelly MLC <i>(Invited)</i> <i>Minister for Lands and Rural Affairs</i>	
2.00pm – 2.30pm	The Honourable Eric Roozendaal MLC <i>Minister for Roads</i>	
2.30pm – 3.00pm	Address by the Honourable David Campbell MP <i>Minister for Water Utilities</i>	
3.00pm – 4.30pm	Adoption of Standing Orders Presentation and Adoption of Treasurer's Report Consideration of Motions <i>Peppers Fairmont Resort</i>	
4.30pm – 5.30pm	Happy Hour – Trade Exhibition <i>Peppers Fairmont Resort</i>	
7.00pm	A NIGHT AT THE CARRINGTON <i>Carrington Hotel, Katoomba</i> Optional Social Function	Sponsored by  ENVIRONMENTAL SOLUTIONS

Tuesday 31 October 2006

8.00am – 5.30pm REGISTRATION OPEN

9.00am – 9.30am **Opening of Business Sessions**

Consideration of Motions

Peppers Fairmont Resort

9.30am – 10.00am **Address by the Honourable Peter Debnam MP**

Leader of the Opposition

Peppers Fairmont Resort, Leura

10.00am – 10.30am **Address by the Honourable John Turner MP**

Shadow Minister for Local Government

Peppers Fairmont Resort, Leura

10.30am – 10.45am **Address by Representative of the Local Government
Superannuation Scheme**

Peppers Fairmont Resort, Leura

10.45am – 12.30pm **Consideration of Motions**

Peppers Fairmont Resort, Leura

12.30pm – 1.30pm **Lunch**

Peppers Fairmont Resort, Leura

1.30pm – 4.30pm **Consideration of Motions**

Peppers Fairmont Resort, Leura

4.30pm – 5.30pm **Happy Hour – Trade Exhibition**

Peppers Fairmont Resort, Leura

7.00pm – 11.00pm **GALA DINNER**

Katoomba Aquatic Centre

Sponsored by



Wednesday 1 November 2006

8.00am – 12.00pm REGISTRATION OPEN

9.00am – 12.00pm **Opening of Business Sessions**

Coffs Harbour Presentation

Consideration of Motions

Peppers Fairmont Resort, Leura

12.00pm – 12.15pm **Drawing of Prizes**

Submission of Conference Evaluation Forms Closes

Peppers Fairmont Resort, Leura

12.15pm – 12.35pm **Closing Ceremony**

Peppers Fairmont Resort, Leura

Note: This program was correct at time of printing and may be subject to change.

Registration Fees

	Early Registration Before 8th September 2006	Late Registration After 8th September 2006
Delegate Registration	\$805	\$925
Sponsor Registration	\$430	\$430
Partner Registration	\$390	\$390

All fees include GST

Entitlements

Delegate entitlements include:

- Saturday Forum
- Afternoon tea and Opening Ceremony
- President's Welcome Reception
- All conference sessions
- Morning and afternoon teas and lunch Monday and Tuesday and morning tea on Wednesday
- Happy hours on Monday and Tuesday
- Gala Dinner
- Conference bag and materials

Sponsor entitlements include:

- Afternoon tea and Opening Ceremony
- President's Welcome Reception
- All conference sessions
- Morning and afternoon teas and lunch Monday and Tuesday and morning tea on Wednesday

- Happy hours on Monday and Tuesday
- Gala Dinner
- Conference bag and materials

A delegate is considered to be anyone registering to attend the conference and a sponsor is considered to be an employee of an organisation who is sponsoring or exhibiting at the conference.

Partner entitlements include:

- Afternoon tea and Opening Ceremony
- President's Welcome Reception
- Happy hours on Monday and Tuesday
- Gala Dinner
- Mountains Highlights Tour

A partner is someone who is accompanying a registered delegate.





Social Functions

(included in the Registration fee)

Saturday – Local Government Forum

Peppers Fairmont Resort

1.30pm – 4.30pm

Cost: \$44.00 per person

All Councillors are invited to attend this Forum which will focus on the Final Report on the Inquiry into the Financial Sustainability of Local Government in NSW. The Forum is included in the registration fee. Additional tickets are available at \$44.00.

Sunday – President's Welcome Reception

Peppers Fairmont Resort

5.30pm – 7.00pm

The President's Welcome Reception will be held following the Conference Opening Ceremony at Peppers Fairmont Resort. Enjoy good food, wine and local entertainment in the very pleasant surroundings of this five star resort. Additional tickets are available at \$75.00 per person.

Tuesday – Gala Dinner

Katoomba Aquatic Centre

7.00pm – 11.00pm

This will be a fantastic evening of entertainment, local wines and sensational food, prepared by two of the Blue Mountain's most celebrated award winning chefs. Take a nostalgic step back in time to the 1920s when the Blue Mountains was one of Australia's most desirable holiday destinations. Additional tickets are available at \$195.00 per person.

Sponsored by:



Optional Social Function

Monday – Social Night

Carrington Hotel

7.00pm – 10.30pm

Cost: \$115.00 per person

The venue for this evening will be the historic Carrington Hotel located in the centre of Katoomba. Recently restored to its former grandeur, this heritage listed hotel is a local landmark, offering the elegance, luxury and charm of yesteryear. This informal event takes you on a fascinating exploration through the "Grand Old Lady of the Mountains". Wherever you go there's somewhere to relax, be entertained or get involved – this evening will offer something for everyone. Enjoy a variety of delicious food and wine as you sit down or wander throughout the hotel.

Sponsored by:



Wednesday – Golf Tournament

Leura Golf Club

Time: 2.00pm – 4.00pm (approx)

Cost: \$65.00 per person

Held at the Leura Golf Club with spectacular views of Jamison Valley, this will be an afternoon for some friendly competition and effective networking. Shot gun Tee-off will take place after the final conference session on Wednesday and the afternoon will include 9 holes of Golf and a 2 course buffet lunch, not to mention the trophy for the most impressive game. This is definitely an afternoon not to be missed. Cost includes lunch, 9 holes of golf, motor cart and hire of clubs (if required).

How to Register

To attend the 2006 Local Government Association Conference you can either complete the registration form in this brochure and return it to the Conference Secretariat or register online at www.bmcc.nsw.gov.au

If posting or faxing your registration each delegate is required to fill in a separate form. Photocopy for additional forms or contact the Secretariat. Please read this booklet carefully before completing the form.

Method of Payment

All payments can be posted to:
LGA Conference Secretariat
PO Box 601
PYRMONT NSW 2009

Payment of fees must accompany all registrations forms. Registration will not be confirmed until full payment is received. Payment can be made by the following methods.

- Credit card (Visa, MasterCard or American Express)
- Cheque made payable to LGA 2006

Please note that debits to your credit card will appear as Conexion Event Management on your statement.

Cancellation of Registration

Cancellations must be notified in writing to the Conference Secretariat. Cancellations received prior to 30th September 2006 will receive a full refund less \$100.00 administration charge.

Cancellations received after the 30th September 2006 will not be refunded. If you are unable to attend, a substitute is welcome at no extra charge. Please provide details of the substitute in writing to the Conference Secretariat.

Liability

In the event of unforeseen circumstances the Conference Organiser does not accept responsibility for loss of monies incurred by delay.

Registration Desk Opening Times

Registration will take place in the foyer of Peppers Fairmont Resort.

Saturday 28 October	Midday – 5.00pm
Sunday 29 October	9.00am – 5.30pm

Monday 30 October	8.00am – 5.00pm
Tuesday 31 October	8.00am – 5.00pm
Wednesday 1 November	8.00am – Midday

Registration Enquiries

For any enquiries regarding registration please contact Conexion Event Management who have been appointed the conference managers of the 2006 conference:

LGA Conference Secretariat
PO Box 601
PYRMONT NSW 2009

Telephone: 02 9518 7722
Facsimile: 02 9518 7222
Email: lga2006@conexion.com.au

Special Requirements

If you have any special dietary or access requirements please ensure that you complete the appropriate section of the registration form.

Privacy Policy

The Blue Mountains City Council is the host of this year's conference on behalf of the LGSA and is bound by and committed to supporting the principles set out in the Privacy and Personal Information Action 1998.

All information obtained and stored for the purposes of the planning and registering delegates to attend this conference will comply with this legislation. Please note that the Blue Mountains City Council may disclose some of the information that is collected such as your name, organisation and email address to conference sponsors and exhibitors for marketing purposes (with your permission). Please complete the appropriate section of the registration form if you do not wish your details to be disclosed to a third party.



Child Care

Child care is available at Peppers Fairmont Resort on Monday, Tuesday and Wednesday during the conference business sessions. If you require child care during the conference please complete the appropriate section on the registration form. All costs associated with child care will be your responsibility. Bookings are essential as places are limited. If you require child care during the evenings, your hotel will be able to assist you.

Accommodation

Accommodation for the conference is being managed by Blue Mountains Tourism. Hotel accommodation is limited so if you haven't already booked your accommodation, please contact Coralie Faye at cfaye@bmcc.nsw.gov.au

Getting to Peppers Fairmont Resort, Leura

Road – Leura is approximately a 1.5 hours drive from Sydney by driving west on the M4 Motorway. Please note that this is a toll road and a fee of \$2.20 applies.

Rail – There are regular daily train services from Sydney (Central) to the Blue Mountains (Leura). For information on the train timetable go to www.cityrail.com.au. Fares range from single adult \$11.40, return adult \$22.80 and concession fares are available.

Air/Coach – QantasLink, Australia's largest regional airline, is proud to be the Official Airline for the Local Government Association of NSW Annual Conference 2006. QantasLink operates from twelve (12) cities across regional New South Wales into Sydney.

QantasLink has embraced this year's theme "Community: A Sense of Place" and will donate \$10* for every delegate that travels to and from the Conference on a QantasLink flight. QantasLink expects to raise several thousand dollars from this initiative and has chosen to direct the funds to the LGA appointed charity, the Wilderness Society.

To book your QantasLink flight to the conference, simply go to the Blue Mountains City Council website at www.bmcc.nsw.gov.au and follow the prompts to the LGA Conference 2006.

To assist delegates with transport from the domestic airport in Sydney to Leura, coaches have been arranged to meet delegates off the QantasLink and other regional flights at Sydney airport to ensure a smooth and effortless transfer to the Blue Mountains.

Please complete Section 6 of the registration form to book your airport transfers.

**\$10 per delegate per return QantasLink booking made on-line at www.bmcc.nsw.gov.au*

Transport to the Conference Venue

There is limited parking at Peppers Fairmont Resort therefore transport will be available from all conference hotels to the venue each morning and afternoon.

Transport will also be provided to conference social functions. To assist with providing sufficient coach transfers please book your requirements on the registration form.



About the Blue Mountains

The City of the Blue Mountains covers some 1,430 square kilometres and comprises 26 towns and villages. The Blue Mountains were so named by Captain William Paterson of the New South Wales Corps, who had sighted the unusual colouring of the landforms in 1793. The “blue” of the mountains are the result of light filtering through fine dust particles and airborne oil fragments from the eucalyptus trees.

There’s much to do in the Blue Mountains, with something for just about everyone. Nature lovers in particular will gain much. The Blue Mountains World Heritage area encompasses more than one million hectares of wilderness. It contains eight separate nature reserves – Yengo, Wollemi, Gardens of Stone, Blue Mountains, Nattai, Kanangra-Boyd, Thirlmere Lakes and Jenolan Caves Karst Conservation Area. Spring is one of the best times to visit the Blue Mountains, with many private gardens open for public viewing.

Included Activity

(This tour is included for registered partners)

Saturday 28th or Sunday 29th October 2006

Blue Mountains Highlights Tour

Cost: Included in the partners registration fee.
Additional tickets \$55.00 per person

Time: Saturday 1.30pm – 4.30pm
Sunday 10.30am – 1.30pm

If you are unable to take the tour at the scheduled times, the conference will provide you with a “Blue Mountain’s Explorer Pass” that entitles you to visit all of the attractions at your leisure.

Departing Peppers Fairmont Resort, we first visit **Echo Point** – home of the **3-Sisters**, with time to enjoy the views from the new expansive lookout and the revamped Queen Elizabeth lookout.

From here travel to Scenic World, home of the famous **Skyway, Scenic Railway and Cableway** with the opportunity to ride the steepest public passenger railway in the world and experience what it is like to sit down and stand up at the same time.

Leave Scenic World for the beautiful **Cliff Drive** past Narrow Neck Point and Cahill’s Lookout, returning back to Peppers Fairmont Resort.



Inclusions: Luxury air-conditioned coach
Fully commented tour by driver
Scenic Railway and Cableway
Afternoon coffee*

Minimum Numbers: 24 passengers

**Available on the scheduled tours only*

If you are a registered accompanying person and are unable to take this tour on Saturday (the same time as the Local Government Forum), we will repeat the tour on Sunday (subject to demand), or offer you an “Explorer Pass” to enable you to visit the attractions at your leisure during your stay in the mountains. Please indicate your preference on the registration form. Additional tickets available at \$55.00 per person.

Optional Activities

Monday 30th October 2006

Jenolan Caves Day Tour

Cost: \$90.00 per person

Time: 9.00am – 4.00pm



Departing Peppers Fairmont Resort at 9.00am, we join the Great Western Highway passing Explorers **Marked Tree** and through Medlow Bath to Blackheath and branch off to the northern side of the Main Ridge to visit **Govett's Leap**. Enjoy spectacular views over the **Grose Valley** and see the highest single drop water fall in the Blue Mountains.

Continue to Mt Victoria with views to the Kanimbla Valley as you travel via Mt Boyce, down Mitchells Pass (Victoria Pass) and into the **Hartley Valley**. Well known for its apples, the Hartley Valley was once an important staging post for the early coaches enroute to Bathurst. Cross the Cox's River and ascend the Great Dividing Range through Hampton and continue climbing through vast pine forested areas and down 5-mile Hill through the Grand Arch to **Jenolan Caves Resort**.

Jenolan Caves are Australia's Underground Wonderland and you will enjoy a guided tour through the **Lucas Cave**. The Lucas Cave has the highest & widest chambers of the show caves at Jenolan, with a wide variety of the different cave formations.

A gourmet picnic lunch is included and there are many beautiful picnic areas in the reserve and also around the **Blue Lake**. Time is also available for a bushwalk alongside the Blue Lake or through the **Devil's Coach House**.

We return via the Hartley Valley to Peppers Fairmont Resort, arriving at 4.00pm.

Inclusions: Luxury air-conditioned coach
Fully commented tour by driver
Morning tea off the coach
Fully guided tour of the Lucas Cave
Gourmet picnic lunch

Minimum Numbers: 12 passengers

Suggested Dress: Comfortable walking shoes

Antique and Shopping Half Day Tour

Cost: \$55.00

Time: 9.00am – 1.00pm

Departing Peppers Fairmont Resort at 9.00am, we first visit the township of **Blackheath**. Here you will have time to browse through the antiques, nick-nacks and collectibles at the Victory Theatre. Time is also available here to wander through the various gift shops of Blackheath Village.

From here, travel to **Bygone Beautys** and **Leura Village**. Bygone Beautys is a veritable "Aladdin's Cave" of antiques and is also the home of the largest teapot collection in the Southern Hemisphere. Also famous for their Devonshire Teas, you can enjoy these freshly made scones and homemade jam whilst Maurice tells you a little about the teapot collection.

Dubbed "The Jewel in the Crown" of the Blue Mountains, Leura has a lovely collection of gift shops, art & craft galleries, antiques, clothing, as well as the famous Candy Store. From here, you can return with the coach to Peppers Fairmont Resort at 1.00pm, or stay and enjoy the afternoon in Leura Village.

Inclusions: Luxury air-conditioned coach
Devonshire Tea at Bygone Beauties

Minimum Numbers: 10 passengers



Tuesday 31st October 2006

Zig Zag Railway and Mount Tomah Botanic Gardens Full Day Tour

Cost: \$105.00

Time: 9.00am – 4.00pm

Departing Peppers Fairmont Resort at 9.00am, your tour today travels up the Great Western Highway through the townships of Medlow Bath, Blackheath and Mt Victoria. Follow the Darling Causeway which separates two valley systems with views to the Grose Valley and Mt Banks before joining Bells Line of Road to Clarence to experience one of the Great Railway Journeys in the Blue Mountains.

The Zig Zag Railway is regarded as one of the engineering masterpieces of the 19th century.

Completed in 1869 the Great Zig Zag is a series of sloping ramps which form a “Z” shape, travelling via two tunnels and three magnificent sandstone viaducts which originally formed the main railway line west to Lithgow and beyond. Today experience the thrill of yesteryear as the vintage rail motor traverses the old switchback line.

Follow the Bells Line of Road to Mount Tomah Botanic Gardens which has been set up as the cold climate annex of Sydney’s Royal Botanical Gardens. Enjoy your 2 course lunch in the Garden Restaurant overlooking the beautiful gardens. After lunch wander around the interesting and varied species of native and introduced plants.

Returns back to Peppers Fairmont Resort at 4.00pm

Inclusions: Luxury air-conditioned coach
Fully commented tour by driver
Zig Zag Railway fare
Mount Tomah Botanic Gardens entry
Morning tea off the coach
2 course lunch at the Garden Restaurant

Minimum Numbers: 12 passengers

Gardens and Galleries Half Day Tour

Cost: \$60.00

Time: 9.00am – 1.00pm

Departing Peppers Fairmont Resort at 9.00am, we first visit the Everglades Gardens. Constructed in the 1930’s and designed and executed by the landscape architect, Paul Sorenson, it is thought by many to be the finest exponent of the cold climate arboretum in Australia. Today the home is a working studio for local artists and a gallery features their works. Time is available to visit the gallery and also see any exhibitions that may be showing on the day. Located in the home is a lovely café, where morning tea is provided for you to enjoy.

From here, travel to Lurline St in Katoomba. Many Art & Craft Galleries are located along this street, and you can wander from Gallery to Gallery down the street, with the coach meeting you at the end to transfer you back to Peppers Fairmont Resort at 1.00pm.

Inclusions: Luxury air-conditioned coach
Entry and morning tea at Everglades Gardens.

Minimum Numbers: 10 passengers

Tour Conditions

All tours must be booked and paid for in advance. Any cancellations must be advised in writing by the 21st October 2006, after this date there will be no refunds.

Tour Operator

Fantastic Aussie Tours

NSW Ministry of Transport Accreditation operator
No: 21741

Licensed Travel Agent 2TA002770

Sponsors

Elite Sponsor



Distinguished Sponsors



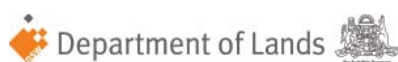
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Trade Sponsors





Community:

A Sense of Place

LGA CONFERENCE 2006

LOCAL GOVERNMENT ASSOCIATION OF NEW SOUTH WALES 2006 ELECTION OF EXECUTIVE COMMITTEE

EXECUTIVE SUMMARY

PURPOSE OF REPORT:

To advise Council of the 2006 Election of the Executive Committee of the Local Government Association of New South Wales.

BACKGROUND:

The State Electoral Office has written to Council advising of the Local Government Association of New South Wales 2006 Election of the Executive Committee and asked that this correspondence be placed before Council.

COMMENTS:

Council may wish to nominate a Councillor/s for the 2006 Local Government Executive Committee.

RECOMMENDATION:

That Council determine if it wishes to nominate a Councillor/s for the Local Government Association of New South Wales 2006 Executive Committee.

PURPOSE OF REPORT

To advise Council of the 2006 Election of the Executive Committee of the Local Government Association of New South Wales.

BACKGROUND

The State Electoral Office by letter dated 24 July 2006 has written to Council advising of the Local Government Association of New South Wales 2006 Election of the Executive Committee.

The State Electoral Office has asked that this correspondence be placed before Council.

Candidates and nominators must be elected members of Councils who are financial ordinary members of the Local Government Association of New South Wales.

COMMENTS

A nomination form, statutory declaration and information regarding the 2006 election are **attached**.

Nominations close at noon on Friday, 28 August 2006 and voting will take place at the Annual Conference of the Local Government Association of New South Wales on 30 and 31 October 2006.

CONSULTATION

Not applicable.

FINANCIAL CONSIDERATIONS

There are no costs to Council associated with this process.

CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

Not applicable.

SUMMARY

Not applicable.

RECOMMENDATION

That Council determine if it wishes to nominate a Councillor/s for the Local Government Association of New South Wales 2006 Executive Committee.

Geoff O'Rourke
Senior Governance Officer

John McKee
General Manager

Attachments:

- 1. Letter from State Electoral Office dated 24 July 2006 - Part 643087**
- 2. Information about Nomination & Voting - Part 643087**
- 3. Nomination Form - Part 643087**
- 4. Statutory Declaration in Support of Candidature - Part 643087**

Our Ref: 06/1124

To the General Manager

24 July 2006

Dear Sir/Madam


**Local Government Association of New South Wales
2006 Election of Executive Committee**

Please find attached an Election Notice, a Nomination Form and Statutory Declaration in Support of Candidature relating to the 2006 election of the Executive Committee of the Local Government Association of NSW.

Could you please arrange for these to be placed before Council.

Should you require further information please contact Diana Kosseifi of this Office on telephone (02) 9290 5924.

Yours sincerely



Brian DeCelis
for Colin Barry
Electoral Commissioner for NSW and Returning Officer



ELECTION NOTICE
LOCAL GOVERNMENT ASSOCIATION OF NSW
2006 ELECTION OF THE EXECUTIVE COMMITTEE



Pursuant to the Industrial Relations Act 1996 and the Regulations thereunder, the Electoral Commissioner for New South Wales will be the Returning Officer for the election of the Executive Committee of the Local Government Association of NSW.

Part 1 - Nominations

Nominations are hereby invited for the following positions:

- President (1 from a country council or from the incumbent president)
- Treasurer (1 from a country council or metropolitan council)
- 2 Vice-Presidents (1 from a country council, 1 from a metropolitan council)
- 20 Committee Members (10 from country councils, 10 from metropolitan councils)

Nomination forms and Statutory Declarations in support of candidature are attached. They may be photocopied as required, or additional copies may be obtained from the State Electoral Office, phone (02) 9290 5924.

Part 2 - Nomination Qualifications

Nominations on the prescribed form must be in writing, signed by the candidate and at least two nominators other than the candidate. No person may nominate more candidates than the number to be elected for each position.

Candidates must be serving members of councils which are financial ordinary members (not associate members) of the Association. Nominators must be elected members of councils which are financial ordinary members (not associate members) of the Association.

Rule 23(a) requires that the office of President alternates between members of country councils and members of metropolitan councils. To be eligible to be elected, candidates for the position of President at this election must be members of country councils but may also include the incumbent President.

Candidates for the positions of Vice-President and Committee Member must be from the respective country or metropolitan councils for which the nomination is made.

Part 3 - Lodgement Of Nominations

Lodgement of a correctly completed nomination form, by the specified time, is the responsibility of the candidate.

Nomination forms can only be lodged with the returning officer:

- by hand: State Electoral Office, Level 25, 201 Kent Street, Sydney; or
- by post: GPO Box 832 Sydney NSW 2001; or
- by fax: 9290 5939

and must be received by the returning officer no later than **NOON, MONDAY 28 AUGUST 2006**. Any anomaly in the form must be rectified before this time. The original of a faxed nomination must be received by the Returning Officer by Noon, Monday 23 October 2006.

Should the election be contested a draw will be conducted to determine the order of candidates' names on the ballot paper at the State Electoral Office at 2.00pm, Monday 23 October 2006. Candidates or their representatives are invited to witness the draw.

Part 4 - Withdrawal Of Nominations

A candidate may only withdraw his/her nomination in writing so as to be received by the Returning Officer prior to Noon, Monday 23 October 2006.

Part 5 - Candidate Profiles

Candidates will be given the opportunity to provide details of Local Government service, in the form of a Statutory Declaration, information from which will be forwarded to constituent councils before the Annual Conference. Any defect in a Statutory Declaration must be rectified by the candidate prior to the close of nominations.

Part 6 - Voting

Councils must be financial ordinary members of the Association as at the close of roll ie Monday 24 July 2006 to be eligible to vote in the election.

Voting will be conducted at the Annual Conference of the Local Government Association of NSW. Voting for President, Vice-Presidents and Treasurer will be conducted on Monday 30 October 2006 and for Executive Committee on Tuesday 31 October 2006. The method of voting to be observed for this election will be optional preferential for the election of President, Treasurer and Vice-Presidents, and proportional representation for the election of Executive Committee members.

Any enquiries concerning this election should be directed to Diana Kosseifi at the State Electoral Office, telephone (02) 9290 5924.

Colin Barry
Electoral Commissioner for NSW and Returning Officer

LOCAL GOVERNMENT ASSOCIATION OF NSW
2006 ELECTION OF THE EXECUTIVE COMMITTEE



NOMINATION FORM

A COMPLETED NOMINATION FORM MUST BE RECEIVED BY THE RETURNING OFFICER, STATE ELECTORAL OFFICE, NOT LATER THAN **NOON, MONDAY 28 AUGUST 2006**.
IT MAY BE HAND DELIVERED TO LEVEL 25, 201 KENT STREET, SYDNEY OR POSTED TO PO BOX 693 GROSVENOR PLACE 1220 OR FAXED TO (02) 9290 5939. (The original of a faxed nomination must be received by the Returning Officer by Noon, Monday 23 October 2006.)

We, the undersigned, being elected members of financial ordinary member councils of the Local Government Association of New South Wales, hereby nominate:

Surname _____ Given Names _____

of _____ Residential Address _____ Postcode _____

a serving member of _____ Council _____

Home Phone _____ Work Phone _____ Mobile Phone _____ Email Address _____ Date of Birth _____

as a candidate for the Office of _____

To be elected: 1 President 1 from country council or incumbent president
1 Treasurer 1 from country council or metropolitan council
2 Vice-Presidents 1 from a country council, 1 from a metropolitan council
20 Committee Members 10 from country councils, 10 from metropolitan councils

Full Name of Nominator(s)	Residential Address	Council	Signature

NOTE: This nomination must be made by at least TWO elected members of financial ordinary member councils, other than the candidate. No person may nominate more candidates than the number to be elected for each position.

CANDIDATE'S CONSENT

In accordance with rule 44(e) of the Association's rules, all candidates shall declare any current or recent (within the past 2 years) membership of a registered political party on their nomination forms and on all "how-to-vote" material. Ballot papers will show candidates declared current registered party memberships.

I declare I am currently, or recently have been (within the past 2 years) a member of the following registered political party/parties:

I, being a serving member of a financial ordinary member council of the Local Government Association of New South Wales do hereby consent to the nomination and declare that I am eligible to be elected (see Part 2 of the Election Notice).

My name should appear on the ballot paper as: _____ Surname (One) Given Name

Only one given name and surname will appear on the ballot paper. Recognised abbreviations or derivatives of given names are acceptable, but nicknames are not.

(Signature of Candidate)

(Date)

LOCAL GOVERNMENT ASSOCIATION OF NSW
2006 ELECTION OF THE EXECUTIVE COMMITTEE
Statutory Declaration in Support of Candidature



THE FOLLOWING INFORMATION WILL BE REPRODUCED AS IS.
PLEASE REFER TO THE IMPORTANT INFORMATION ON THE BACK OF THIS FORM BEFORE COMPLETING.

I, _____ of _____
(Full Name of Candidate) (Residential address)
do solemnly and sincerely declare that:

1. I am a serving member of _____ COUNCIL

2. COUNCIL SERVICE: Year first elected (list any breaks in service); year/s as Mayor and/or Deputy Mayor.

3. COUNTY COUNCIL SERVICE: Name of council, year first elected (list any breaks in service); years as Chairman and/or Deputy Chairman.

4. SERVICE ON ASSOCIATION'S EXECUTIVE AND COMMITTEES: year first elected (list any breaks in service) to Executive and any Standing Committees.

5. SERVICE ON OTHER LOCAL GOVERNMENT ORGANISATIONS: please list them and years of service.

6. POLITICAL AFFILIATIONS DURING THE LAST 2 YEARS:

And I make this solemn declaration conscientiously believing the same to be true, and by virtue of the provisions of the Oaths Act, 1900.

Declared at _____ this _____ day of _____ 2006

before me:

Justice of the Peace

Candidate's signature

COMPLETED STATUTORY DECLARATIONS MUST BE RECEIVED BY THE RETURNING OFFICER, STATE ELECTORAL OFFICE NOT LATER THAN **NOON, MONDAY 28 AUGUST 2006**. THEY MAY BE HAND DELIVERED TO LEVEL 25, 201 KENT STREET, SYDNEY, POSTED TO PO BOX 693, GROSVENOR PLACE NSW 1220, OR FAXED TO (02) 9290 5939.

IMPORTANT INFORMATION FOR COMPLETION OF THIS FORM

This Statutory Declaration in Support of Candidature form is provided for completion in accordance with Local Government Association policy. Completion of the form or any part thereof is optional. Details supplied by candidates will be forwarded to all member Councils prior to the Annual Conference. Please note that details of service on Council Internal Committees should not be included.

The Statutory Declaration in Support of Candidature will be reproduced (printed) as completed by you. It will not be retyped.

It will be important, therefore, that you either print or write all information clearly. Alternatively, you may prepare your statement in support of candidature on word processor and adhere that to the defined space on this form.

There is no word limit, however all information **must** be restricted to the defined space allocated for each of the headings, **ie not more than 3 lines per heading**. Annexures will **not** be accepted.

If faxing this form to the Returning Officer it would be advisable to deliver or post the original to the Returning Officer at the address at the bottom of the form, immediately after faxing.

KU-RING-GAI ACCESS ADVISORY COMMITTEE - MINUTES OF 15 JUNE 2006

EXECUTIVE SUMMARY

PURPOSE OF REPORT:	To provide Council with the Minutes of the Ku-ring-gai Access Advisory Committee of 15 June 2006.
BACKGROUND:	The Ku-ring-gai Access Advisory Committee provides a forum between Ku-ring-gai Council, the community representatives and service providers on access issues in the Ku-ring-gai area. The committee meets every two months.
COMMENTS:	General access issues were discussed during the meeting with a number of actions flowing from the Ku-ring-gai Access Advisory Committee meeting.
RECOMMENDATION:	That the Minutes of the Ku-ring-gai Access Committee of 15 June 2006 be received and noted.

PURPOSE OF REPORT

To provide Council with the Minutes of the Ku-ring-gai Access Advisory Committee of 15 June 2006.

BACKGROUND

The Ku-ring-gai Access Advisory Committee provides a forum between Ku-ring-gai Council, the community representatives and service providers on access issues in the Ku-ring-gai area. The committee meets every two months.

COMMENTS

General access issues were discussed during the meeting with a number of actions flowing from the Ku-ring-gai Access Advisory Committee meeting.

CONSULTATION

Not applicable.

FINANCIAL CONSIDERATIONS

Not applicable.

CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

Not applicable.

SUMMARY

Not applicable.

RECOMMENDATION

That the Minutes from the Ku-ring-gai Access Advisory Committee of 23 February 2006 be received and noted.

Martin Butcher
Community Development Officer
Aged & disability Services

Janice Bevan
Director Community Services

Attachments: Minutes of Access Advisory Committee Meeting of 15 June 2006 - 643230

KU-RING-GAI ACCESS ADVISORY COMMITTEE

Thursday 15 June 2006

2:30 pm

Ante Room, Level 3, 818 Pacific Hwy, Gordon

Minutes of the Meeting

1. Present/Apologies

Present:

Cr Michael Lane
Mr Arthur Gillott
Miss Kate Boyd
Mr Loch Townsend
Mr Alan Faulkner
Mr William Higman
Ms Beverley Schultz

In attendance

Mr Martin Butcher

Apologies:

Mrs and Mr Ivan & Joyce Cribb
Ms Eileen Lyons
Mrs Lyn Kerslake
Mr Greg Piconi
Mr Tom Cooper
Ms Carol Harper
Mr Danny Houseas
Ms Janice Bevan
Mr Anthony Fabbro

Resignation

Mr Peter Chapple has resigned from the committee as he is travelling overseas.

2. Confirmation of Minutes 27 April 2006

Moved Alan Faulkner/Kate Boyd
Carried

3. Business Arising

The Community Development Officer provided the Committee with a report looking at:.

- a. Gordon Station upgrade
- b. Turramurra Station Development Application
- c. Other stations in Ku-ring-gai

The Committee asked that the report be attached to the minutes and the actions outlined in the report be undertaken.

The report included an action asking that Council write a letter to RailCorp requesting they consider placing an all weather cover over the walkways at Gordon Station. Cr Lane asked that the Director of Development and Regulation Services be consulted before a letter be written to ascertain whether it is appropriate for Council to write to RailCorp regarding this issue, as it was initially part of the development application.

Action following the meeting. Cr Lane and Mr Martin Butcher spoke to Mr Michael Miocic regarding writing a letter. Mr Miocic could not see a problem in asking RailCorp to put an all weather cover over Gordon station but there was no compulsion for them to act.

4. Technical Services – Progress Report

a. Access to Entrance of Council Chambers

The document for the Development Application has been finalised. They will be lodged by the Director of Technical Services in the coming week. Although it is Council lodging the application for its own building, it is necessary to follow due process.

5. Open Space – Progress Report

a. Signage at Bicentennial Park:

The directional signs throughout the park are out of date and faded. Can Council look at replacing them.

6. Planning and Environment Report

a. Town Centres Plans:

Turramurra:

Cl Lane explained Council has had discussions with RailCorp and Department of Planning regarding a second road crossing at Turramurra. Some suggested locations include Ray Street and Rohini Avenue. The standard for a new bridge over the railway line would require it to enable 4 railway tracks to pass under it. The cost of such a project would cost around \$4 million.

Gordon:

Council is investigating the possibility of a second pedestrian footbridge over the Pacific Highway at Gordon. An option is to have a Private, Public Partnership project (PPP) similar to the new footbridge on Epping Road near Deli Road, which was funded by Harvey Norman.

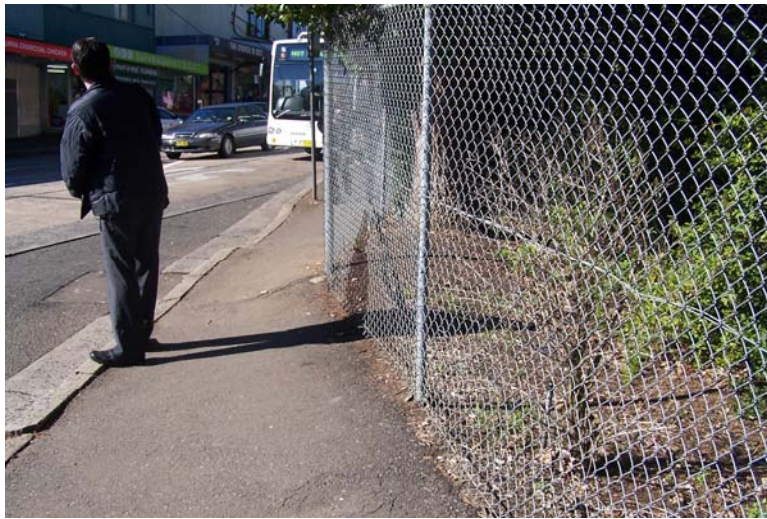
7. Development & Regulatory Services

a. Turramurra Station Upgrade DA

A Development Application has been lodged with Council for the upgrade of Turramurra Station to make it easy access. The Community Development Officer (Aged and Disability Services) is currently preparing a report for Development Assessment Section. Martin Butcher discussed the application with the committee and a number of issues were raised.

Continuous path of travel to bus stop in Rohini Street:

The plans do not appear to be improving the path of travel from the top of the new concourse to the bus shelter in Rohini Street. In order to provide an integrated accessible transport interchange this would need to be considered. At one point along the path the width is less than 800mm wide. This does not provide enough room for pedestrians using mobility aids.



In Rohini Street the path from the top of the station to the bus shelter should be a minimum of 1200mm along the entire length. A request should be made to RailCorp for the fence be moved back to provide the minimum path width.

Car parking spots:

The plans show 2 accessible parking spots will be located in William Street. The location of the proposed site has a gradient steeper than 1:40 which is steeper than the standards specified in AS2890.1 (1993) for off-street parking, which requires a gradient no steeper than 1:33.



Location of parking space in William Street

Steps from the platform to the train:

When a train pulls into the platform there is a substantial step from the platform into the train. Northbound the step is about 26cm and about 22cm step up south bound. For people with a ambulant disability, a step like this makes it difficult to hop on and off the train safely. It is suggested that the height of the tracks be looked at when the station is being upgraded.



Step from platform to train City bound.



Step from platform to train North bound

Temporary pedestrian bridge:

A temporary pedestrian bridge is being constructed at the northern end of the platform adjacent to Eastern Road and Coles car park. This bridge will enable the current concourse footbridge to be demolished and the concourse and lift to be built. Members of the Access Committee suggested that that this bridge be a permanent structure to provide an alternative crossing of the railway line.

8. Correspondence In:
 - a. Publications as tabled at the meeting
9. Correspondence Out:

Nil
10. General Business.

Rohini Street and Eastern Road

Beverley Schultz reported a tree blocking the footpath on the Cnr Rohini Street and Eastern Road outside the disused tyre shop.

Cr Lane has advised that there is a Development Application in Council for this site. Repair of the footpath may be included as part of the redevelopment.



Cr Rohini and Eastern Rd Turramurra

Notes added after the meeting: A site inspection following the meeting indicated that appropriate space is available between the fences around the tree and the site. Access is not obstructed. The pavement is broken but not in a dangerous state.

Trees blocking footpath on Mimosa Road at the oval.:

Beverley Schultz raised concerns regarding the bushland overgrowing the footpath on Mimosa Road at Rofe Park, next to 34 Mimosa Road. The bush is overgrowing the footpath blocking access along the path.

Comments following the meeting:

A site inspection was undertaken following the meeting. The identified bushland is part of a bushland regeneration project following a bush fire. This area is being returned to its natural state. Access is provided to the park via a bush track besides No. 34 Mimosa Road. On the day of the inspection the track was clear of debris. An alternative route is via the footpath on the opposite side of the road.



Speed Limits along Bobbin Head Road:

Mr Alan Faulkner asked about the speed limit on Bobbin Head Road. It is 60km/hr but at some places it is unclear as to what the speed limit is. Some side streets are marked as 50km/hr but others are not.

Cr Lane explained that it is the policy of the State and Commonwealth authorities not to take down signs until they become unreadable.

Noise reduction signs along Ryde Road:

Mr Loch Townsend asked if signs could be placed on Ryde Road South bound heading towards Lady Game Drive asking trucks not to use their air brakes, as they disturb nearby residents.

Cr Lane said that this is a Traffic Committee issue and is out of the scope of the Access Committee. Concerned residents would need to write to Council's General Manager and asked that is issue be refired to the Traffic Committee.

No further action required by this Committee.

11. Date of next meeting Thursday 17 August 2006

Meeting closed at 4:15pm

Access to Railway Stations in Ku-ring-gai

Accessible public transport, particularly access to railway stations, has been identified in the Ku-ring-gai Community Plan as the major barrier preventing older people and people with disabilities from gaining independence and accessing the wider community. Lack of access to transport is a major contributor at Social Isolation.

This report will look at:

- The recently renovated Gordon Station
- The proposal for upgrade to Turramurra Station
- Priority for other stations to be upgraded

Gordon Railway Station

Beverley Schultz and Loch Townsend from the Ku-ring-gai Access Advisory Committee have both looked at the station and have raised a number of concerns.

Cover Over Walkways, Ramps and Stairs

During the day Beverley Schultz observed the station, there was torrential rain and wind. She observed commuters diving under stairs and queuing for the lift to avoid a soaking. (It is) hopeless for people with a disability so:

Beverley asked that the committee take action on a covered way over the stairs, which was put on hold so the upgrade of the station could commence, (Heritage building) but an agreement was to address this in the future. It is necessary.

Comments

When the Development Application for the station was shown to the Access Committee, comments were made that a cover over the walkways were needed to protect passengers from the elements. These covers were removed from the original DA lodged in 2004 as it was considered to detract from the historic significant of the station. Although the Access Committee felt strongly about the need for cover over the walkways, it was considered to be more important to recommend the application be approved to improve access to the station rather than to insist that walkways be covered, which may have further delayed the approval of the application for another twelve months.

When the application went before Council for approval this issue was raised in the report by Cr Innes and Council placed a number of conditions to the development. Subsequent to the meeting RailCorp corresponded with Council saying that as this was an application from the Crown, Council could not place any conditions requiring future works to be undertaken. Council was required to remove a number of conditions from the initial approval.

Recommended Action

That Council write to RailCorp highlighting the need for a cover over the walkways, ramps and stairs.

Toilet at the Station

There is a fully accessible toilet on the concourse of the station. This facility was fitted out well above the minimum standards. The toilet is locked all the time but can be opened remotely by station staff unlocking it by pressing a button in the ticket office. Beverley made the following observation

“Great to have a toilet but it is locked and you have to queue on ticket line to ask ticket seller to press electric button to free lock. Good for security and cleanliness but hopeless for both toileting and queuing in the rain!”

On page 70 of RailCorp's Annual Report 2004/05 there is a commitment to provide customers with clean, safe and reliable facilities at stations.

"Ensure toilets at stations are clean and unlocked wherever possible. If toilets are closed for security reasons staff will unlock them on request"

It can be questionable as to whether a toilet located adjacent to the ticket office at Gordon station is a security risk, particularly during the day. If toilets need to be locked during the daylight hours and when the station is staffed RailCorp may consider fitting MLAK locks to all their accessible facilities. This will enable people with a disability, who have a key, to access the toilet without the need to find a staff member to unlock the toilet or when the station is not staffed. This will assist people with incontinence problems who need to use a toilet frequently and without delay to access them.

Recommended action

That Council write to RailCorp requesting that the toilet remain unlocked during daylight hours and when the station is staffed. If the toilet needs to be locked, that it be fitted with an MLAK lock to enable people with a disability to access it.

Ramps

The Development Application included the construction of two (2) accessible ramps which formed part of a continued accessible path of travel from Wade Lane to Werona Avenue, via the Concourse. During a visit to the station Loch tried the two (2) ramps using his manual chair. Loch found the ramp from Wade Lane side easy to use. There was not a problem with him getting up the ramp.

The continued accessible path of travel to the station from Werona Avenue is via a new ramp leading to No.1 platform, then a lift up to the concourse. Loch reported difficulties accessing this ramp and he needed to use the handrail to pull himself up.

Following Loch's attempt to use Werona ramp, a check was made comparing the ramp with the Australian Standards for access AS1428.1. The overall length of the path from the Werona Avenue footpath to the lift is 59m and a total rise of 1.85m giving an average gradient of 1:31. Over the length of the path gradient range is from 1:54 to 1:14 which is within the standards. At the bottom of the stairs the cross fall is 1:33. The standards require that the ramp will have a cross fall of no steeper than 1:40. Apart from 1 part, cross fall is within standards. The reason for the cross fall is to provide runoff of water away from the stairs.

Recommended Action

As this ramp is built mostly within standards, it is recommended that no further action be taken.

A second ramp from Wade Lane side leads to the bottom level of the Wade Lane carpark. Although the ramp has a gradient of 1:10 it was not included in the Development Application, therefore there was not a requirement to meet the standards. A problem with this is that at the bottom of the ramp there are 2 accessible parking spaces. For a person to access the station from these parking spaces using a continued accessible path of travel, they would need to use the car entry ramp to the bottom level of the carpark and use the accessible ramps. It can be argued that this carpark is primarily used for short term visitors to Gordon businesses and not a commuter parking for the station. RailCorp does provide accessible car parking spots in its customer carpark in Werona Avenue. The continued accessible path of travel is approximately 200m from the lift on platform No. 1. The parking spaces do not meet the standards AS2890.1 (2003) Off Street Car Parking, as the parking spaces are not on level ground. The standards require that outdoor accessible parking spaces should not exceed 1:33.

Recommended Action

Refer the need for improvements to this ramp to the Planners within Council for consideration and inclusion as part of the Gordon Town Centre Planning.

Signage

Direction signage on the platform and concourse indicating accessible facility is good as there are signs showing the directions to the lifts and toilets.

There are no signs at the approaches to the station indicating the accessible path of travel. This is particularly noticeable at the Werona Avenue side, where the accessible path is obstructed by trees and the pre existing ramps which lead to steps at the top.

Recommended Action

That a letter be sent to CityRail and RailCorp requesting signs be placed at the bottom of each of the existing ramps and at the entrance of the accessible path to indicate the accessible path of travel to the station.

Turramurra Station

Council has recently received an application from RailCorp to upgrade the station to easy access. The proposed works include:

- The demolition of existing footbridge and stairs to the platform and the reconstruction of a new wider footbridge generally in the same location. A new concourse facility will replace the existing railway shop.
- Construction of a new concourse area at footbridge level with a lift and new stairs connecting to the platform.
- Construction of a new covered area at platform level on the northern (Warrawee) end of the platform.
- Modification to the platform building to provide accessible toilet.

The Development Application is consistent with current Council plans and policies including:

DCP 31 Access

Access Policy

Turramurra Town Centre Plan

Recommended Action:

The Access Committee make comment on the development application and make comment for inclusion in the Council Report.

Improving Access to other Stations in Ku-ring-gai

Time frame for other Stations to be accessible:

In the Community Plan and DDA Action Plan Council has made a commitment to lobby RailCorp and the State Government to ensure that all stations are accessible.

The Accessible Public Transport Standards were adopted by the Commonwealth Government in 2000. The document outlines the timeframe for all public transport in Australia to be accessible.

Year	2007	2012	2017	2022
% of wheelchair accessible stations	25 %	55%	90%	100
City rail Network	28%			
Northern Line	35%			

The NSW Ministry for Transport has adopted this timeframe as a benchmark for the implementation of the easy access program across the CityRail and Countrylink network.

- Wheelchair accessible stations in the CityRail Network - 86 out of 306 are wheelchair accessible - 28%

- Accessible stations on the Northern line 5 from 17 stations are accessible 35%

Current situation

Station	Line	W'chair access	Staffed full time	Access. Toilets	Access. phone	Access bus interchange
Hornsby	Nth Shore	Yes	Yes	Yes		
Milsons Point	Nth Shore	Yes				
Waverton	Nth Shore	Yes				
St Leonards	Nth Shore	Yes	Yes	Yes	Yes	Yes
Gordon	Nth Shore	Yes		Yes	Yes	Yes
Chatswood (under construction)	Nth Shore	Yes		Yes		
Turramurra Station (DA lodged)	Nth Shore	Yes		Yes		

Compared with other lines in the CityRail network, the North Shore Line is well advanced of the target. There are other lines that are well below the targets set out in the standards. After Turramurra and Chatswood is completed, the priority is to upgrade stations on other lines over the next few years.

Comments

It is understood that RailCorp has an enormous job to upgrade all its network to be easy accessible to enable all people, including people with a disability, to use the service, as many of the facilities are over 100 years old. Ku-ring-gai Council and the Access Committee is committed to ensure that all 7 stations in the LGA are easy access as soon as possible and well before 2022.

Recommended Action:

Council and the Access Committee continue lobbying RailCorp for the improvement of access to all its stations in Ku-ring-gai.

Martin Butcher
Community Development Officer
(Aged and Disability Services)

1 KINTORE STREET, WAHROONGA - SUPPLEMENTARY REPORT FOLLOWING SITE INSPECTION

EXECUTIVE SUMMARY

PURPOSE OF REPORT:	To determine Development Application No. 470/05 demolition of existing dwelling and the construction of a SEPP (Seniors Living) development
BACKGROUND:	Report on site meeting held 1 July 2006
RECOMMENDATION:	Approval

PURPOSE OF REPORT

To determine Development Application No. 470/05 demolition of existing dwelling and the construction of a SEPP (Seniors Living) development

BACKGROUND

DA 470/05 was reported to Council on 27 June 2006, with a recommendation for approval.

Determination of the application was deferred following a site inspection which was held on 1 July 2006.

SUMMARY

Following are responses to the questions arising from the site inspection:

1. Acceptance of amended DA

- 1) *Council staff to provide reasons why Council's standard procedure for the assessment of DA's has been altered as the amended DA appears to be substantially different to the original application. Staff to confirm if amendments of this nature (including the reduction in density from 7 dwellings down to 4 as proposed) would normally be the subject of a new DA.*

Comment:

The plans were amended to address the concerns raised by Council staff and objectors.

Pursuant to Clause 55 of the Environmental Planning and Assessment Regulation 2000, a development application may be amended or varied by the applicant with the agreement of the consent authority, at any time before the application is determined.

The amended plans represent changes to improve the proposal in terms of relationship to surrounding development and the local area.

The proposal has been substantially modified. Whether the development constitutes 'substantially the same development' is a statutory qualifier for Section 96 applications and Section 82A reviews not for development applications. The modifications have been made to address Council's concerns. Furthermore, the NSW Land and Environment Court process now facilitates substantial amendments prior to determination.

2. Streetscape impact/front setbacks

- 1) *Staff to provide further comment on the proposal's streetscape impact and confirm the front setbacks of dwellings either side of the proposal in Kintore Street and Grosvenor Street in relation to the proposed development.*

Comment:

Please refer to comments in the assessment report under SEPP (Seniors Living) in relation to 'streetscape' and 'objectives' of the KPSO. The site is located on a street corner and the setbacks proposed vary along the two street frontages, providing articulation and visual relief. The proposed setbacks allow opportunity for pathways and landscaping.

The proposal achieves a front setback ranging between 12.5 metres and 8.5 metres along Kintore Street and between 5.5 metres and 10 metres along Grosvenor Street. The existing dwelling at No. 3 Kintore Street is set back 18.5 metres from the street and the dwelling existing at No. 19 Grosvenor Street is set back some 17 metres from Grosvenor Street.

Building setbacks are generally uniform and generous along both Kintore and Grosvenor Streets. However, the majority of properties contain large residential dwellings, with high solid fencing in the foreground, forming a dominant visual feature within the streetscape. Fencing is particularly dominant within the Grosvenor Street streetscape.

The proposed setbacks are forward of the directly adjoining dwellings. However, architectural articulation, tree retention and landscaping are achieved. The proposed setback provides for the retention and replenishment of landscaping along the frontage, particularly given the low scale fencing provided. The setback integrates the development with the landscaped character of the area and diminishes the impact of built form behind foliage. Existing tall canopy trees are to be retained, particularly along the Kintore Street frontage.

- 2) *Staff to explain the comment under the heading Surrounding Development within the report which states that 'The site is adjoined to the south and east by large 2 storey dwelling houses' and provide further comment on the proposal's streetscape impact having regard to the low scale single storey nature of surrounding development.*

The adjoining dwellings are single storey in height. Surrounding development comprises a mixture of large one and two storey dwellings.

The adjoining dwelling located at 3 Kintore Street is particularly large and visually dominant within the streetscape. Although this dwelling is single storey, the overall height achieved is 7.5 metres which is commensurate with the height of the proposed development (between 4.5 and 8 metres). Minimal landscaping exists within the frontage of this property so the built form is the dominant feature within the streetscape.

3. Power Lines

- 1) *Staff to amend Condition No. 44 to ensure that all overhead powerlines adjacent to the property boundaries are relocated underground prior to the issue of the Occupation Certificate.*

Condition No. 44 has been amended to read:

'For the purpose of maintaining visual amenity, electricity cabling shall be provided underground and must not disturb the root system of any trees. Please contact the energy supply authority's local customer service office to obtain documentary evidence that the authority has been consulted and that their requirements have been met. This information is to be submitted prior to the release of the occupation certificate.'

Trees

- 2) *Staff to confirm that the Tree Assessment Report, prepared by Malcolm Bruce and dated 1 April 2005, has been considered as part of the DA assessment, having regard to the proposed tree removal.*

The Tree Assessment Report prepared by Malcolm Bruce was considered as part of the assessment.

- 3) *Staff to confirm that Tree Nos. 23A & 23B are Turpentine as described in Appendix 1 of the Tree Assessment Report prepared by Malcolm Bruce dated 1 April 2005.*

Trees Nos. 23A and 23B are Turpentine, as described in the abovementioned report.

- 4) *Staff to liaise with the applicant to ascertain if the driveway for the double garage on Grosvenor Street can be relocated to assist with retention of the large Queensland Box Eucalypt Tree.*

Council's Landscape Development Officer approved the removal of the Brushbox located within the Grosvenor Street frontage. The retention of this tree would require the re-design of the driveway, the garage and the courtyard for dwelling 2. This change is not feasible as it would alter compliance with the requirements of SEPP (Seniors Living) in terms of garage dimensions and private open space provision.

4. Shadow Diagrams

- 1) *Staff to confirm that the shadow diagrams submitted by the Applicant provide an accurate depiction of the proposal's overshadowing effects on surrounding properties.*

Comment:

The proposed shadow diagrams have been checked and are accurate. As indicated within the assessment report, proposed shadowing on June 21 is not considered unreasonable with respect to preserving surrounding residential amenity.

5. Recycling

- 1) *Staff to include a condition to address recycling of the sandstone located in the driveway and pathways of the existing development.*

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Comment:

Condition No. 59 is recommended in relation to the recycling of sandstone.

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 470/05 for demolition of the existing building and construction of a SEPP Seniors Living Development comprising 4 dwellings on land at 1 Kintore Street, Wahroonga, 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 470/05 and Development Application plans prepared by HSA Architects, reference number 49105.DA1, Issue C, 49105.DA2, Issue C, 49105.DA3, Issue C, 49105.DA4, Issue C, 49105.DA5, Issue C, dated 9 March 2006 and Landscape Plan prepared by Landscape Architectural Services, Drawing No.LPDA 06 – 86/1, dated November 2005 and endorsed with Council's approval stamp, except where amended by the following conditions:
2. The applicant shall ensure that at all times during the construction period no activities, storage or disposal of materials shall take place beneath the canopy of any tree protected under Council's Tree Preservation Order.
3. No tree roots of 50mm or greater in diameter located within the specified radius of the trunk/s of the following, tree/s shall be severed or injured in the process of any site works during the construction period.

Tree No /Species /Location	Radius From Trunk
Tree 10 / <i>Eucalyptus racemosa</i> (Large Scribbly Gum) / Western boundary	5 metres
Tree 11 / <i>Pinus patula</i> (Mexican Pine) / Western boundary	5 metres
Tree 24 / <i>Eucalyptus pilularis</i> (Blackbutt) / Southern boundary	7 metres

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

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Tree No /Species /Location	Radius From Trunk
Tree 10 / <i>Eucalyptus racemosa</i> (Large Scribbly Gum) / Western boundary	7 metres
Tree 11 / <i>Pinus patula</i> (Mexican Pine) / Western boundary	7 metres
Tree 24 / <i>Eucalyptus pilularis</i> (Blackbutt) / Southern boundary	7 metres

5. To preserve the following tree, the driveway to Unit 1 shall be constructed of asphalted concrete.

Tree No /Species /Location

Tree 1 / *Angophora costata* (Sydney Red Gum)
/ North-eastern corner

6. 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.
7. A mandatory rainwater re-use tank system, together with the additional on-site stormwater detention/retention requirements described in chapter 6 of Councils Water Management Development Control Plan 47 (DCP47), shall be provided for the development. DCP47 is available in hard copy at Council and on the Council website.
8. 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.
9. Where required, the adjustment of any utility service facilities must be carried out by the applicant and in accordance with the requirements of the relevant utility authority. These works shall be at no cost to Council. It is the Applicants responsibility to ascertain impacts of the proposal upon utility services and Council accepts no responsibility for any matter arising from its approval to this application involving an influence upon utility services provided by another authority.
10. All public footways and roadways fronting and adjacent to the site are to be maintained in a safe condition at all times during the course of the development works. A safe pedestrian circulation route and a pavement/route free of trip hazards must be maintained at all times on

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or adjacent to the public access ways fronting the construction site. Where public infrastructure is damaged, repair works must be carried out when and as directed by Council officers. Where circulation is diverted on to the roadway, clear directional signage and protective barricades must be installed in accordance with AS1742-3 1996 *"Traffic Control Devices for Work on Roads"*. If pedestrian circulation is not satisfactorily maintained, and action is not taken promptly to rectify the defects, Council may undertake proceedings to stop work.

11. The provision of temporary sediment and erosion control facilities and measures are to be installed, prior to the commencement of any works on the site to eliminate unnecessary erosion and loss of sediment. These facilities must be maintained in working order during construction works and up to the completion of the maintenance period. All sediment traps must be cleared on a regular basis and after each major storm, and/or as directed by the Principal Certifying Authority and Council officers.
12. Driveways and access ramps must be designed not to scrape the underside of cars. In all respects, the proposed vehicle access and accommodation arrangements must be designed and constructed to comply with Australian Standard 2890.1 – 2004 "Off-Street car parking".
13. For the purpose of any inspections by Council engineers, the corresponding fees set out in Councils adopted Schedule of Fees and Charges are payable to Council. A re-inspection fee per visit may be charged where work is unprepared at the requested time of inspection, or where remedial work is unsatisfactory and a further inspection is required. Engineering fees must be paid in full prior to any final consent from Council.
14. The Applicant must obtain a Section 73 Compliance Certificate under the *Sydney Water Act 1994*. An application must be made through an authorised Water Servicing Coordinator. Please refer to "Your Business" section of Sydney Water's web site at www.sydneywater.com.au then the "e-developer" icon or telephone 13 20 92. Following application a "Notice of Requirements" will detail water and sewer extensions to be built and charges to be paid. Please make early contact with the Coordinator, since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design.
15. Stormwater quality control measures as described in chapter 8 of Councils Water Management Development Control Plan 47 (DCP47), shall be provided for the development. DCP47 is available in hard copy at Council and on the Council website.
16. 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.
17. The proposed development is to be compliant with both AS 1428 (Design for Access and Mobility and AS 4299 (Adaptable Housing) and the design requirements of SEPP (Seniors Living).

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18. The interior design of dwellings, ancillary facilities (eg letterboxes, lighting etc) and circulation space within the development shall comply with the standards contained in clause 13A of SEPP 5. A Compliance Certificate prepared by a suitably qualified and experienced person, certifying compliance with the provisions and standards contained in this clause, shall be submitted to the Principal Certifying Authority prior to occupation of the development.
19. 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.
20. No mobile outdoor surveillance systems shall be installed without prior approval of Council.
21. No advertising signs are to be erected without the prior consent of Council.
22. Master TV antennas are to be provided to avoid having individual antennas. The master antenna should be located at the rear of the site to reduce visibility from the street. Alternatively, location within the roof space should be considered.
23. Letter boxes must be provided in accordance with the requirements of Australia Post and be accessible to wheelchair users
24. On site power must be underground and satisfy the requirements of Energy Australia.
25. Unit/dwelling numbers must be clearly displayed and visible for emergency vehicles and visitors.
26. Each dwelling must have a child proof storage place for poisons or other dangerous substances.
27. Main entry doors to each unit shall be provided with peep holes.
28. Walls and Fences within the development are to be in accord with Council's Development Control Code 1/99 or as otherwise directed or approved.
29. The development is to provide night lighting along all driveways and footpaths throughout the site such that the full length of travel paths are illuminated. Lighting is to be shielded so that neighbouring residences are not adversely affected.
30. Throughout the development it is necessary to utilise non-slip materials. Surfaces which will be slippery when wet are not permitted. Loose material such as gravel or sand should be avoided near footpaths.
31. Locate TV antenna outlets on interior walls (away from windows and potential glare problems) in positions that maximise, options for TV location in the living and sleeping areas.

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32. Locate telephone sockets so that residents have a choice of places/rooms to put a telephone and its related furniture.
33. Courtyard fences between units shall be constructed of masonry to a height of 1.8 metres or as otherwise indicated.
34. The use of landscaping should not affect driver sight distance to see other vehicles/pedestrians etc. for vehicles entering /exiting the subject site. The use of low growing shrubs around driveways is recommended.
35. The creation of a Restriction as to use of land under Section 88E of the Conveyancing Act 1919, restricting the occupation of the premises to:
 - a. People 55 or over or people who have a disability;
 - b. People who live with people 55 or over or people who have a disability;
 - c. Staff employed to assist in the administration of and provision of services to housing provided in this development.
36. The development is to remain as Housing for Aged or Disabled Persons within the meaning of State Environmental Planning Policy (Seniors Living) at all times.
37. All advertising, signage, marketing or promotion of the sale of the dwellings in this development shall make clear reference to the fact that this is a SEPP (Seniors Living) development and that at least one occupier shall be aged 55 years or over or have a disability.
38. 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.
39. 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.
40. **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.

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41. 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.
42. A sign shall be erected in a prominent position on the site which states the name and contact details of the Principal Certifying Authority.
43. To maintain existing ground levels all excavated material shall be removed from the site.
44. For the purpose of maintaining visual amenity, electricity cabling shall be provided underground and must not disturb the root system of any trees. Please contact the energy supply authority's local customer service office to obtain documentary evidence that the authority has been consulted and that their requirements have been met. This information is to be submitted prior to the release of the occupation certificate.
45. The applicant is advised that the Construction Certificate plans and specifications must comply with the provisions of the Building Code of Australia.
46. All excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with appropriate professional standards.

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

47. 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.

48. Toilet facilities are to be provided, within the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.

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49. 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.
50. The demolition is to be carried out in accordance with the guidelines contained in Australian Standard 2601-1991: The Demolition of Structures.
51. 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.
52. 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.

53. Erosion control measures shall be provided on demolition sites to prevent the siltation of watercourses and drainage systems.
54. 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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55. 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.
56. 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.
57. Materials salvaged from a demolition may be stored on site provided they are non combustible, neatly and safely stockpiled and not likely to become a harbourage for vermin.
58. 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.
59. In order to increase streetscape and residential amenity, any existing sandstone removed from the Kintore or Grosvenor Street frontages to accommodate driveway and pathway areas shall be retained and used elsewhere within landscaped areas on site.

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

60. 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.

61. 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).
62. 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,

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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.

63. Prior to commencing any construction or subdivision work, the following provisions of the Environmental Planning & Assessment Act, 1979 (the 'Act') are to be complied with:
- A Construction Certificate is to be obtained in accordance with Section 81A(2)(a) of the Act.
 - A Principal Certifying Authority is to be appointed and Council is to be notified of the appointment in accordance with Section 81A(2)(b) of the Act.
 - Council is to be notified in writing, at least two (2) days prior to the intention of commencing buildings works, in accordance with Section 81A(2)(c) of the Act.
 - Should the development be certified by a Principal Certifying Authority other than Council, a fee for each Part 4A Certificate is to be paid to Council on lodgement of those Certificates with Council.
64. The applicant shall ensure that no underground services (ie water, sewerage, drainage and gas) shall be laid beneath the canopy of any tree protected under Council's Tree Preservation Order, located on the subject allotment and adjoining allotments.

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.

65. The submitted landscape plan by Landscape Architectural Services, Drawing No. LPDA 06-86/1 and dated November 2005 is not approved. An amended plan and specification of the proposed landscape works for the site shall be prepared in accordance with Council's Development Control Plan No 38, and conditions of consent by a Landscape Architect or qualified Landscape Designer to enhance the amenity of the built environment and protect the Ku-ring-gai landscape character. The plan must be submitted to, and approved by the Principal Certifying Authority prior to the release of the Construction Certificate. The landscape works shall be carried out in accordance with the approved landscape plan.

The following amendments to the plan shall apply:

- The 1200mm high picket fence shall be deleted.
- The existing healthy mature shrubs along the northern and western boundaries shall be individually noted on the plan to be retained and the replanting of additional species reduced or changed to suit.
- The plan shall indicate the removal of Tree 28.
- The plan shall note the use of medium to large pebbles as mulch along the eastern boundary as this area will be a stormwater flow path. No ground covers such as

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Myoporum or Trachelospermum shall be planted as they will interrupt the overland flow.

- The proposed “cultivar” that will reach a minimum height of 3 to 4 metres of Syzygium paniculatum (Brush Cherry) shall be indicated.

66. The property shall support a minimum number of 10 canopy trees that will attain 13.0 metres in height on the site, to preserve the tree canopy of Ku-ring-gai, the existing tree/s, and additional tree/s to be planted, shall be shown on the Landscape Plan/Site Plan. The plan shall be prepared by a Landscape Architect or qualified Landscape Designer and be submitted to the Principal Certifying Authority for approval prior to release of Construction Certificate.

67. A cash bond/bank guarantee of \$8,000.00 shall be lodged with Council as a Landscape Establishment Bond prior to the release of the Construction Certificate to ensure that the landscape works are installed and maintained in accordance with the approved landscape plan or other landscape conditions.

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

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

68. A cash bond/bank guarantee of \$15,000.00 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.

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 No /Species /Location /Bond

Tree 1 / *Angophora costata* (Sydney Red Gum)
/ North-eastern corner
/ \$4,000.00

Tree 5 / *Lophostemon confertus* (Brushbox)
/ North-western corner
/ \$3,000.00

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Tree 10 / *Eucalyptus racemosa* (Large Scribbly Gum)
/ Middle of western boundary
/ 2,000.00

Tree 11 / *Pinus patula* (Mexican Pine)
/ Middle of western boundary
/ \$2,000.00

Tree 24 / *Eucalyptus pilularis* (Blackbutt)
/ Middle of southern boundary
/ \$4,000.00

69. To preserve the following trees the proposed driveways to Units 2 & 3 shall be constructed at existing soil levels and suspended on isolated piers within the specified radius of the trunks. The piers shall be located such that no roots of a diameter greater than 50mm shall be severed or injured in the process of any site works during the construction period. The beam shall be located on or above existing soil levels.

The location and details of the footings shall be submitted to the Principal Certifying Authority for approval prior to release of the Construction Certificate.

Tree No /Species /Location	Radius in metres
Tree 10 / <i>Eucalyptus racemosa</i> (Large Scribbly Gum) / Western boundary	7 metres
Tree 11 / <i>Pinus patula</i> (Mexican Pine) / Western boundary	7 metres

70. To preserve the following tree/s, footings of the proposed Unit 4 shall be isolated pier or pier and beam construction within the specified radius of the trunk/s. The piers shall be located such that no roots of a diameter greater than 50mm shall be severed or injured in the process of any site works during the construction period. The beam shall be located on or above existing soil levels.

The location and details of the footings shall be submitted to the Principal Certifying Authority for approval prior to release of the Construction Certificate.

Tree No /Species /Location	Radius in Metres
Tree 24 / <i>Eucalyptus pilularis</i> (Blackbutt) / Middle of southern boundary	7 metres

71. Prior to issue of the Construction Certificate, submission of details and certification by a qualified civil/traffic engineer, for approval by the Principal Certifying Authority (PCA), that the parking provisions comply with the following standards:

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- The State Environmental Planning Policy for Seniors Living (particularly relating to height clearances and space dimensions) and
 - Australian Standard 2890.1 – 2004 “Off-street car parking”.
72. Prior to issue of the Construction Certificate the applicant shall submit, for approval by the Principal Certifying Authority (PCA), a Soil and Erosion Control Plan prepared in accordance with the Landcom document “Managing Urban Stormwater – Soils and Construction, Volume 1” (2004). A suitably qualified and experienced civil/environmental engineer or surveyor shall prepare this plan in accordance with the above guidelines and section 8.2.1 of Councils Water Management DCP 47 (avail able on the Council website).
73. The Applicant must carry out the following infrastructure works in the Public Road:

Construct kerb ramps to Council’s specification between the subject site and the nearest bus stop.

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,

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together with a covering letter stating the full address of the property and the accompanying DA number.

74. Prior to issue of the Construction Certificate the applicant shall submit, for approval by the Principal Certifying Authority (PCA), full construction drawings for the proposed method of achieving Council storage volume requirements for an on-site stormwater detention/retention system. The design may be generally based on the concept plans TFA2944/01 Sheets 1 to 3 Issue A by Toby Fiander & Associates, advanced for construction purposes. The storage volumes and design shall comply with Councils Water Management DCP 47 (available on the Council website and at Council customer services), the manufacturers' specifications and the relevant plumbing codes. Rainwater tank(s) shall be designed to capture and retain runoff from a minimum 100m² roof area for each 5000 litres of storage. Overflow shall revert to the main drainage system. Water quality measures are to be included as required by DCP47. The design and construction plans, with all supporting documentation, are to be prepared by a qualified and experienced civil/hydraulic engineer and may be incorporated on the overall site drainage plan.
75. Prior to issue of the Construction Certificate the applicant shall submit, for approval by the Principal Certifying Authority (PCA), construction design drawings and calculations for the property drainage system components. The property drainage system (including but not limited to gutters, downpipes, pits, joints, flushing facilities and all ancillary plumbing) shall be designed for a 235mm/hour rainfall intensity for a duration of five (5) minutes (1:50 year storm recurrence) and shall be compatible with the necessary retention and/or detention devices. Plans and calculations are to be prepared by a suitably qualified and experienced civil/hydraulic engineer in accordance with Councils Water Management Development Control Plan 47 available on the Council website and at Council, and AS 3500.2 - Plumbing and Drainage Code.
76. Prior to issue of the Construction Certificate footpath and driveway levels for the new vehicular crossings between the property boundary and road alignment must be obtained from Council. The footpath crossings are to be constructed according to Council's specifications "Construction of Gutter Crossings and Footpath Crossings". These are issued with alignment levels after completing the necessary application form at Customer Services and payment of the adopted fee.

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

NOTE 1: The construction of footpaths and driveways outside the property, in materials other than those approved by Council, is not permitted and Council may require immediate removal of unauthorised installations.

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NOTE 2: When completing the request for driveway levels application from Council, the applicant must attach a copy of the relevant Development Application drawing which indicates the position and proposed level of the proposed driveway at the boundary alignment. Failure to submit this information may delay processing.

77. 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 4 (FOUR) ADDITIONAL DWELLINGS IS CURRENTLY \$12,306.64 (including a credit for the existing dwelling on the site). The amount of the payment shall be in accordance with the Section 94 charges as at the date of payment. The charges may vary at the time of payment in accordance with Council's Section 94 Contributions Plan to reflect changes in land values, construction costs and the consumer price index.

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

1. Community Facilities (If Seniors Living \$412.07)	\$1,117.76
2. Park Acquisition and Embellishment Works - Wahroonga	\$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

CONDITIONS TO BE COMPLIED WITH PRIOR TO WORK COMMENCING

78. 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 (e.g. straw bales or geofabric fence) along contour before any other work on the site commences.

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

Tree No /Species /Location

Tree 1 / *Angophora costata* (Sydney Red Gum)
/ North eastern corner

Tree 16 / *Eucalyptus racemosa* (Large Scribbly Gum)
/ South western corner

Tree 36 / *Nyssa sylvatica* (Tupelo)
/ Grosvenor Street nature strip

80. 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 driveways 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 No /Species /Location	Radius in Metres
Tree 3 / <i>Acer palmatum</i> (Japanese Maple) / Northern boundary	3 metres
Tree 5 / <i>Lophostemon confertus</i> (Brushbox) / North western corner	3 metres
Tree 10 / <i>Eucalyptus racemosa</i> (Large Scribbly Gum) / Middle of western boundary	3 metres
Tree 11 / <i>Pinus patula</i> (Mexican Pine) / Middle of western boundary	3 metres
Tree 24 / <i>Eucalyptus pilularis</i> (Blackbutt) / Middle of southern boundary	5 metres
Tree 34 / <i>Acer palmatum</i> (Japanese Maple) / Front boundary	3 metres
<i>Franklinia axillaris</i> (Gordonia) / Western boundary near northern end	3 metres

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81. 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.
82. To preserve the following tree, no work shall commence until temporary measures to avoid soil compaction (eg rumble boards) beneath the canopy of the following tree is installed over the proposed designated construction entrance/exit off Grosvenor Street.

Tree/Location

Tree 10 / *Eucalyptus racemosa* (Large Scribbly Gum)
/ Middle of western boundary

83. 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.
84. 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,
- 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.

Traffic Control Plan(s) for the site

- All traffic control devices installed in the road reserve must be in accordance with the RTA publication "Traffic Control Worksite Manual" and be designed by a 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.
- 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

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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.

85. Prior to the commencement of any works on site the applicant must submit to Ku-ring-gai Council and the Principal Certifying Authority a photographic record on the visible condition of the existing public infrastructure over the full site frontage (in colour - preferably saved to cd-rom in 'jpg' format). The photos must include detail of:
 - The existing footpath
 - The existing kerb and gutter
 - The existing full road surface between the opposite kerb
 - The existing verge area
 - The existing driveway and layback where to be retained
 - Any existing drainage infrastructure including pits, lintels, grates.
 - Particular attention must be paid to accurately recording any pre-developed *damaged* areas on the aforementioned infrastructure so that Council is fully informed when assessing damage to public infrastructure caused as a result of the development (which is not to be repaired by the Applicant as part of the development). The developer may be held liable to all damage to public infrastructure in the vicinity of the site, where such damage is not accurately recorded and demonstrated under the requirements of this condition prior to the commencement of any works.
86. A Compliance Certificate pursuant to Section 73 Sydney Water Act 1994, as evidence of compliance with the provisions of Division 9 of that Act, to be obtained from Sydney Water prior to the commencement of any work on the site.
87. A simple photographic record of the affected parts of the heritage item are to be submitted to Council prior to the commencement of work. Recording shall be undertaken in accordance with the *Guidelines for Photographic Recording of Heritage Sites, Building and Structures* prepared by the New South Wales Heritage Office.

Information shall be bound in an A4 report format. It shall include copies of black and white photographs, referenced to plans of the affected property. Two (2) copies (one (1) copy to include negatives of photographs) shall be submitted to Council's Department of Environmental and Regulatory Services, to be held in the Local Studies Collection of Ku-ring-gai Library.

CONDITIONS TO BE COMPLIED WITH PRIOR TO OCCUPATION

88. 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.
89. The Principal Certifying Authority shall ensure that the landscape works, have been installed

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correctly, consistent the approved landscape plan(s), specification and the conditions of consent prior to release of the Occupation Certificate.

90. Prior to issue of an Occupation Certificate, the following works must be completed:

- a. Construction of the new driveway crossings and laybacks in accordance with the levels and specifications issued by Council,
- b. Removal of all redundant driveway crossings, pipe crossing and/or kerb laybacks. Full reinstatement of these areas to footway, and/or turfed verge and/or kerb and gutter to the satisfaction of Council. Reinstatement works shall match surrounding adjacent infrastructure with respect to integration of levels and materials.
- c. Any sections of damaged grass verge are to be fully replaced with a non-friable turf of native variety to match existing.

Any damaged public infrastructure caused as a result of construction works on the subject site (including damage caused by, but not limited to, delivery vehicles, waste collection, contractors, sub contractors, concrete vehicles) must be fully repaired to the satisfaction of Council. This shall be at no cost to Council.

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

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

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

- a. The dimensions of all as-constructed private car parking spaces meet the dimension requirements of the Seniors Living SEPP (as last amended), and
- b. The as-constructed car park complies with the approved Construction Certificate plans, and
- c. The vehicular headroom requirements of:
the Seniors Living SEPP (as last amended) for accessible parking spaces, and
Australian Standard 2890.1 - "Off-street car parking", are met.

94. Prior to issue of the Occupation Certificate a qualified and experienced consulting civil/hydraulic engineer must undertake a site inspection of the completed stormwater

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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:

- 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 uses including all toilet flushing, laundry and garden irrigation.
- 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:
 - 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.

95. 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:

- a. As built (reduced) surface and invert levels for all drainage pits.
- b. Gradients of drainage lines, materials and dimensions.
- c. As built (reduced) level(s) at the approved point of discharge to the public drainage system.
- d. 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.
- e. The achieved storage volumes of the installed retention and detention storages and derivative calculations.
- f. As built locations of all access pits and grates in the detention and retention system(s), including dimensions.
- g. The size of the orifice or control fitted to any on-site detention system.
- h. Dimensions of the discharge control pit and access grates.
- i. The maximum depth of storage possible over the outlet control.
- j. 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.

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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.

96. Prior to issue of an Occupation Certificate, the applicant is to create a Restriction-on-Use under the Conveyancing Act, restricting the occupation of the premises to:
- a. People aged 55 years or over, or people with a disability as defined by the provisions of the State Environmental Planning Policy for Seniors Living.
 - b. People who live with such people as defined in (a) above.
 - c. Staff employed to assist in the administration of and provision of services to housing provided in this development.
97. Prior to issue of an Occupation Certificate, the applicant shall create a Positive Covenant and Restriction on the Use of Land under Section 88B of the Conveyancing Act 1919, burdening the property with the requirement to maintain the on-site stormwater detention/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 instrument for protection of on-site detention facilities" (available from Council on request) and to the satisfaction of Council. Registered title documents showing the covenants and restrictions must be submitted and approved by the Principal Certifying Authority (PCA) prior to occupation, issue of an Occupation Certificate or issue of the Final Compliance Certificate.

For existing Titles, the Positive Covenant and the Restriction on the use of Land is to be created through an application to the Land Titles Office in the form of a request using forms 13PC and 13RPA. The relative location of the On-Site Detention/ retention facility, in relation to the building footprint, must be shown on a scale sketch, attached as an annexure to the request forms.

N Richter
Acting Team Leader
Development Assessment
- North

M Prendergast
Manager
Development Assessment
Services

M Miocic
Director
Development and
Regulation

Attachments: **Original report to Council dated 27 June 2006 - 645689**
 Attachments to original report: Location sketch 629357
 Zoning extract - 629362
 Elevations - 629364
 Shadow diagrams - 629368
 Confidential attachments (floor, landscape and site plans)

DEVELOPMENT APPLICATION

SUMMARY SHEET

REPORT TITLE:	1 KINTORE STREET, WAHROONGA - DEMOLITION AND CONSTRUCTION OF SENIORS LIVING DEVELOPMENT COMPRISING 4 DWELLINGS
WARD:	Wahroonga
DEVELOPMENT APPLICATION N^o:	DA0470/05
SUBJECT LAND:	1 Kintore Street, Wahroonga
APPLICANT:	The Turnbull Group Pty Ltd
OWNER:	Robert Fechter
DESIGNER:	Hugh Slayter and Associates
PRESENT USE:	Residential
ZONING:	Residential 2(c)
HERITAGE:	Within UCA 28
PERMISSIBLE UNDER:	SEPP (Seniors Living) 2004
COUNCIL'S POLICIES APPLICABLE:	DCP 47 Water Management, DCP 43 Car Parking, DCP 31 Access, DCP 40 Waste Management and DCC 1/99 Housing for Older People and People with a Disability
COMPLIANCE WITH CODES/POLICIES:	Yes
GOVERNMENT POLICIES APPLICABLE:	SEPP (Seniors Living), SEPP 55, SREP 20
COMPLIANCE WITH GOVERNMENT POLICIES:	Yes
DATE LODGED:	17 May 2005
PROPOSAL:	Demolition and construction of seniors living development comprising 4 dwellings
RECOMMENDATION:	Approval

**DEVELOPMENT APPLICATION N^o
PREMISES:
PROPOSAL:**

**DA0470/05
1 KINTORE STREET, WAHROONGA
DEMOLITION AND CONSTRUCTION OF
SENIORS LIVING DEVELOPMENT
COMPRISING 4 DWELLINGS
THE TURNBULL GROUP PTY LTD
ROBERT FECHTER
HUGH SLAYTER AND ASSOCIATES**

**APPLICANT:
OWNER:
DESIGNER**

PURPOSE FOR REPORT

To determine Development Application No.470/05.

EXECUTIVE SUMMARY

The proposal involves the demolition of an existing single storey dwelling and the construction of a development comprising 2 x 2 attached 2 storey SEPP (Seniors Living) dwellings, landscaping and associated infrastructure works.

HISTORY

Site history:

The site has historically been developed and used for low density residential purposes. There is no recent development history of relevance to the proposal.

Development application history:

17 May 2005:	Application lodged.
30 May 2005:	Request for additional information (geotechnical report) sent to the applicant.
8 June 2005:	Public notification of application.
22 February 2005:	Council officers informed the applicant of concerns relating to traffic, tree removal and deep soil landscaping.
23 November 2005:	Amended plans/information lodged.
6 December 2005:	Public re-notification.
22 February 2006:	Further request for amendments (tree retention, deep soil zones).
16 March 2006:	Amended plans received.
30 March – 13 April 2006:	Public re-notification of amended plans.

THE SITE AND SURROUNDING AREA

Zoning:	Residential 2(c)
Visual Character Study Category:	1920-1945
Lot Number:	A
DP Number:	656258

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Area:	1655.8m ²
Side of Street:	Southern side of Kintore and western side of Grosvenor
Cross Fall:	2m from south to north-west
Stormwater Drainage:	Street
Heritage Affected:	Yes, within UCA 28
Integrated Development:	No
Bush Fire Prone Land:	No
Endangered Species:	No
Urban Bushland:	No
Contaminated Land:	No

The site

The site is rectangular, with frontages of 21.07m to Kintore Street and 48.375m to Grosvenor Street. The site measures 1655.8m² and is generally level, with a cross fall of 2m from the southern boundary towards the north-western corner (Grosvenor and Kintore Streets).

The site contains a two storey dwelling house, with detached garage and carport. Vegetation exists around the periphery of the site and the built improvement is obscured by planting and a significant tree canopy. Numerous mature, native trees exist along the road reserve. These trees contribute to the landscaped and low density visual character of the neighbourhood.

Surrounding development

The site is located within a characteristically low density area. The local housing stock is mixed in style and scale and is generally recessive, behind dense landscaping. Existing development along Kintore and Grosvenor Streets comprises a mixture of one and two storey dwellings. Dwellings are predominantly set back between 15-17m along Kintore Street. Dense landscaping/hedging/understorey and tall canopy trees form the dominant visual feature of the streetscape. Fencing along Kintore Street is generally low in height. Higher, more solid, fences exist along Grosvenor Street.

No.'s 9, 73, 38-42 and 29B Kintore Street and No.'s 15, 31, 81, 93, 16, 18, 28, 32, 82 and 102 Grosvenor Street are listed as local heritage items under the Ku-ring-gai Planning Scheme Ordinance (KPSO). These items are located within proximity of the site. The heritage item located at 28 Grosvenor Street is directly opposite the proposed development.

The site is adjoined to the south and east by large 2 storey dwelling houses.

THE PROPOSAL

The proposal, as amended, involves the demolition of an existing dwelling and the construction of 4 dwellings under SEPP (Seniors Living), landscaping, fencing and engineering works.

The dwellings are to be constructed of rendered and painted face brick, with painted timber verandahs and fascias, cedar louvres, a concrete tile roof, colourbond steel guttering and powdercoated aluminium window and door frames. Applied finishes are generally beige, white and grey with a charcoal coloured roof.

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A new front fence is also proposed and will be a low 600mm sandstone structure to match the existing.

On 26 August 2005 Council officers advised the applicant of concerns in relation to unacceptable/unsafe driveway access, excessive scale, insufficient tree retention and insufficient setbacks and deep soil zones. Consequently, the proposal was amended on 16 November 2005. The amended plans reduced the density of the development to four dwellings in order to provide car access and parking at grade, to reduce scale and increase deep soil zones in accordance with Council's requirements.

On 22 February 2006 Council officers advised the applicant of concerns relating to the impacts of driveway location/excavation and on-site detention on trees and inadequate deep soil zones. Amended plans were received on 16 March 2006 relocating driveway areas clear of Trees 10 and 11, providing flexible driveways to protect Trees 1 and 17, increasing the building set back to Tree 24 and increasing deep soil zones. The amended plans also retained the existing shrubs along the Kintore Street frontage and additional planting was provided on the landscape plan to the satisfaction of Council's Landscape Officer.

CONSULTATION - COMMUNITY

In accordance with Council's Notification DCP, owners of adjoining properties were given notice of the original application and subsequent amendments.

Original Scheme

Thirty-three (33) objections received.

Amended Plans (November 2005)

Thirty (30) objections.

Objections were received from the following in response to the first two (2) notifications:

Robertson and Hindmarsh Pty Ltd on behalf of residents of 5, 6, 8, 11, 9, 10, 12, 14, 23, 29, 29A and 38 Kintore Street, 49 and 38 Lochville Street, 8, 29 and 45 Braeside Street, 7, 11, 17, 29, 31, 32 and 42 Grosvenor Street and 146 Eastern Road, Wahroonga

Ian and Susan Maxton - 32 Grosvenor Road, Wahroonga

Mike Healy - 26 Grosvenor Road, Wahroonga

Lillian Armitage - 36 Lochville Street, Wahroonga

Brian and Anne Bartlett - 48 Grosvenor Street, Wahroonga

N J and S E Nolan - 7 Grosvenor Street, Wahroonga

Paul M Cook - 97 Boundary Road, Wahroonga

L J and M J Perrett - 12 Braeside Street, Wahroonga

John and Sally Asnicar - 14 Kintore Street, Wahroonga

Roger and Judith Lipscomb - 17 Grosvenor Street, Wahroonga

Yvonne Bain - 8 Wahroonga Avenue, Wahroonga

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Daniel and Joumana Sukari – 3 Kintore Street, Wahroonga
Peter Berkley – 12A Water Street, Wahroonga
Andrew Hestelow – 41 Braeside Street, Wahroonga
Graham and Marjorie Coulsen – 34 Kintore Street, Wahroonga
Charles and Margaret Sharpe – 24 Water Street, Wahroonga
B A and P M Pointon – 45 Braeside Street, Wahroonga
Robert and Christine Bruce – 41 Kintore Street, Wahroonga
Wu Family – 5 Kintore Street, Wahroonga
Rowe and Rhonda Kelly – 1 Braeside Street, Wahroonga
Megan Allsop – PO Box 219 Wahroonga
Dr JVV and K A Read – 33 Kintore Street, Wahroonga
Simon and Anne Olding – 16 Mona Street, Wahroonga
Ingham Planning on behalf of 43 affected residents
Perfect Outdoors on behalf of Moira Hill – 8 Kintore Street, Wahroonga
L and A Kennedy – 53 Kintore Street, Wahroonga
Brendon and Ginetta Shriffer – 7 Kintore Street, Wahroonga
David and Diane Gold – 41a Kintore Street, Wahroonga
Claudine Parr – 42 Water Street, Wahroonga
Dr N P J and Mrs L A Stamford – 16 Bareena Avenue, Wahroonga
Brian Wright – 9 Kintore Street, Wahroonga
Brent Hudson – 50 Kintore Street, Wahroonga
Mr W S Claros – 21 Braeside Street, Wahroonga
Douglas and Jennifer Meares – 42 Grosvenor Street, Wahroonga
L E Tutt – 29 Kintore Street, Wahroonga
Lori and John Feely – 6 Kintore Street, Wahroonga
G and R Ward – 46 Kintore Street, Wahroonga
D C W and M Hill- 8 Kintore Street, Wahroonga
David and Karen Peaston – 10 Kintore Street, Wahroonga
A W and D J Hirst – 29 Grosvenor Street, Wahroonga
J A Hungerford – 31 Grosvenor Street, Wahroonga
Thomas Kennedy – 12 Kintore Street, Wahroonga
B A and P M Pointon – 45 Braeside, Wahroonga
Peta Edwards – 52 Kintore Street, Wahroonga
J W and P Mitchell – 10 Braeside Street, Wahroonga
E R and B C Kennedy – 65a Kintore Street, Wahroonga

Further Amended Plans (February 2006)

Thirty two (32) objections were received:

B A and P M Pointon - 45 Braeside Street, Wahroonga
Peta Edwards – 52 Kintore Street, Wahroonga
M W S Claros – 21 Braeside Street, Wahroonga
Brent Hudson – 50 Kintore Street, Wahroonga
K L Moore – 22 Kintore Street, Wahroonga
Brian L Bolton – 4 Braeside Street, Wahroonga
Christopher Capelle – 18 Kintore Street, Wahroonga

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Ruth Wetmore – 47 Kintore Street, Wahroonga
Judith Anne Hungerford – 31 Grosvenor Street, Wahroonga
N J and S E Nolan – 7 Grosvenor Street, Wahroonga
Lori and John Feely – 6 Kintore Street, Wahroonga
Dianne and Ian Grant – 15 Bareena Avenue, Wahroonga
D C W and M Hill – 8 Kintore Street, Wahroonga
M Donaldson – 8 Braeside Street, Wahroonga
R E Kennedy, 12 Kintore Street, Wahroonga
Scott J Barnett – 11 Kintore Street, Wahroonga
Barry and Pamela Foster – 15 Kintore Street, Wahroonga
Dr N P J and L A Stamford – 16 Bareena Avenue, Wahroonga
Roger and Judith Lipscomb – 17 Grosvenor Street, Wahroonga
R and J Lenehan – 28 Grosvenor Street, Wahroonga
Douglas and Jennifer Meares – 42 Grosvenor Street, Wahroonga
Janet and Owen Thomas – 40 Grosvenor Street, Wahroonga
Ian and Susan Maxton -32 Grosvenor Road, Wahroonga
Brian Wright – 9 Kintore Street, Wahroonga
E R and B C Kennedy- 65A Kintore Street, Wahroonga
John and Sally Asnicar – 14 Kintore Street, Wahroonga
Marisa and David Johnston – 6 Grosvenor Street, Wahroonga
Roberston and Hindmarsh – 26 Station Street, Naremburn on behalf of local residents
Patrick and Margaret Sutcliff – PO Box 1096, Wahroonga
Graham and Shirley Lightfoot – 6 Wahroonga Avenue, Wahroonga
Dr R Lloyd Williams – 146 Eastern Road, Wahroonga
David and Karen Peaston – 10 Kintore Street, Wahroonga

The objections to the original scheme and subsequent amendments raised the following issues:

Impact on heritage items

Concern was raised over the impact of the development upon the heritage character of Wahroonga, Urban Conservation Area No. 28 and on heritage properties opposite the site at 28 and 32 Grosvenor Street.

Concern was raised over the impact of the development on the landscaped character of the locality. Concern related particularly to the impact of the development on the landscaped setting, visual impact/dominance of the proposed built form (4 houses in place of 1), impact on the public domain and impact on heritage items in the vicinity.

The site is located within Urban Conservation Area 28 and Nos. 28 and 32 Grosvenor Street, located opposite the site, are classified as a contributory heritage items.

The amended proposal will not have any direct impact on any adjoining or surrounding heritage items. The proposed yield has been reduced from 7 to 4 dwellings and the development form is now townhouses/villas rather than a residential flat building as originally proposed. The proposed setbacks and landscaping have been modified to retain maximum visually significant canopy trees and shrubs along the Kintore and Grosvenor street frontages, diminishing visual impact of built

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form within the streetscape. The existing low stone fence is proposed to be retained along the Kintore Street frontage and continued along the Grosvenor Street frontage.

Subject to conditions, the built form and landscaping proposed maintains the character of the area and preserves the integrity of the heritage items. Additional discussion is provided under *Heritage Advisor's* comments below.

Removal of understorey planting and tall trees, effect on biodiversity, impact of excavation on trees and ecological impacts

Objection was raised to the removal of trees and shrubs on the site necessitated by the development, particularly the number and types of trees proposed to be removed. Local residents considered that the development would diminish the 'heritage, treed streetscape' and impact on mature trees which provide habitat for local wildlife.

The proposed development will require removal of some significant trees. The proposed density and setbacks have been amended to retain maximum landscaping along the street frontages and side and rear boundaries and to accommodate replenishment planting to screen the development from the street.

The amended proposal involves the retention of 4 significant trees (Trees 1, 10, 11 and 17) as recommended by Council's Landscape Development Officer. The ratio of deep soil landscaping to built upon area has been amended to 30% of the site (refer to discussion of SEPP (Seniors Living)) which will provide opportunity tall tree planting and deep soil zones.

Subject to conditions, the proposal is consistent with the aims of SEPP Seniors Living in relation to maintaining the landscaped character of the area and the streetscape. The amended plans have been endorsed by Council's Landscape Development Officer.

The development is inappropriate, out of context with scale and pattern of surrounding development and 'garden suburb' and will result in streetscape impacts

Residents expressed a sense of pride and identity with the area renowned for its garden, architectural and heritage aesthetics. Objectors considered the proposed development to be incompatible with the surrounding pattern of low density family housing, in terms of its scale and density. Concern was expressed over the dominance of garaging and driveways within the streetscape and the removal of canopy trees.

The proposal originally involved the demolition of the dwelling and the construction of 7 dwellings with basement car parking. Although the proposal generally complied with the numerical development standards of SEPP (Seniors Living), Council officers considered the scheme to be unacceptable with respect to scale, density, tree removal, visual dominance and access. Consequently, the application has been amended by the applicant.

The second amendment reduced the number of dwellings from 7 to 4. The third/latest amendment changed the proposed driveway design/construction and building setbacks to allow the retention of

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4 mature trees along the Grosvenor and Kintore Street frontages, changes to the proposed landscaping/deep soil zone.

Although the proposed development is higher in density than surrounding developments, it is compliant with the standards of the SEPP (Seniors Living). The design has been amended to reflect the low density and landscaped character of the area in accordance with the objectives of the policy (refer to discussion of SEPP (Seniors Living)). Subject to conditions, the current proposal is considered acceptable in relation to providing a mix of housing whilst preserving the essential elements of the area's character.

Non-compliance with SEPP (Seniors Living) with respect to setbacks, density, scale/massing, area character and tree retention

The proposal complies with SEPP (Seniors Living) as is confirmed in the assessment of the development against statutory controls and the *Compliance Table* below.

Increase in traffic volumes, increased parking and traffic congestion on local network and impact on pedestrian and vehicular safety, inadequate provision of on site parking for visitors

Concern was raised by residents in relation to the impact of the increased dwelling density on local traffic volumes and in terms of pedestrian and vehicular hazards. It was considered that the proposed driveways are in unsafe locations and that insufficient on-site parking provision was made for visitors, placing additional pressure on street parking.

Council's Development Engineer has assessed the traffic impacts of the proposal and made the following comment:

'Traffic

The property shares a vehicular crossing with the neighbour at 3 Kintore Street. This is to be retained for the use of Unit 1 only, which is acceptable. Three other entry driveways are to be constructed along the Grosvenor Street frontage. Since the boundary is 48 metres long and Council requires a minimum frontage of 18 metres for two crossings, it is considered that three will be acceptable in this case. Each is for the use of one unit only.

Internal garbage collection is not required since the number of units no longer exceeds six.

A construction and traffic management plan will be required prior to commencement of works, as well as photographs of the road and Council infrastructure outside the site.'

Part 2, Clause 20 of SEPP (Seniors Living) requires that the development is designed and restricted by title to elderly and disabled persons (**Condition No. 35**). Part 2 Clause 26 (site related requirements/proximity to public transport) anticipates low reliance on car transport and requires demonstrated availability of bus public transport services. Refer to the discussion of SEPP (Seniors Living) under statutory controls. The development complies with the SEPP in relation to car parking provision.

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The RTA Guidelines for Traffic Generating Developments stipulates that aged and disabled housing generates 1-2 daily vehicle trips per dwelling. Each proposed dwelling has a separate driveway and garaging/driveway hardstand. The additional vehicle movements are considered minimal and the proposed driveways are located in appropriate locations, distributing traffic evenly from the site to the local road network.

The proposed development is not considered to place unreasonable pressure on local traffic. Appropriate visitor parking may be accommodated on the individual driveway areas.

Oversupply of SEPP 5/SEPP (Seniors Living) housing and planning precedent

Objectors claim that recently constructed SEPP 5 and SEPP (Seniors Living) developments in Wahroonga have not been sold and that there is an oversupply. There is concern that the proposal establishes a precedent for similar types of densities/developments in characteristically low density areas within Ku-ring-gai and that the development involved a 'spot rezoning'.

The site is zoned Residential 2(c) and the proposal does not involve a spot rezoning. SEPP (Seniors Living) is a state planning instrument which applies to areas within New South Wales where land is 'zoned for urban purposes' on which dwelling houses, flat buildings, hospitals and special uses (churches education establishments, schools etc) are permissible.

The marketing and sale of the development is not a planning consideration under Section 79C of the Environmental Planning and Assessment Act, 1979. The SEPP allows the development of accessible housing where a site has appropriate access to services, transport and medical facilities. The development does not set a precedent for this type of development within Ku-ring-gai.

Loss of privacy

Concern was raised over loss of privacy for directly adjoining properties.

Under Clause 32 of SEPP (Seniors Living), development should consider the acoustic and visual privacy of surrounding properties through the appropriate location and design of buildings, windows, balconies and appropriate vegetation and screening devices.

This issue is detailed within the consideration of SEPP (Seniors Living) below.

Clause 38 stipulates a maximum building height and envelope to protect adjoining development. Clause 38(b) restricts a SEPP (Seniors Living) development to 8m or 2 storeys in height. Subclause (c) requires a building located in the rear 25% of the site to be no more than 1 storey.

The proposed dwellings do not exceed a height of 2 storeys. Proposed Unit 3, located to the rear, adjoining No. 19 Grosvenor Road is single storey in height for the rear 25% section of the site. The second storey of this dwelling is set back 13.5m from the rear boundary or 16m from the north-facing elevation of the rear adjoining dwelling. One small bedroom window is proposed at first floor level of Unit 3. Direct privacy impacts to the rear will not result given the location and size of this window and the existence of landscaping and fencing along the rear boundary.

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The development adjoins a recently constructed 2 storey residence to the east. The ground floor living area of proposed Unit 1 is located 4.5m the eastern side boundary. The family room doors for this dwelling open out to the south. Ground level privacy between dwellings will be protected by and 2.5m high fence and landscaping.

The first floor of proposed Unit 1 is stepped, set back between 4.5m and 7.5m from the eastern boundary. Two small bedroom windows are proposed along the eastern elevation and are located in the corners of Bedrooms 3 and 4, preventing direct sight lines across to the east. The first floor of Unit 3 is set back 11.9m, with one small bedroom window located at the corner of the northern and eastern elevations. It is considered that adequate separation is provided and privacy impacts will not result.

Kintore and Grosvenor Streets adjoin the site to the north and west and the development will not compromise visual or acoustic privacy to residential properties in these directions.

Inadequate services, public transport and infrastructure to support the development

Objectors claimed that the site is not within 400m of a reliable/frequent bus service and not within close walking distance of medical and retail facilities.

The site is within 400m of bus stops for the Shorelink 575 and 576 bus routes. Route 576 provides at least 1 service between 8am and 12pm per day and at least 1 service between 12pm and 6pm each day in accordance with Clause 25 of SEPP (Seniors Living). There are also weekend services along route 575.

Condition Nos 14 and 85 will ensure the appropriate upgrading of utility services for the development. The SEPP requires the provision of a Section 73 certificate for the development, ensuring adequate provision of water services (refer discussion of Clause 27 SEPP (Seniors Living)). Sufficient infrastructure is available to service the development.

The design and layout represents poor site planning and does not maximise energy efficiency, solar access and natural shading. Inadequate provision is made for garbage disposal and recycling

Council's Development Engineer has assessed the proposal as being satisfactory with respect to garbage collection.

As detailed within this report, the development is complies with the design requirements of SEPP (Seniors Living) and the Development Control Code for Housing for Older People and People with a disability in relation to energy efficiency and solar performance. Further assessment is provided under of *SEPP (Seniors Living) and the Development Control Code for Housing for Older People and People with a Disability* below.

CONSULTATION – WITHIN COUNCIL

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Engineering

Council's Development Engineers, Team Leader, Kathy Hawken, has assessed the proposal and made the following comment:

Traffic

The property shares a vehicular crossing with the neighbour at 3 Kintore Street. This is to be retained for the use of Unit 1 only, which is acceptable. Three other entry driveways are to be constructed along the Grosvenor Street frontage. Since the boundary is 48 metres long and Council requires a minimum frontage of 18 metres for two crossings, it is considered that three will be acceptable in this case. Each is for the use of one unit only.

Internal garbage collection is not required since the number of units no longer exceeds six.

A construction and traffic management plan will be required prior to commencement of works, as well as photographs of the road and Council infrastructure outside the site.

Stormwater drainage

The stormwater concept plans show retention and re-use of roof water as well as on site detention. This is satisfactory and in accordance with DCP 47.

Access

The access report confirms that the site is within 400 metres of a bus stop. Some kerb ramps may need to be upgraded. Details can be submitted prior to Construction Certificate issue.

The application is supported subject to conditions.

The application is considered acceptable, subject to engineering conditions which are included in the recommendation.

Landscape

Council's Landscape Officer, Geoff Bird, has assessed the application and made the following comment:

The proposed amendments are considered satisfactory in relation to landscape issues. The amendments are as follows;

Tree removal

No objection is raised to the removal of the following trees.

Tree No / Species / Health & Condition

Tree 2 / Eucalyptus racemosa (Large Scribbly Gum) / 20 metres high in fair condition

Tree 6 / Ulmus sp. (Elm) / 25 metres high in good condition

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Tree 7 / Ulmus sp. (Elm) / 12 metres high in good condition
Tree 8 / Eucalyptus racemosa (Large Scribbly Gum) / 20 metres high in fair condition.
Tree 9 / Lophostemon confertus (Brushbox) / 25 metres high in fair condition
Tree 12 / Eucalyptus racemosa (Large Scribbly Gum) / 20 metres high in fair condition
Tree 15 / Liquidambar styraciflua (Liquidambar) / 14 metres high in poor condition
Tree 21 / Fraxinus sp / 18 metres high in fair condition
Tree 22 / Eucalyptus racemosa (Large Scribbly Gum) / 20 metres high in fair condition
Tree 23A & B / Syncarpia glomulifera (Turpentine) / 25 metres high in good condition
Tree 27 / Syncarpia glomulifera (Turpentine) / 20 metres high in fair condition, smothered in ivy
Tree 29 / Acer negundo (Box Elder) / 10 metres high in fair condition
Tree 30 / Acer negundo (Box Elder) / 10 metres high in fair condition
Tree 32 / Betula pendula (Silver Birch) / 7 metres high in fair condition
Tree 33 / Brachychiton acerifolius (Flame Tree) / 10 metres high in poor condition

Recommended tree removal

The plans shall indicate the removal of Tree 28 – Eucalyptus racemosa (Large Scribbly Gum) as the main branch has failed and is considered unstable.

Tree replenishment

Ten (10) existing trees will be retained and will comply with Clause 5.3.6 of DCP38.

Stormwater proposal

The stormwater plan by Toby Fiander & Associates, Plan No. TFA2944/01 and dated 10/05/05 is considered satisfactory in relation to landscape issues.

Deep soil zone

The DSZ complies with Clause 81d of the Seniors Living Policy

Landscape proposal

The landscape plan by Landscape Architectural Services, Drawing No. LPDA 06-86/1 and dated November 2005 is not satisfactory and will require the following amendments.

- *The 1200mm high picket fence shall be deleted.*
- *The existing healthy mature shrubs along the northern and western boundaries shall be individually noted on the plan to be retained and the replanting of additional species reduced or changed to suit.*
- *The plan shall indicate the removal of Tree 28.*
- *The plan shall note the use of medium to large pebbles as mulch along the eastern boundary as this area will be a stormwater flow path. No ground covers such as Myoporum or Trachelospermum shall be planted as they will interrupt the overland flow.*

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- *The proposed cultivar that will reach a minimum height of 3 to 4 metres of Syzygium paniculatum (Brush Cherry) shall be indicated.*

The above amendments are incorporated in **Conditions Nos 3-5, 64-69 and 77-82.**

Heritage

Council's Heritage Advisor, Paul Dignam, has assessed the application and made the following comments:

'The application has been amended in the following ways:

- *4 new dwellings rather than 7 dwellings as proposed in the earlier application;*
- *In form, the dwelling are "town houses" as opposed to "residential flat building" as proposed on the previous application;*
- *On grade car parking, not basement parking;*
- *Common open areas have been removed and each dwelling has its own courtyard area on the ground floor;*
- *Setbacks are improved;*
- *Lifts have been removed and all dwellings have a separate ground floor entrance with upper floor containing the additional bedroom accommodation with living areas on the ground floor;*
- *The upper floor is smaller;*
- *Facades propose similar materials and architectural elements;*
- *First floor balconies have been remove apart from the balcony to unit No. 1; and*
- *A number of trees will be retained around the perimeter of the site.*

In my earlier memo, I made the following conclusion:

'I do not object to demolition of the subject building provided archival recording is undertaken as it is graded as contributory item in UCA 28.

In my opinion, the impacts on the nearby heritage items are minor and related to a minor loss of context and setting. The would be no substantial loss of heritage significance to No. 28 Grosvenor Street or 32 Grosvenor Street resulting from this development.

The proposed development would impact on the streetscape of Kintore Street, Grosvenor Street and UCA No. 28, primarily because it is not consistent with the existing setbacks, density gardens and landscapes and does not have a harmonious relationship with the low intensity of nearby development as it will read as an attached 'flat type' buildings.

In my opinion increase setbacks, unifying the facades to read as two separate distinct buildings rather than attached 'flat type' dwellings and less intensive development on

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the site would result in an acceptable impact on the streetscape of Kintore Street, Grosvenor Street and UCA 28.'

Impact on nearby heritage items

In my earlier memo, I did not consider that the impact on the nearby heritage items at No. 28 and No. 32 Grosvenor Street was sufficient to refuse the application. This revised application has not resulted in additional impacts and is considered satisfactory.

Impact on streetscape and UCA

The house is similar in scale to other houses in the area, is graded as contributory but is not considered remarkable. The contribution of the existing site to the UCA and streetscape is primarily the contribution of its dense vegetation which visually screens the house and its garden setting.

The revised application proposes a 'town house' type development rather than a 'flat type' development as proposed in the first scheme. Parking is on grade rather than basement parking and a separate entry is provided to each dwelling rather than common foyer areas and lifts which is typical of 'flat development'. Some of the tall gums around the perimeter of the site will be retained, which would assist the contribution of the site to the UCA and streetscape. The majority of first floor balconies have been deleted and setbacks are slightly more generous.

In my earlier comments, I suggested that increased setbacks, unifying the facades to read as two separate distinct buildings rather than attached 'flat type' dwellings, and less intensive development on the site would result in an acceptable impact on the streetscape of Kintore Street, Grosvenor Street and UCA 28. Some of the suggestions have been followed.

The development would read as two large separate buildings rather than 'flat type' accommodation. The setbacks are marginally improved, however, are still not consistent with the setbacks in the existing streetscape and UCA. A number of trees around the perimeter of the site are to be retained. In my opinion, given the standards for Seniors Living, the applicant has tried to develop a workable scheme. However, the fact remains that this type of development does not exist in the streetscape and UCA 28 and conflicts with it mainly due to the intensity of the building on the site, lack of garden setting, the setbacks and conflict with the predominant residential pattern which is single residential houses on medium to large lots with established gardens and generous front and side setbacks.

Conclusions and recommendation

Demolition of the existing house is acceptable provided archival recording is undertaken prior to demolition.

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Impacts on the nearby heritage items are related to loss of context and setting. In my opinion, the revised application would have minor and acceptable impacts on the significance of the nearby heritage items.

The revised scheme is an improvement over the first scheme, however, the setbacks and intensity on the site would still conflict with the existing streetscape and UCA. I note that retention of some of the perimeter trees would assist in providing a better relationship with the streetscape and UCA.'

The proposal will not directly impact upon any heritage items. The proposal has been amended to increase setbacks and to retain additional trees and increase deep soil zones within the front setback. The amended scheme maintains the landscaped curtilage and is generally consistent with the existing neighbourhood character. The proposed development is not considered to unreasonably impact upon the heritage character of the area or the streetscape.

PROVISIONS OF RELEVANT LEGISLATION

State Environmental Planning Policy (Seniors Living) 2004

Part 1 - General

Clause 2 (c) - Aims of policy:

Housing is to be of good design. Built form should be designed to respond to the characteristics of the site and surrounding built form (Clause 2(2)).

As discussed within this report, the proposal is considered to be of good design and responds to the site and area characteristics.

Part 2 – Key concepts

The proposal is defined as 'self contained dwellings' under Clause 13, which means that a dwelling, whether attached or not, provides housing for seniors or people with a disability where private facilities for cooking, sleeping and washing are included in the building.

Part 3 Development for seniors housing

Part 2- Site related requirements

Pursuant to Clause 16, the proposal provides an opportunity for housing to be located and designed particularly suited to seniors who are independent and mobile or frailer and people with a disability (regardless of their age).

Under Clause 18, development consent is required from Ku-ring-gai Council for the carrying out of the proposed development.

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Clause 20 requires that Council, as the consent authority, to impose a condition limiting the development for the accommodation of seniors or people who have a disability, people who live within the same household with seniors or people who have a disability or staff employed to assist in the administration of and provision of services to housing provided under this policy.

Condition No. 35 is recommended in this regard.

Clause 25 - Location and access to facilities:

The Policy requires access to facilities and services to be located at a distance of not more than 400m from the site of the proposed development with an overall average gradient of not more than 1:14.

An access report was provided by Accessibility Solutions, which details compliance of the development with the access requirements of SEPP (Seniors Living). Two Shorelink bus services (575 and 576) operate through the area with bus stops in each direction are located approximately 125m from the site. The 576 provides 16 services between 6.39am to 6.48pm Monday to Friday. The 575 service provides 17 services between 9.23am and 9.23pm Monday to Friday, 11 services between 8.23am and 6.23pm Saturdays and 6 services between 8.23am and 6.23pm on a Sunday.

These services connect the site with Wahroonga, North Wahroonga and Turramurra, including stations, shops and medical facilities at Wahroonga and Turramurra. In this regard, the proposal is consistent with the requirements of the SEPP.

SEPP (Seniors Living) stipulates that facilities, either local services or transport links to local services, be provided with an overall average gradient of no more than 1:14. The proposed footpaths in the area have a maximum gradient of 1:30 along Grosvenor Street and 1:40 along Kintore Street. This provides a continuous path of travel for all units and accessibility for people using wheelchairs in accordance with the requirements.

Clause 27 – Water and sewer

Clause 27(1) SEPP (Seniors Living) states that Council must not consent to a development application unless satisfied by written evidence that the housing will be connected to a reticulated water system with adequate facilities for the removal or disposal of sewerage.

Hydraulic information has been provided with the application, detailing that satisfactory provision is made for water and sewer. Furthermore, **Condition No. 14** is recommended, requiring the upgrading of water services in accordance with Sydney Water requirements.

Part 3 – Design requirements

Clause 28 – Site analysis

Clause 28 requires the submission of a site analysis plan accompanied by a written statement detailing the site, surrounding development and how the proposed design responds to the site analysis. Clause 28(3) and (4) sets out in detail the required details to be included in the site analysis documentation.

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A site analysis plan (Plan No. 49105.DA7) has been provided with the application and is consistent with the provisions of Clause 28.

Clause 30 – Design of residential development

SEPP (Seniors Living) requires that consent must not be granted unless Council is satisfied that adequate regard has been given to the following design principles (Division 2).

Division 2 Design principles

Clause 31 Neighbourhood amenity and streetscape

Pursuant to the SEPP, a development should recognise the desirable elements of the area character and

‘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’.

Development should maintain reasonable neighbourhood amenity and appropriate residential character by providing setbacks to reduce bulk and overshadowing, using building form and siting that relates to the topography of the site, reflecting building heights and street frontages compatible in scale with adjacent development. Planting must be sympathetic to the streetscape.

The proposal is a 1/2 storey townhouse development, surrounded by existing planting which is to be retained and supplementary landscaping. Whilst it is acknowledged that the proposal involves a denser dwelling yield than currently characteristic of the area, the proposal accords with the objectives of SEPP Seniors Living in relation to housing types and accessibility.

The proposed setbacks and landscaping have been modified to maximise the retention of existing trees and landscaped features. Each dwelling facade is uniquely articulated, with detailing which provides architectural relief and prevents monotony within the streetscape. The sandstone wall existing along Kintore Street is to be retained and continued along the Grosvenor Street frontage. This will contribute to the retention of the historical, garden streetscape elements of the area.

Subject to conditions, the architectural design and massing of development, landscaping and fencing references the dominant elements of the existing streetscape, consistent with Clause 31.

Clause 32 Visual and acoustic privacy

Clause 32 of SEPP (Senior Living) requires the development to consider the visual and acoustic privacy of neighbours and residents by appropriate site planning, location and design of windows and balconies, use of screening devices and landscaping and locating bedrooms away from driveways, parking area and paths.

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The issue of privacy has been discussed in detail under the *Submissions* section of the report. Sufficient building separation, fencing, landscaping and window placement is provided along the boundaries to prevent direct overlooking. Therefore, the proposal is consistent with Clause 32.

Clause 33 Solar access and design for climate

The design of development should provide adequate daylight to main living areas of surrounding neighbours and substantial areas of private open space. Site planning should ensure that dwelling design and landscaping reduces energy use and makes the best practicable use of natural ventilation, lighting by locating the windows of living areas in a northerly direction.

The proposed dwellings feature living/family areas with northern and eastern orientations, providing good sunlight access. Outdoor courtyard areas also face north and east so as to provide good residential amenity for occupants. Shadow diagrams were submitted with the application detailing that shadow cast by the development will not unduly impact upon the outdoor or indoor areas of adjoining properties and the development is acceptable in this regard.

Clause 34 Stormwater

Pursuant to SEPP (Seniors Living) development should control and minimise stormwater runoff and impacts. On-site detention should be provided.

Council's Development Engineer is satisfied that, subject to conditions, stormwater can be collected and drained via gravity. Refer *Development Engineer* comments above.

Clause 35 Crime prevention

Clause 32 of SEPP (Senior Living) requires the development to provide personal property security for residents and visitors and encourage crime prevention through site planning allowing views from inside each dwelling, general observation of the street, the site and the approaches to dwelling entries.

As noted previously, the proposal provides living areas which overlook approaches to the development. The front setbacks are open and well lit, preventing entrapment areas.

Clause 36 Accessibility

Clause 36 of SEPP (Senior Living) requires that attractive, safe, environments are provided for pedestrian and motorists with convenient access and parking for residents and visitors.

The proposed development provides separate pedestrian and vehicular access for each dwelling. Information has been provided by Project Planning and Associates detailing that the driver sight distance/visibility exceeds the minimum requirements specified in *AS 2890.1 (Parking Facilities)* and the *Austroads Guide to Traffic Engineering Projects*. Council's Development Engineer has assessed the accessibility aspects of the proposal and found it to be consistent with Clause 36.

Clause 37 Waste management

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The Statement of Environmental Effects states that a waste management facility has been provided at the entry of the development between the entry and exit driveways, details are provided on the site plan. Garbage bins will be stored behind the building line of each dwelling and will be collected via Kintore and Grosvenor Streets according to local services.

A Waste Management Plan has been provided detailing the disposal of demolition materials and is satisfactory.

Part 4 - Development standards to be complied with:

Clause 38(i) provides that a consent authority must not consent to a development application made pursuant to this chapter unless the proposed development complies with the standards specified in this clause.

Clause	Standard	Proposal	Compliance
38(2) - Site size	Min 1,000m ²	1655.8m ²	YES
38(3) - Site Frontage	Min 20m	43.375m (Grosvenor St) 21.97m (Kintore St)	YES YES
38(4) - Height	Max 8m	8m	YES
38(4)(b) - Height	Not more than 2 storeys in height adjacent to a boundary of the site.	2 storeys	YES
38(4)(c) - Height	A building in the rear 25% area of the site must not exceed 1 storey in height.	1 storey in height in the rear 25% of the site.	YES

The proposal complies with the 8m height limit. Unit 4, which is at the rear of the site complies with the one storey height limit (rear 25% of the site) as detailed above.

Clauses 41-49 lists specific design/building specifications to ensure access and useability. Accessibility Solutions, access consultants have provided details addressing these aspects. The development will be required to comply by **Conditions Nos 16-18**.

Clause 52 – Siting standards

Clause 52 of SEPP states that if the whole of the site does not have a gradient of less than 1:10, 1:10 or 50%, whichever is the greater, dwellings must have wheelchair access by a continuous accessible path of travel.

The access report details that the maximum average gradients are 1:30 along Grosvenor Street and 1:40 along Kintore Street. Wheelchair access and a continuous path of travel is available for all proposed dwellings and the proposal complies with Clause 52.

Division 4 – Self contained dwellings

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The access assessment prepared by *Accessibility Solutions* demonstrates compliance with the accessibility requirements in Clauses 53-72.

Part 7 – Development standards that cannot be used as grounds to refuse consent –

Clause (a) – Building height	Height to be less than 8m	All dwellings less than 8m in height	YES
Clause (b) - Density & scale	0.5:1	0.49:1	YES
Clause (c) - Landscaped area	Minimum 30% of the site be landscaped (383m ²)	50% landscaped 40% deep soil	YES
Clause (d) - Deep soil zones	15% site area with 2/3 being located at the rear with minimum dimension of 3m.	Rear: 2/3 min dimension 3m Total 917m ² or 55%	YES
Clause (e) - Solar access	Min 70% of dwellings receive 3 hours direct sunlight between 9am-3pm in mid-winter.	All dwellings receive 3 hours direct sunlight	YES
Clause (f) - Private open space for in-fill housing	Single level or ground floor dwellings 15m ² (incl. Area 3m x 3m accessible from living area)	All 2 storey dwellings with >15m ² of private open space (courtyards)	YES
Clause (g) - Visitor parking	2 parking spaces required for developments comprising 7 or 8 dwellings (not on clearway).	Site not situated on a clearway. One (1) visitor space provide on site (driveway areas) per dwelling	YES
Clause (h) - parking	0.5 car spaces per bedroom (1.5-2 spaces required per proposed dwelling)	2 car parking spaces provided for each proposed dwelling	YES

State Environmental Planning Policy No 55 - Remediation of Land

Under Clause 7 of SEPP 55, a consent authority must not grant consent to any development on land unless it has considered whether the land is contaminated, and if contaminated, it is satisfied the land is suitable in its contaminated or remediate state for the purpose for which development is proposed.

There is no evidence to suggest any potential contamination of the site, given the subject site and adjoining properties have historically been used for residential purposes.

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

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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.

The increased hard surfaces proposed will increase stormwater runoff and impact on water quality and volumes to the catchment.

However, Council's Development Engineer is satisfied that stormwater generated as a result of additional impermeable surfaces will be collected in pits, directed into one of 2 proposed on-site detention tanks and either dissipated on to the or directed gradually into Council's piped stormwater system. Subject to conditions, the proposed development is considered acceptable against the provisions of SREP 20.

Ku-ring-gai Planning Scheme Ordinance

The site is zoned Residential 2(c) under Part 3 of Ku-ring-gai Planning Scheme Ordinance. The erection of a residential flat building (as defined pursuant to the KPSO) is prohibited within the zone. However, the provisions of SEPP (Seniors Living) 2004 override the controls of the KPSO and the proposed SEPP (Seniors Living) 2004 development is permissible pursuant to that SEPP.

Clause 38B does not allow consent to be granted for development unless a water supply is provided to the development and a suitable drainage system can be provided for the development. Council's Development Engineer considers the proposal acceptable with respect to drainage, subject to **Conditions No.'s 14, 72-75, 92-93.**

Schedule 9 sets out the aims and objectives for residential zones:

1. *General aims*

- a. *"to maintain and, where appropriate, improve the existing amenity and environmental character of residential zones; and*
- 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.*

Specific objectives contained within Schedule 9 that relate to this development must ensure that,

- (c) *any building or development work on a site shall maintain or encourage replacement of tree cover wherever possible to ensure the predominant landscape quality of the municipality is maintained and enhanced;*
- (d) *any building or development work on a site avoids total or near total site utilisation by maintaining a reasonable proportion of the site as a soft landscaping area;*
- (e) *...where larger buildings are proposed they are designed so as not to dominate and so far as possible to harmonise with neighbouring development;*

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(g) ...reasonable space on site for forward entrance and exit of vehicles.

The proposal is considered to accord with the general aims of the KPSO and maintains the existing streetscape and environmental (landscaped) character of the locality. The development will not unduly impact upon the residential amenities of adjoining properties. The layout of the development allows for the retention of significant trees and shrubs along the Grosvenor and Kintore street frontages. The proposal provides for 44% landscaping and an appropriate site density, avoiding overdevelopment of the site. The development provides for the safe movement and maneuvering of vehicles.

POLICY PROVISIONS

Seniors Living Policy – Urban Design Guidelines for infill development

DIPNR/Urban Design Advisory Service developed the Seniors Living Policy (urban design guidelines) to promote *'a balance between the need for greater housing choice and the need to safeguard the character of residential neighbourhoods'*. The proposal is assessed against the following guidelines:

- improving neighbourhood fit
- improving site planning and design
- reducing impact on streetscape
- reducing impacts on neighbouring properties

Key issues to consider include: location of living area and private open space in adjacent dwellings, overlooking and overshadowing, retaining neighbours outlook to existing mature planting and tree canopy, reducing apparent bulk and providing adequate building separation.

- Improving internal site amenity (including privacy, safety, security, useability and attractiveness of the living environment)

The proposal has been amended on two occasions in response to concerns from Council staff. The proposed development is considered to represent good site planning and design in that the development provides accessible housing, with good internal amenity, without unreasonably compromising the amenity of existing residents or the streetscape.

The proposal has been designed to reflect existing building forms and styles and to retain significant trees, planting and fencing within the streetscape.

Accordingly, the proposal is therefore consistent with the SEPP (Seniors Living) urban design guidelines.

Development Control Code 1/99 Housing for Older People and People with a Disability

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Council's Code includes references to the statutory development standards of State Environmental Planning Policy (Seniors Living) in relation to height, density, landscaped area and parking. The Code also provides guidelines relating to development standards considered by Council to be more appropriate to the Ku-ring-gai area.

The Code includes strict locational criteria, particularly regarding shops and facilities. The subject site generally satisfies these requirements. It should be noted that, where requirements in the Code are inconsistent with standards in SEPP (Seniors Living), provisions of the SEPP apply, and local planning controls are set aside.

The following table presents an analysis of the development in respect of the provisions of Council's Development Code.

Provision	Proposed	Compliance
Zoning	Residential 2(C)	YES
500m to local shops	The proposed development is within 400m of a bus service to transport residents to the Wahroonga shopping centre 1.2 km away.	YES
250m to public transport	Bus stop located within 125m of the site.	YES
Site analysis required	Matter addressed under <i>SEPP (Seniors Living)</i> assessment	YES
SEPP (Seniors Living) development standards	Matter addressed in SEPP (Seniors Living)	YES
Sympathetic design	Matter addressed under <i>SEPP (Seniors Living)</i>	YES
Buildings to address street	The front entry, feature windows and roof treatment should be oriented towards the street.	YES
Minimise visual impact of driveway	The entry driveway proposed does have a visual impact.	NO
No bland building facades	The front building facade is well integrated and has variation in the setback.	YES
Emphasise entry	The entry to the building is considered to be satisfactory.	YES
Match setbacks	The proposal does not quite match adjoining setbacks. It is slightly forward of the line between the existing buildings	NO
Integrated garages	Garages are provided under the building.	YES
Level private open space	All units have level open space.	YES
1.8m courtyard fences	No internal fences are proposed.	NO
Living areas link to open space	All units have acceptable open space links.	YES
Landscaping to enhance and screen	Refer to comments by Council's Landscape Development Officer.	YES
Significant trees	Matter addressed above by Landscape Development Officer.	YES
Carparking to meet demand	Matter addressed under <i>SEPP (Seniors Living)</i> .	YES

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Provision	Proposed	Compliance
Energy efficiency	Solar access and cross ventilation is acceptable.	YES
Privacy	Matter addressed under <i>SEPP (Seniors Living)</i>	YES
Lighting	Matter addressed under <i>SEPP (Seniors Living)</i> .	YES
Waste collection	In accordance with Council's Waste Management Policy.	YES
Letterboxes, TV antenna, services, house numbers	Matter addressed in <i>SEPP (Seniors Living)</i> assessment, will comply at Construction Certificate stage.	YES
Covered entry porch	As above	YES
Internal space location, wall length, hobby space and eating areas	As above	YES
Bedroom design	As above	YES
Support services	Matter addressed under <i>SEPP (Seniors Living)</i>	YES

The proposal complies with the requirements of SEPP (Seniors Living) which prevails to the extent of any inconsistency with Councils Controls. Notwithstanding, the proposal is considered to acceptably conform to the above criteria.

Development Control Plan 31 – Access

Access within the development has been considered in relation to clause 13A of SEPP 5 by the applicant's access consultant and is acceptable.

Development Control Plan 40 – Waste Management

DCP 40 aims to decrease the impact of waste generated by development and to promote principles of ecologically sustainable development. Waste management facilities should be conveniently located to enable easy access for on-site movement and collection. Proximity to site occupants should be considered in terms of noise and odour control.

Part 2 of the DCP requires an applicant to submit a Construction and Demolition Waste Management DCP.

A Construction and Demolition Waste Management Plan has been submitted with the application, to the satisfaction of Council. Adequate space is provided in association with each proposed dwelling for the safe and tidy storage of garbage bins. The proposal is acceptable when assessed against DCP 40.

Section 94 Plan

A section 94 contribution is required for the 3 additional dwellings proposed. A credit is given for the existing large dwelling on the site. **Condition No 76** requires payment of this fee with the application for a Construction Certificate.

LIKELY IMPACTS

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

SUITABILITY OF THE SITE

The site is suitable for the development proposed.

ANY SUBMISSIONS

Submissions received have been detailed and addressed above.

PUBLIC INTEREST

Subject to conditions, the proposal is considered to be in the public interest.

CONCLUSION

The proposal complies with the objectives and provisions of SEPP (Seniors Living) and associated Urban Design Guidelines, the Ku-ring-gai Planning Scheme Ordinance and Council's Development Control Plans and Codes. Subject to conditions, the proposal will not result in adverse amenity, streetscape or environmental impacts and is recommended for approval.

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 470/05 for demolition of an existing building and construction of a SEPP Seniors Living Development comprising 4 dwellings on land at 1 Kintore Street, Wahroonga, 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 470/05 and Development Application plans prepared by HSA Architects, reference number 49105.DA1, Issue C, 49105.DA2, Issue C, 49105.DA3, Issue C, 49105.DA4, Issue C, 49105.DA5, Issue C, dated 9 March 2006 and Landscape Plan prepared by Landscape Architectural Services, Drawing No.LPDA 06 – 86/1, dated November 2005 and endorsed with Council's approval stamp, except where amended by the following conditions:
2. The applicant shall ensure that at all times during the construction period no activities, storage or disposal of materials shall take place beneath the canopy of any tree protected under Council's Tree Preservation Order.

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

Tree No /Species /Location	Radius From Trunk
Tree 10 / <i>Eucalyptus racemosa</i> (Large Scribbly Gum) / Western boundary	5 metres
Tree 11 / <i>Pinus patula</i> (Mexican Pine) / Western boundary	5 metres
Tree 24 / <i>Eucalyptus pilularis</i> (Blackbutt) / Southern boundary	7 metres

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

Tree No /Species /Location	Radius From Trunk
Tree 10 / <i>Eucalyptus racemosa</i> (Large Scribbly Gum) / Western boundary	7 metres
Tree 11 / <i>Pinus patula</i> (Mexican Pine) / Western boundary	7 metres
Tree 24 / <i>Eucalyptus pilularis</i> (Blackbutt) / Southern boundary	7 metres

5. To preserve the following tree, the driveway to Unit 1 shall be constructed of asphalted concrete.

Tree No /Species /Location
Tree 1 / <i>Angophora costata</i> (Sydney Red Gum) / North-eastern corner

6. 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.
7. A mandatory rainwater re-use tank system, together with the additional on-site stormwater detention/retention requirements described in chapter 6 of Councils Water Management Development Control Plan 47 (DCP47), shall be provided for the development. DCP47 is available in hard copy at Council and on the Council website.

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8. 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.
9. Where required, the adjustment of any utility service facilities must be carried out by the applicant and in accordance with the requirements of the relevant utility authority. These works shall be at no cost to Council. It is the Applicants responsibility to ascertain impacts of the proposal upon utility services and Council accepts no responsibility for any matter arising from its approval to this application involving an influence upon utility services provided by another authority.
10. All public footways and roadways fronting and adjacent to the site are to be maintained in a safe condition at all times during the course of the development works. A safe pedestrian circulation route and a pavement/route free of trip hazards must be maintained at all times on or adjacent to the public access ways fronting the construction site. Where public infrastructure is damaged, repair works must be carried out when and as directed by Council officers. Where circulation is diverted on to the roadway, clear directional signage and protective barricades must be installed in accordance with AS1742-3 1996 "*Traffic Control Devices for Work on Roads*". If pedestrian circulation is not satisfactorily maintained, and action is not taken promptly to rectify the defects, Council may undertake proceedings to stop work.
11. The provision of temporary sediment and erosion control facilities and measures are to be installed, prior to the commencement of any works on the site to eliminate unnecessary erosion and loss of sediment. These facilities must be maintained in working order during construction works and up to the completion of the maintenance period. All sediment traps must be cleared on a regular basis and after each major storm, and/or as directed by the Principal Certifying Authority and Council officers.
12. Driveways and access ramps must be designed not to scrape the underside of cars. In all respects, the proposed vehicle access and accommodation arrangements must be designed and constructed to comply with Australian Standard 2890.1 – 2004 "Off-Street car parking".
13. For the purpose of any inspections by Council engineers, the corresponding fees set out in Councils adopted Schedule of Fees and Charges are payable to Council. A re-inspection fee per visit may be charged where work is unprepared at the requested time of inspection, or where remedial work is unsatisfactory and a further inspection is required. Engineering fees must be paid in full prior to any final consent from Council.
14. The Applicant must obtain a Section 73 Compliance Certificate under the *Sydney Water Act 1994*. An application must be made through an authorised Water Servicing Coordinator. Please refer to "Your Business" section of Sydney Water's web site at www.sydneywater.com.au then the "e-developer" icon or telephone 13 20 92. Following

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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.

15. Stormwater quality control measures as described in chapter 8 of Councils Water Management Development Control Plan 47 (DCP47), shall be provided for the development. DCP47 is available in hard copy at Council and on the Council website.
16. 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.
17. The proposed development is to be compliant with both AS 1428 (Design for Access and Mobility) and AS 4299 (Adaptable Housing) and the design requirements of SEPP (Seniors Living).
18. The interior design of dwellings, ancillary facilities (eg letterboxes, lighting etc) and circulation space within the development shall comply with the standards contained in clause 13A of SEPP 5. A Compliance Certificate prepared by a suitably qualified and experienced person, certifying compliance with the provisions and standards contained in this clause, shall be submitted to the Principal Certifying Authority prior to occupation of the development.
19. 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.
20. No mobile outdoor surveillance systems shall be installed without prior approval of Council.
21. No advertising signs are to be erected without the prior consent of Council.
22. Master TV antennas are to be provided to avoid having individual antennas. The master antenna should be located at the rear of the site to reduce visibility from the street. Alternatively, location within the roof space should be considered.
23. Letter boxes must be provided in accordance with the requirements of Australia Post and be accessible to wheelchair users
24. On site power must be underground and satisfy the requirements of Energy Australia.
25. Unit/dwelling numbers must be clearly displayed and visible for emergency vehicles and visitors.
26. Each dwelling must have a child proof storage place for poisons or other dangerous substances.

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27. Main entry doors to each unit shall be provided with peep holes.
28. Walls and Fences within the development are to be in accord with Council's Development Control Code 1/99 or as otherwise directed or approved.
29. The development is to provide night lighting along all driveways and footpaths throughout the site such that the full length of travel paths are illuminated. Lighting is to be shielded so that neighbouring residences are not adversely affected.
30. Throughout the development it is necessary to utilise non-slip materials. Surfaces which will be slippery when wet are not permitted. Loose material such as gravel or sand should be avoided near footpaths.
31. Locate TV antenna outlets on interior walls (away from windows and potential glare problems) in positions that maximise, options for TV location in the living and sleeping areas.
32. Locate telephone sockets so that residents have a choice of places/rooms to put a telephone and its related furniture.
33. Courtyard fences between units shall be constructed of masonry to a height of 1.8 metres or as otherwise indicated.
34. The use of landscaping should not affect driver sight distance to see other vehicles/pedestrians etc. for vehicles entering /exiting the subject site. The use of low growing shrubs around driveways is recommended.
35. The creation of a Restriction as to use of land under Section 88E of the Conveyancing Act 1919, restricting the occupation of the premises to:
 - a. People 55 or over or people who have a disability;
 - b. People who live with people 55 or over or people who have a disability;
 - c. Staff employed to assist in the administration of and provision of services to housing provided in this development.
36. The development is to remain as Housing for Aged or Disabled Persons within the meaning of State Environmental Planning Policy (Seniors Living) at all times.
37. All advertising, signage, marketing or promotion of the sale of the dwellings in this development shall make clear reference to the fact that this is a SEPP (Seniors Living) development and that at least one occupier shall be aged 55 years or over or have a disability.
38. 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.
39. 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

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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.

40. **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.

41. 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.
42. A sign shall be erected in a prominent position on the site which states the name and contact details of the Principal Certifying Authority.
43. To maintain existing ground levels all excavated material shall be removed from the site.
44. 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.
45. The applicant is advised that the Construction Certificate plans and specifications must comply with the provisions of the Building Code of Australia.
46. All excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with appropriate professional standards.

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

47. 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

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- 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.

- 48. 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.
- 49. 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.
- 50. The demolition is to be carried out in accordance with the guidelines contained in Australian Standard 2601-1991: The Demolition of Structures.
- 51. 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.
- 52. 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.

- 53. Erosion control measures shall be provided on demolition sites to prevent the siltation of watercourses and drainage systems.
- 54. Dust control measures shall be taken on all demolition sites so as to avoid a nuisance to adjoining properties and harm to the environment.

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- 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.
55. 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.
56. 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.
57. 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.
58. 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.

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

59. 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.

60. It is a condition of consent that the applicant, builder or developer or person who does the work on this residential building project arrange the Builders Indemnity Insurance and submit the Certificate of Insurance in accordance with the requirements of Part 6 of the *Home Building Act 1989* to the Council or other Principal Certifying Authority for endorsement of the plans accompanying the Construction Certificate. It is the responsibility of the applicant, builder or developer to arrange the Builder's Indemnity Insurance for residential building work over the value of \$12,000 and to satisfy the Council or other Principal Certifying

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Authority by the presentation of the necessary Certificate of Insurance so as to comply with the applicable requirements of Part 6 of the *Home Building Act 1989*. The requirements for the Builder's Indemnity Insurance does not apply to commercial or industrial building work or for residential work less than \$12,000, nor to work undertaken by persons holding an Owner/Builder's Permit issued by the Department of Fair Trading (unless the owner/builder's property is sold within 7 years of the commencement of the work).

61. 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.
62. 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.
63. The applicant shall ensure that no underground services (ie water, sewerage, drainage and gas) shall be laid beneath the canopy of any tree protected under Council's Tree Preservation Order, located on the subject allotment and adjoining allotments.

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.

64. The submitted landscape plan by Landscape Architectural Services, Drawing No. LPDA 06-86/1 and dated November 2005 is not approved. An amended plan and specification of the proposed landscape works for the site shall be prepared in accordance with Council's Development Control Plan No 38, and conditions of consent by a Landscape Architect or qualified Landscape Designer to enhance the amenity of the built environment and protect the

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Ku-ring-gai landscape character. The plan must be submitted to, and approved by the Principal Certifying Authority prior to the release of the Construction Certificate. The landscape works shall be carried out in accordance with the approved landscape plan.

The following amendments to the plan shall apply:

- The 1200mm high picket fence shall be deleted.
 - The existing healthy mature shrubs along the northern and western boundaries shall be individually noted on the plan to be retained and the replanting of additional species reduced or changed to suit.
 - The plan shall indicate the removal of Tree 28.
 - The plan shall note the use of medium to large pebbles as mulch along the eastern boundary as this area will be a stormwater flow path. No ground covers such as Myoporum or Trachelospermum shall be planted as they will interrupt the overland flow.
 - The proposed “cultivar” that will reach a minimum height of 3 to 4 metres of Syzygium paniculatum (Brush Cherry) shall be indicated.
65. The property shall support a minimum number of 10 canopy trees that will attain 13.0 metres in height on the site, to preserve the tree canopy of Ku-ring-gai, the existing tree/s, and additional tree/s to be planted, shall be shown on the Landscape Plan/Site Plan. The plan shall be prepared by a Landscape Architect or qualified Landscape Designer and be submitted to the Principal Certifying Authority for approval prior to release of Construction Certificate.
66. A cash bond/bank guarantee of \$8,000.00 shall be lodged with Council as a Landscape Establishment Bond prior to the release of the Construction Certificate to ensure that the landscape works are installed and maintained in accordance with the approved landscape plan or other landscape conditions.

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

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

67. A cash bond/bank guarantee of \$15,000.00 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 No /Species /Location /Bond

Tree 1 / *Angophora costata* (Sydney Red Gum)
/ North-eastern corner
/ \$4,000.00

Tree 5 / *Lophostemon confertus* (Brushbox)
/ North-western corner
/ \$3,000.00

Tree 10 / *Eucalyptus racemosa* (Large Scribbly Gum)
/ Middle of western boundary
/ 2,000.00

Tree 11 / *Pinus patula* (Mexican Pine)
/ Middle of western boundary
/ \$2,000.00

Tree 24 / *Eucalyptus pilularis* (Blackbutt)
/ Middle of southern boundary
/ \$4,000.00

68. To preserve the following trees the proposed driveways to Units 2 & 3 shall be constructed at existing soil levels and suspended on isolated piers within the specified radius of the trunks. The piers shall be located such that no roots of a diameter greater than 50mm shall be severed or injured in the process of any site works during the construction period. The beam shall be located on or above existing soil levels.

The location and details of the footings shall be submitted to the Principal Certifying Authority for approval prior to release of the Construction Certificate.

Tree No /Species /Location	Radius in metres
Tree 10 / <i>Eucalyptus racemosa</i> (Large Scribbly Gum) / Western boundary	7 metres
Tree 11 / <i>Pinus patula</i> (Mexican Pine) / Western boundary	7 metres

69. To preserve the following tree/s, footings of the proposed Unit 4 shall be isolated pier or pier and beam construction within the specified radius of the trunk/s. The piers shall be located

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such that no roots of a diameter greater than 50mm shall be severed or injured in the process of any site works during the construction period. The beam shall be located on or above existing soil levels.

The location and details of the footings shall be submitted to the Principal Certifying Authority for approval prior to release of the Construction Certificate.

Tree No /Species /Location	Radius in Metres
Tree 24 / <i>Eucalyptus pilularis</i> (Blackbutt) / Middle of southern boundary	7 metres

70. Prior to issue of the Construction Certificate, submission of details and certification by a qualified civil/traffic engineer, for approval by the Principal Certifying Authority (PCA), that the parking provisions comply with the following standards:
 - The State Environmental Planning Policy for Seniors Living (particularly relating to height clearances and space dimensions) and
 - Australian Standard 2890.1 – 2004 “Off-street car parking”.
71. Prior to issue of the Construction Certificate the applicant shall submit, for approval by the Principal Certifying Authority (PCA), a Soil and Erosion Control Plan prepared in accordance with the Landcom document “Managing Urban Stormwater – Soils and Construction, Volume 1” (2004). A suitably qualified and experienced civil/environmental engineer or surveyor shall prepare this plan in accordance with the above guidelines and section 8.2.1 of Councils Water Management DCP 47 (avail able on the Council website).
72. The Applicant must carry out the following infrastructure works in the Public Road:

Construct kerb ramps to Council’s specification between the subject site and the nearest bus stop.

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**

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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.

73. Prior to issue of the Construction Certificate the applicant shall submit, for approval by the Principal Certifying Authority (PCA), full construction drawings for the proposed method of achieving Council storage volume requirements for an on-site stormwater detention/retention system. The design may be generally based on the concept plans TFA2944/01 Sheets 1 to 3 Issue A by Toby Fiander & Associates, advanced for construction purposes. The storage volumes and design shall comply with Councils Water Management DCP 47 (available on the Council website and at Council customer services), the manufacturers' specifications and the relevant plumbing codes. Rainwater tank(s) shall be designed to capture and retain runoff from a minimum 100m² roof area for each 5000 litres of storage. Overflow shall revert to the main drainage system. Water quality measures are to be included as required by DCP47. The design and construction plans, with all supporting documentation, are to be prepared by a qualified and experienced civil/hydraulic engineer and may be incorporated on the overall site drainage plan.
74. Prior to issue of the Construction Certificate the applicant shall submit, for approval by the Principal Certifying Authority (PCA), construction design drawings and calculations for the property drainage system components. The property drainage system (including but not limited to gutters, downpipes, pits, joints, flushing facilities and all ancillary plumbing) shall be designed for a 235mm/hour rainfall intensity for a duration of five (5) minutes (1:50 year storm recurrence) and shall be compatible with the necessary retention and/or detention devices. Plans and calculations are to be prepared by a suitably qualified and experienced civil/hydraulic engineer in accordance with Councils Water Management Development Control Plan 47 available on the Council website and at Council, and AS 3500.2 - Plumbing and Drainage Code.
75. Prior to issue of the Construction Certificate footpath and driveway levels for the new vehicular crossings between the property boundary and road alignment must be obtained from Council. The footpath crossings are to be constructed according to Council's specifications "Construction of Gutter Crossings and Footpath Crossings". These are issued with alignment

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levels after completing the necessary application form at Customer Services and payment of the adopted fee.

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

NOTE 1: The construction of footpaths and driveways outside the property, in materials other than those approved by Council, is not permitted and Council may require immediate removal of unauthorised installations.

NOTE 2: When completing the request for driveway levels application from Council, the applicant must attach a copy of the relevant Development Application drawing which indicates the position and proposed level of the proposed driveway at the boundary alignment. Failure to submit this information may delay processing.

76. 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 4 (FOUR) ADDITIONAL DWELLINGS IS CURRENTLY \$12,306.64 (including a credit for the existing dwelling on the site). The amount of the payment shall be in accordance with the Section 94 charges as at the date of payment. The charges may vary at the time of payment in accordance with Council's Section 94 Contributions Plan to reflect changes in land values, construction costs and the consumer price index.

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

1. Community Facilities (If Seniors Living \$412.07)	\$1,117.76
2. Park Acquisition and Embellishment Works - Wahroonga	\$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:

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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

CONDITIONS TO BE COMPLIED WITH PRIOR TO WORK COMMENCING

77. 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 (e.g. straw bales or geofabric fence) along contour before any other work on the site commences.
78. To preserve the following tree/s, no work shall commence until the trunk/s are protected by the placement of 2.0 metre lengths of 50 x 100mm hardwood timbers spaced at 150mm centres and secured by 2mm wire at 300mm spacings over suitable protective padding material. The trunk protection shall be maintained intact until the completion of all work on site. Any damage to the tree/s shall be treated immediately by an experienced Horticulturist/Arborist, with minimum qualification of Horticulture Certificate or Tree Surgery Certificate and a report detailing the works carried out shall be submitted to the Principal Certifying Authority:
- Tree No /Species /Location
- Tree 1 / *Angophora costata* (Sydney Red Gum)
/ North eastern corner
- Tree 16 / *Eucalyptus racemosa* (Large Scribbly Gum)
/ South western corner
- Tree 36 / *Nyssa sylvatica* (Tupelo)
/ Grosvenor Street nature strip
79. 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 driveways 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 No /Species /Location	Radius in Metres
Tree 3 / <i>Acer palmatum</i> (Japanese Maple) / Northern boundary	3 metres
Tree 5 / <i>Lophostemon confertus</i> (Brushbox)	3 metres

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/ North western corner

Tree 10 / *Eucalyptus racemosa* (Large Scribbly Gum)

3 metres

/ Middle of western boundary

Tree 11 / *Pinus patula* (Mexican Pine)

3 metres

/ Middle of western boundary

Tree 24 / *Eucalyptus pilularis* (Blackbutt)

5 metres

/ Middle of southern boundary

Tree 34 / *Acer palmatum* (Japanese Maple)

3 metres

/ Front boundary

Franklinia axillaris (Gordonia)

3 metres

/ Western boundary near northern end

80. 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.

81. To preserve the following tree, no work shall commence until temporary measures to avoid soil compaction (eg rumble boards) beneath the canopy of the following tree is installed over the proposed designated construction entrance/exit off Grosvenor Street.

Tree/Location

Tree 10 / *Eucalyptus racemosa* (Large Scribbly Gum)

/ Middle of western boundary

82. 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.
83. 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,
- A dedicated unloading and loading point within the site for all construction vehicles, plant and deliveries

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- Material, plant and spoil bin storage areas within the site, where all materials are to be dropped off and collected.

Traffic Control Plan(s) for the site

- All traffic control devices installed in the road reserve must be in accordance with the RTA publication "Traffic Control Worksite Manual" and be designed by a 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.
 - 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.
84. Prior to the commencement of any works on site the applicant must submit to Ku-ring-gai Council and the Principal Certifying Authority a photographic record on the visible condition of the existing public infrastructure over the full site frontage (in colour - preferably saved to cd-rom in 'jpg' format). The photos must include detail of:
- The existing footpath
 - The existing kerb and gutter
 - The existing full road surface between the opposite kerb
 - The existing verge area
 - The existing driveway and layback where to be retained
 - Any existing drainage infrastructure including pits, lintels, grates.
 - Particular attention must be paid to accurately recording any pre-developed *damaged* areas on the aforementioned infrastructure so that Council is fully informed when assessing damage to public infrastructure caused as a result of the development (which is not to be repaired by the Applicant as part of the development). The developer may be held liable to all damage to public infrastructure in the vicinity of the site, where such damage is not accurately recorded and demonstrated under the requirements of this condition prior to the commencement of any works.
85. A Compliance Certificate pursuant to Section 73 Sydney Water Act 1994, as evidence of compliance with the provisions of Division 9 of that Act, to be obtained from Sydney Water prior to the commencement of any work on the site.
86. A simple photographic record of the affected parts of the heritage item are to be submitted to Council prior to the commencement of work. Recording shall be undertaken in accordance

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with the *Guidelines for Photographic Recording of Heritage Sites, Building and Structures* prepared by the New South Wales Heritage Office.

Information shall be bound in an A4 report format. It shall include copies of black and white photographs, referenced to plans of the affected property. Two (2) copies (one (1) copy to include negatives of photographs) shall be submitted to Council's Department of Environmental and Regulatory Services, to be held in the Local Studies Collection of Kuring-gai Library.

CONDITIONS TO BE COMPLIED WITH PRIOR TO OCCUPATION

87. 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.
88. The Principal Certifying Authority shall ensure that the landscape works, have been installed correctly, consistent the approved landscape plan(s), specification and the conditions of consent prior to release of the Occupation Certificate.
89. Prior to issue of an Occupation Certificate, the following works must be completed:
 - a. Construction of the new driveway crossings and laybacks in accordance with the levels and specifications issued by Council,
 - b. Removal of all redundant driveway crossings, pipe crossing and/or kerb laybacks. Full reinstatement of these areas to footway, and/or turfed verge and/or kerb and gutter to the satisfaction of Council. Reinstatement works shall match surrounding adjacent infrastructure with respect to integration of levels and materials.
 - c. Any sections of damaged grass verge are to be fully replaced with a non-friable turf of native variety to match existing.

Any damaged public infrastructure caused as a result of construction works on the subject site (including damage caused by, but not limited to, delivery vehicles, waste collection, contractors, sub contractors, concrete vehicles) must be fully repaired to the satisfaction of Council. This shall be at no cost to Council.

90. Prior to issue of an Occupation Certificate, the approved road, footpath and/or drainage works must be completed in the road reserve, in accordance with the Council approved *Roads Act 1993* drawings, conditions and specifications. The works must be supervised by the applicant's designing engineer and the works shall be completed and approved in full to the satisfaction of Council's Engineers. The supervising consulting engineer is to provide certification upon completion that the works were constructed in accordance with the Council approved drawings. The works are also to be subject to inspection by Council at the hold points noted on the approved drawings. Any conditions attached to the approved drawings for these works must be met in full.
91. Prior to issue of an Occupation Certificate, the Section 73 Sydney Water compliance certificate must be obtained and submitted to the Principal Certifying Authority (PCA).

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92. Prior to occupation, issue of an Occupation Certificate or issue of the Final Compliance Certificate (and at the completion of works), the applicant shall submit to the Principal Certifying Authority (PCA) certification from a suitably qualified and experienced traffic/civil engineer, that:
- The dimensions of all as-constructed private carparking spaces meet the dimension requirements of the Seniors Living SEPP (as last amended), and
 - The as-constructed carpark complies with the approved Construction Certificate plans, and
 - The vehicular headroom requirements of:
the Seniors Living SEPP (as last amended) for accessible parking spaces, and
Australian Standard 2890.1 - "Off-street car parking", are met.
93. 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:
- 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 uses including all toilet flushing, laundry and garden irrigation.
 - 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:
 - 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.
94. 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.

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- c. As built (reduced) level(s) at the approved point of discharge to the public drainage system.
- d. 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.
- e. The achieved storage volumes of the installed retention and detention storages and derivative calculations.
- f. As built locations of all access pits and grates in the detention and retention system(s), including dimensions.
- g. The size of the orifice or control fitted to any on-site detention system.
- h. Dimensions of the discharge control pit and access grates.
- i. The maximum depth of storage possible over the outlet control.
- j. 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.

- 95. Prior to issue of an Occupation Certificate, the applicant is to create a Restriction-on-Use under the Conveyancing Act, restricting the occupation of the premises to:
 - a. People aged 55 years or over, or people with a disability as defined by the provisions of the State Environmental Planning Policy for Seniors Living.
 - b. People who live with such people as defined in (a) above.
 - c. Staff employed to assist in the administration of and provision of services to housing provided in this development.
- 96. Prior to issue of an Occupation Certificate, the applicant shall create a Positive Covenant and Restriction on the Use of Land under Section 88B of the Conveyancing Act 1919, burdening the property with the requirement to maintain the on-site stormwater detention/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 instrument for protection of on-site detention facilities" (available from Council on request) and to the satisfaction of Council. Registered title documents showing the covenants and restrictions must be submitted and approved by the Principal Certifying Authority (PCA) prior to occupation, issue of an Occupation Certificate or issue of the Final Compliance Certificate.

For existing Titles, the Positive Covenant and the Restriction on the use of Land is to be created through an application to the Land Titles Office in the form of a request using forms 13PC and 13RPA. The relative location of the On-Site Detention/ retention facility, in relation to the building footprint, must be shown on a scale sketch, attached as an annexure to the request forms.

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N Richter
Acting Team Leader
Development Assessment -
North

R Kinninmont
Acting Manager
Development Assessment
Services

M Miocic
Director
Development &
Regulation

Attachments: **Location Sketch - 629357**
 Zoning extract - 629362
 Elevations - 629364
 Shadow diagrams - 629368
 Confidential attachments (Floor, landscape and site plans)

LOCATION SKETCH

1 Kintore Street, WAHROONGA NSW



SCALE: 1:3000

DATE: 31-05-2005

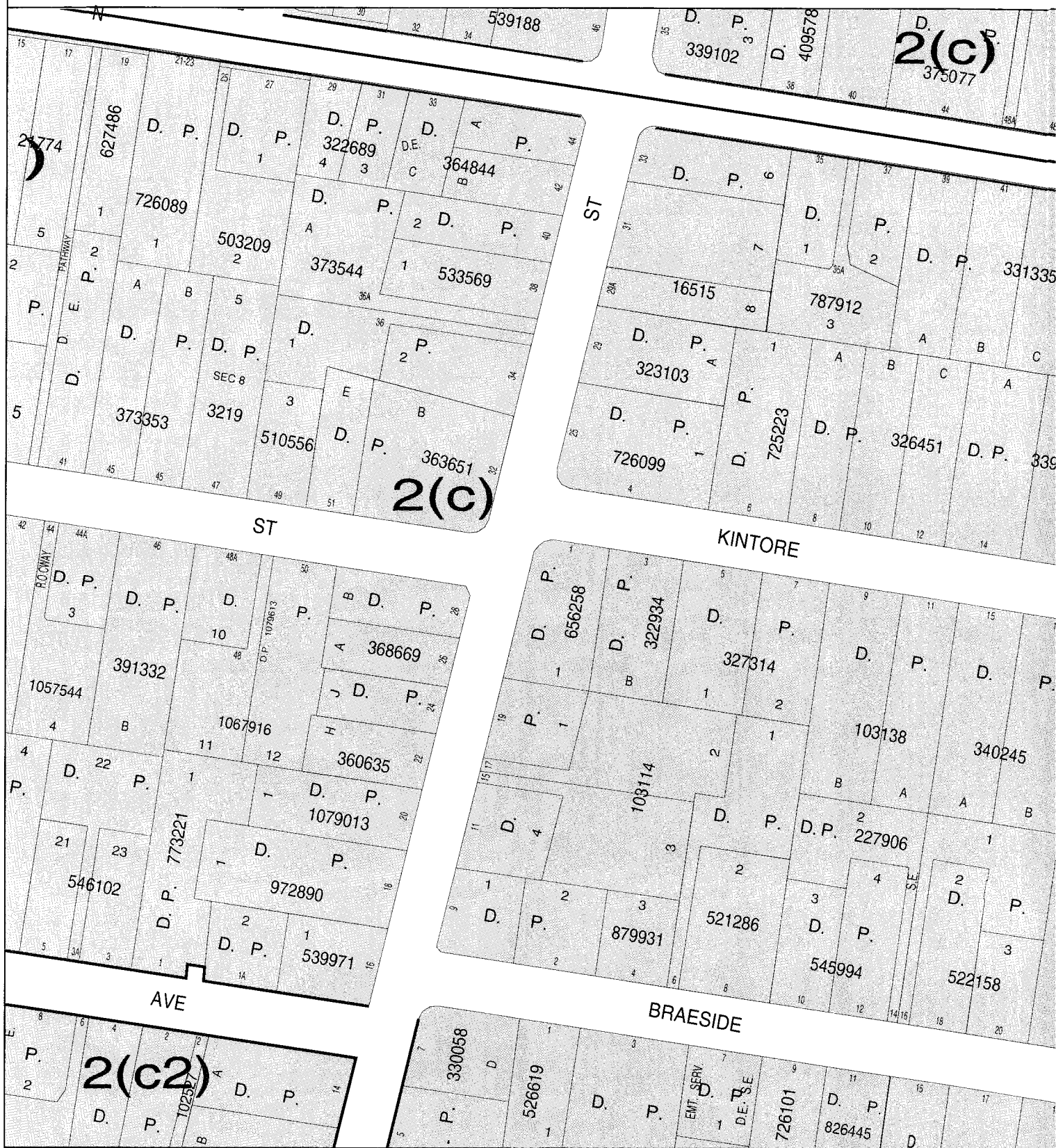


SUBMISSIONS received (none) 04/06/05
SUBJECT LAND



Zoning Extract

1 KINTORE STREET WAHROONGA



ZONES

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



RESERVATIONS

OPEN SPACE

- (a) OPEN SPACE (Public Parks & Recreation)
- (b) COUNTY OPEN SPACE

SPECIAL USES

- SPECIAL USES (Parking etc)

ROADS

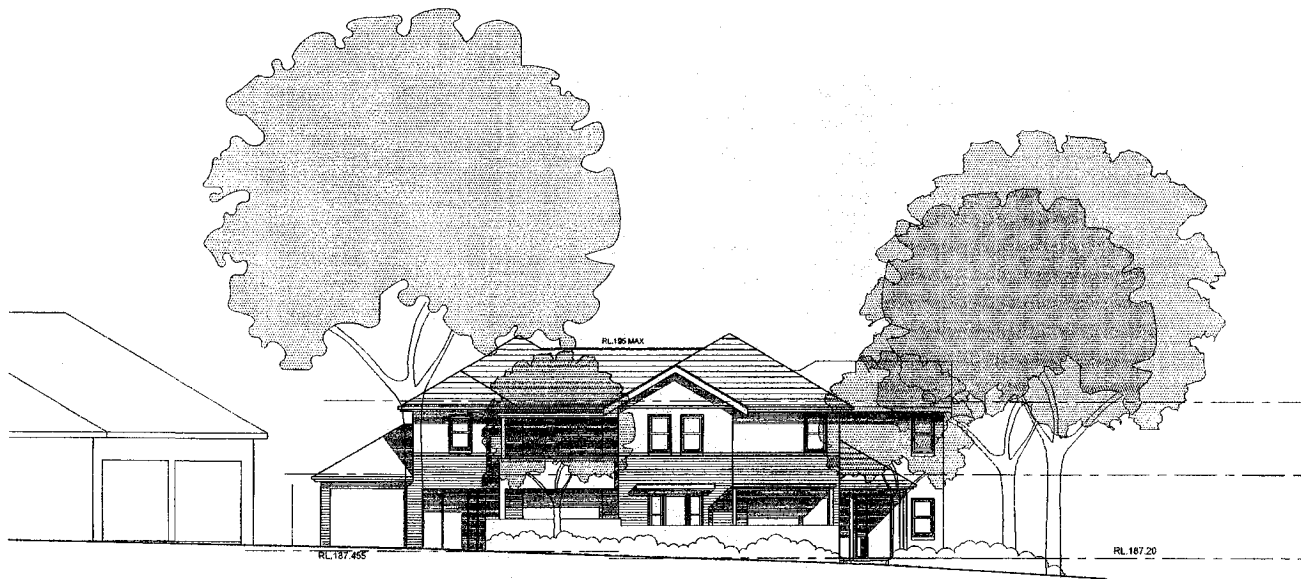
- (a) COUNTY ROAD PROPOSED
- (b) COUNTY ROAD WIDENING
- (c) LOCAL ROAD PROPOSED

GENERAL

- EXISTING COUNTY ROAD
- OTHER PLANNING INSTRUMENTS



Scale: 1:2000
Date: 07-06-2006



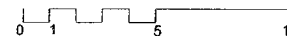
NORTH ELEVATION
(KINTORE ROAD)

EXTERNAL FINISHES		
WALLS	FACE BRICK RENDERED & PAINTED Balcony Elements Walls above Face Brick	Boral "Herford Bronze" Dulux "Regency White"
VERANDAH POSTS AND BEAMS	PAINTED TIMBER	Dulux "Egyptian Red"
LOUVRE PANELS	CEDAR	Natural-stain finish
ROOF	CONCRETE ROOF TILES	Boral StyleLinea Colour "Charcoal"
EAVES GUTTERS	COLORBOND STEEL	"Slate Grey"
FASCIAS	PAINTED TIMBER	Dulux "Beige"
WINDOWS	POWDER COATED ALUM.	"Off White"



WEST ELEVATION
(GROSVENOR STREET)

ISSUE	DATE	REVISION / AMENDMENT
A	6.5.05	DEVELOPMENT APPLICATION
B	31.10.05	Amended elevations, drawing No. amended
C	9.3.06	Increased distance between road 2 and 3 garages Unit 4 rooftop amended: Windows to be 4 screens

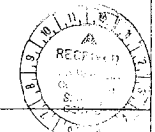


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HSA
Architects

PROJECT
1 KINTORE STREET, WAHROONGA

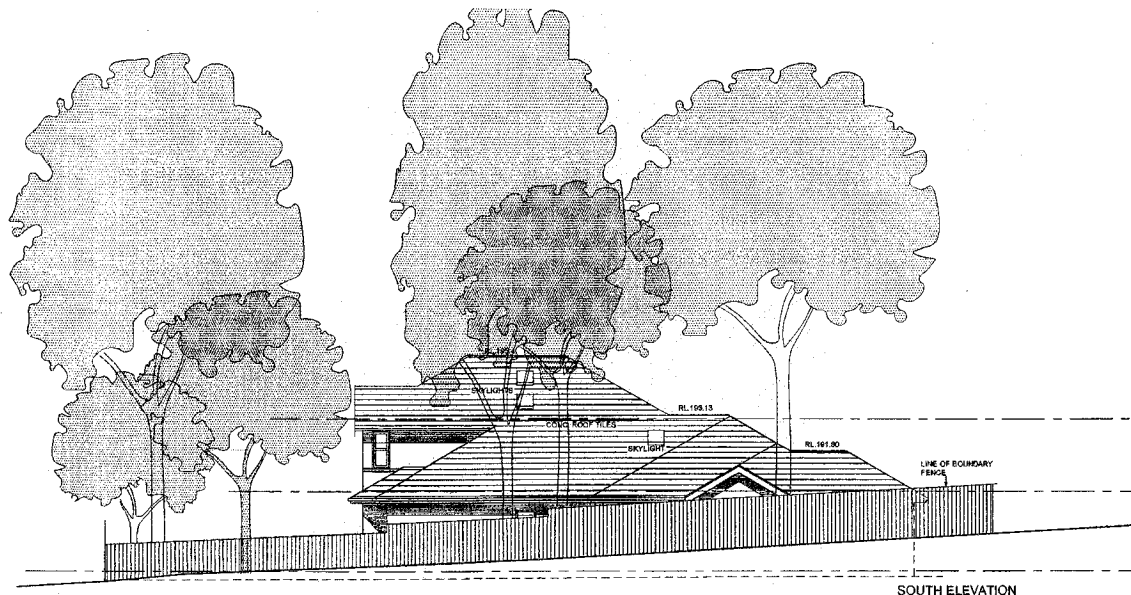
DRAWING
ELEVATIONS



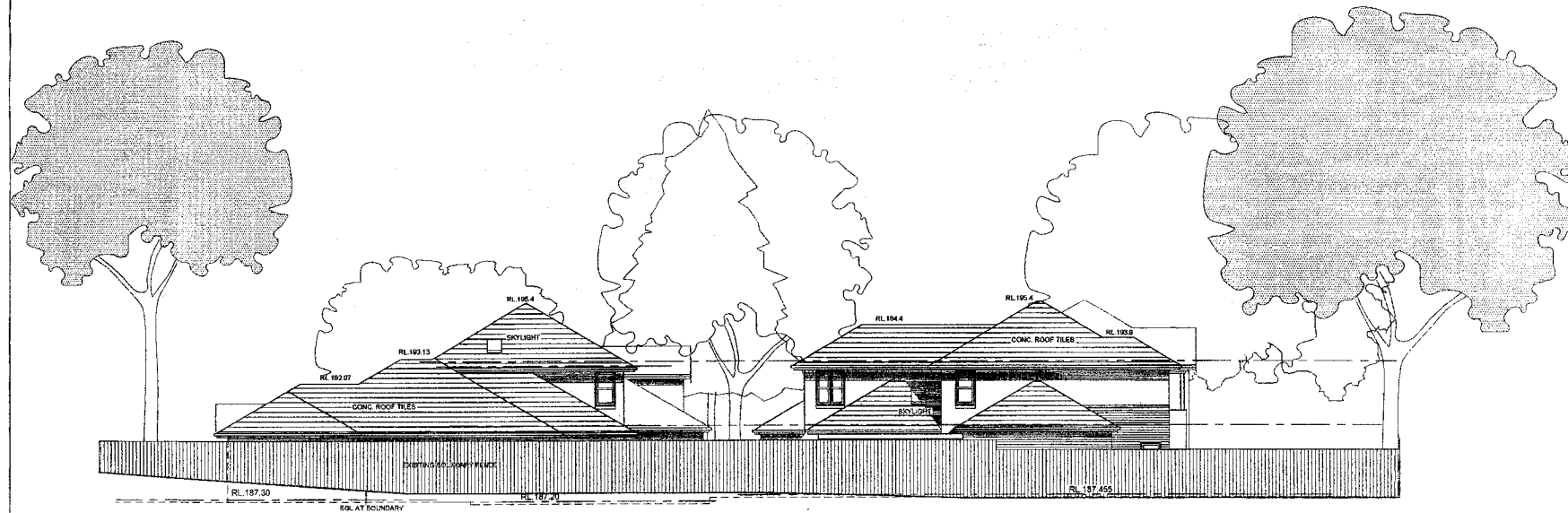
49105.DA4

ISSUE
c

SCALE DATE APPR/ART

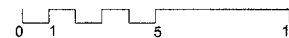


SOUTH ELEVATION



EAST ELEVATION

ISSUE	DATE	ISSUE / AMENDMENT
A	05.05	DEVELOPMENT APPLICATION
B	31.10.05	Amended elevations, Activity No. amended
C	03.08	Uppt 4 outline amended



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PROJECT
 1 KINTORE STREET, WAHROONGA

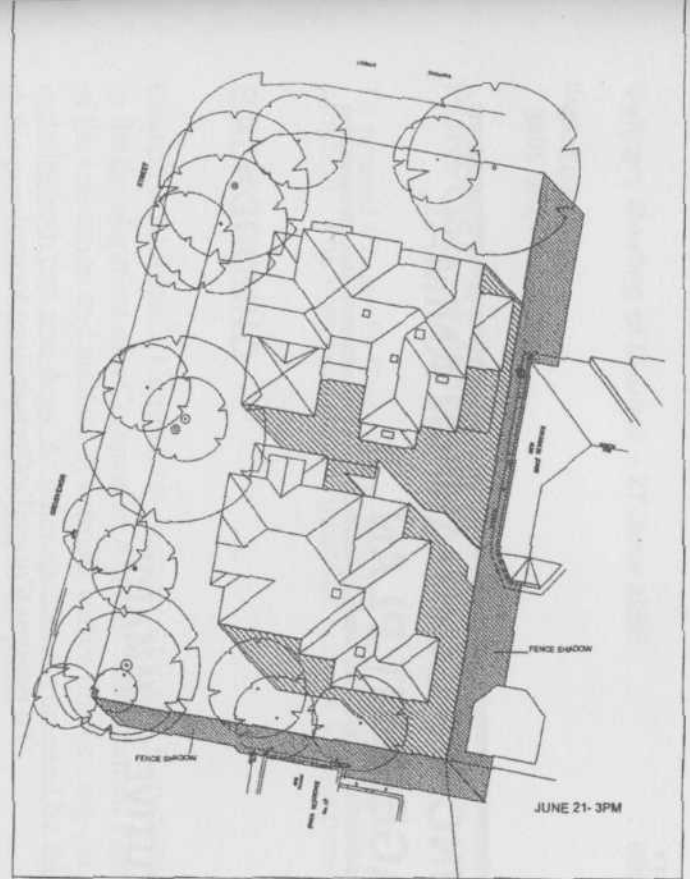
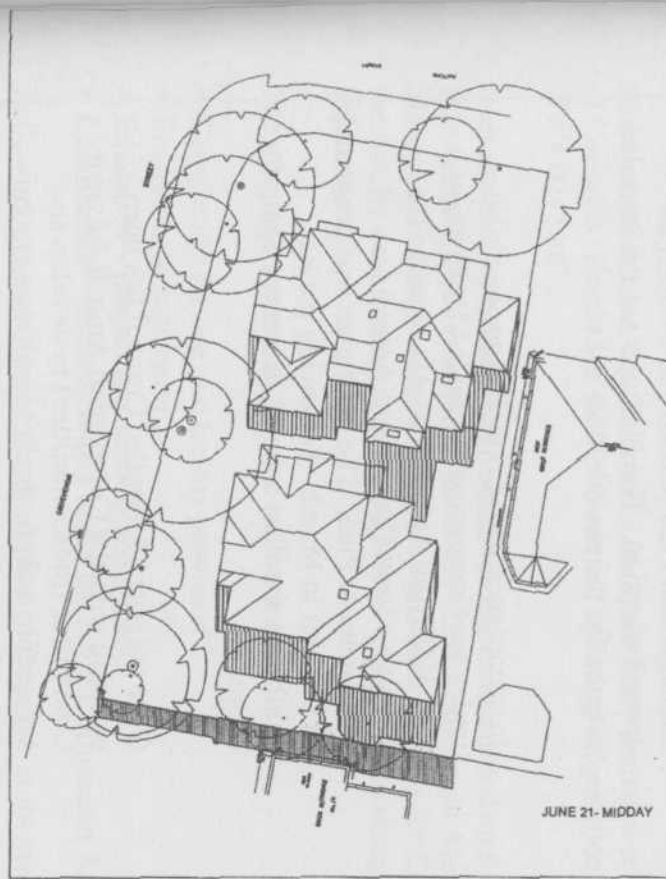
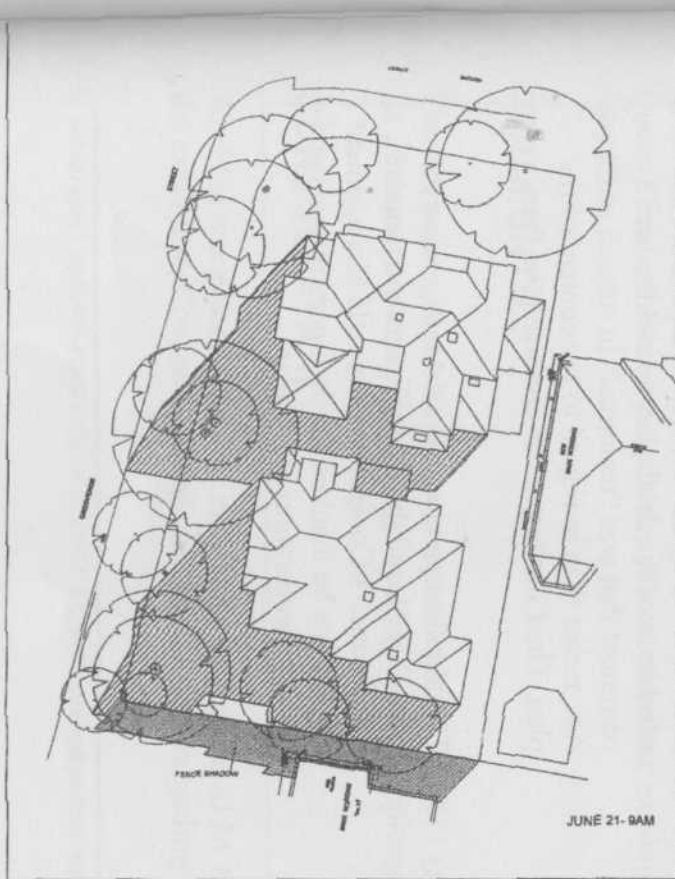
DRAWING
 ELEVATIONS



49105.DA5

SHEET
 C

SCALE: 1:100 DATE: MAY 05 APPROVED: HS



273



SHADOW DIAGRAMS

49105 DA6

NOTES DATE APPROVED

NOTE: EXISTING RETAINED TREES INDICATED REFER TO LANDSCAPE PLAN FOR NEW TREE PLANTING

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PROJECT
1 KINTORE STREET, WAHROONGA

REV DATE REVISION
A 21.05.06 DEVELOPMENT APPLICATION
B 21.05.06 APPROVED PLAN, SUPPLYING FOR APPROVAL
C 21.05.06 SHADOWS PROVIDED FOR APPROVAL

TURRAMURRA CENTRE - EXHIBITION OF DRAFT LOCAL ENVIRONMENTAL PLAN (LEP)

EXECUTIVE SUMMARY

PURPOSE OF REPORT:

To advise Council that the Department of Planning have issued a conditional Section 65 Certificate under the Environmental Planning and Assessment Act 1979. This will permit public exhibition of the Draft Ku-ring-gai Local Environmental Plan 2006 (Town Centres) Amendment No.1 for the Turramurra Centre subject to changes in the draft Local Environmental Plan as outlined in this report.

BACKGROUND:

The Minister for Planning has directed Council to prepare plans for additional housing in and around its key commercial centres and to provide for additional retail and commercial demand to cater for the needs of the local community. Turramurra is the second of the centres to have a new draft Local Environmental Plan (LEP) and draft Development Control Plan (DCP) Amendment No.1 prepared for public exhibition and are to be completed by 31 December 2006.

COMMENTS:

Council has prepared a draft LEP and draft DCP consistent with the Minister's Direction and the requirements of the Standard Instrument (Local Environmental Plans) Order 2006. Under recent changes to the Environmental Planning and Assessment Act (EP&A Act) and delegations, Council is required to seek formal approval from the NSW Department of Planning prior to the formal exhibition of the draft Plans. The Department has issued a conditional Certificate for exhibition.

RECOMMENDATION:

That Council amends the Draft Ku-ring-gai Local Environmental Plan 2006 (Town Centres), in accordance with the conditions set out in the Section 65(2) Certificate issued on 17 July 2006 by the Department of Planning

PURPOSE OF REPORT

To advise Council that the Department of Planning have issued a conditional Section 65 Certificate under the Environmental Planning and Assessment Act 1979. This will permit public exhibition of the Draft Ku-ring-gai Local Environmental Plan 2006 (Town Centres) Amendment No.1 for the Turramurra Centre subject to changes in the draft Local Environmental Plan as outlined in this report.

BACKGROUND

On 27 March 2006 Council considered and adopted the final draft Local Environmental Plan (LEP), draft Development Control Plan (DCP) and associated strategies for the Turramurra Centre, further minor amendments to Plans were considered and endorsed by Council on 9 May 2006 to adopt the draft documentation for consultation with State agencies under Section 62 of the EP&A Act and to submit the draft Plans to the Department of Planning to seek approval for formal exhibition of the draft LEP & DCP.

Council has prepared a draft LEP and draft DCP consistent with the Minister's Direction and the requirements of the Standard Instrument (Local Environmental Plans) Order 2006. Under recent changes to the Environmental Planning and Assessment Act (EP&A Act) and delegations, Council is required to seek formal approval from the NSW Department of Planning prior to the formal exhibition of the draft Plans. The Department has issued a conditional Certificate for exhibition, received at Council on 26 July 2006 (**Attachment A**). A meeting was held between Council senior staff and the Department of Planning on 1 August 2006 to seek clarification on some matters raised in the Section 65(2) Certificate and to assist in determining the final format and context of the DLEP to be exhibited. These matters were discussed at the Planning Committee on 1 August 2006.

COMMENTS

The Certificate will be placed on public exhibition along with the other supporting information. Schedule 2 of the section 65 Certificate lists a number of amendments that are required to be made to the draft LEP prior to exhibition. The required amendments are outlined below:

Schedule 2

<i>Departmental Condition</i>	The "principal development standards" in the draft LEP are to be confined to height and floor space ratio with any other controls placed in the DCP.
<i>Action</i>	Confirmed by the Department that this requirement does not apply to the development standard relating to minimum lot size. The minimum lot size standard applying to the R3 and R4 zones remain in Draft LEP.
<i>Departmental Condition</i>	Delete the proposed Clause 21(3) in relation to "Height of Buildings".

Item 6

S04038
2 August 2006

Action	Following discussions with the Department it was agreed that this clause be retained in the DLEP and be amended to allow development on sites over 2400sqm to achieve the overall height identified on the Height of Buildings Map. Notes of the meeting from the Department of Planning staff have confirmed this.
Departmental Condition	Sites currently zoned under a business zone in the Ku-ring-gai Planning Scheme must be transferred to the B2 Local Centre zone in the draft Plan.
Action	Sites at 1233, 1245 and 1247 Pacific Highway (Masonic Centre) adjacent to the Energy Australia substation have been changed from R4 zoning to B2 zoning. Development standards similar to those under the existing commercial zoning existing have been retained due to the constraints placed on the sites by the substation. In regard to the other sites being changed from the existing commercial zoning to a non business zone, the Department confirmed that “given the small areas involved and the overall increase in the capacity of the B2 zone these changes can be supported.
Departmental Condition	Existing permitted uses in current commercial zones are to be made permissible in the B2 zone.
Action	No action required. Land use for the B2 zone is contained in principal DLEP (St Ives) and complies with previous S65 requirements.
Departmental Condition	The Special Purposes (SP2 Infrastructure) zone in the draft Plan is not to be used for car park areas, community facilities, churches or schools. These areas are to be zoned according to the adjoining land use zoning (ie. The relevant residential or commercial zone).
Action	The Uniting Church in Turrumurra Avenue has been included in the B2 – Local Centre Zone and St Margaret’s Church in Eastern Road has been included in the R4 zone.
Departmental Condition	Show all heritage items on the Land Zoning Map or on a separate Heritage Items Map.
Action	All proposed heritage items are shown on the zoning map.

The revised written instrument and Draft LEP map are included in **Attachment B** to this report.

CONSULTATION

The Department has advised the Plan is ready for formal exhibition subject to the conditions outlined in the Section 65 Certificate and as clarified by further discussion with Department of Planning staff.

FINANCIAL CONSIDERATIONS

Planning for Turrumurra Centre is covered by the Planning Department budget.

CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

Council has adopted an integrated planning approach to the centres planning and the relevant Departments have been consulted in preparing this report.

SUMMARY

The Department of Planning have issued a conditional Section 65(2) Certificate for the draft LEP 2006 exhibition – this report outlines the requirements and recommends the changes to be made.

RECOMMENDATION

That Council adopt the amended Draft Ku-ring-gai Local Environmental Plan 2006 (Town Centres) in accordance with the conditions set out in the Section 65(2) Certificate issued on 17 July 2006 and subsequent advice from the Department of Planning contained in this report, prior to formal exhibition of the draft Local Environmental Plan.

Antony Fabbro
Manager Urban Planning

Steven Head
Director Open Space and Planning

Attachments: **Attachment A - Copy of Section 65(2) Certificate Draft Ku-ring-gai Local Environmental Plan 2006 (Town Centres) issued 17 July 2006 - 644040**
 Attachment B - Revised sections of Draft Local Environmental Plan and associated maps - 648753 & 648754



NSW GOVERNMENT
Department of Planning

Office of the Director General

Mr John McKee
General Manager
Ku-ring-gai Municipal Council
Locked Bag 1056
PYMBLE NSW 2073

Contact: Peter Adrian
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Postal: GPO Box 39, Sydney 2001

Our ref: 904133-2
Your ref: s04038

Dear Mr McKee

**Draft Ku-ring-gai Local Environmental Plan 2006 (Town Centres) Amendment No 1-
Turramurra Town Centre**

I am writing in response to Council's letter dated 16 June 2006 which provides Council's report under section 64 of the *Environmental Planning and Assessment Act 1979* ('EP&A Act'), and requesting that the Director General of the Department issue a Certificate under section 65 of the EP&A Act for the draft amendment for Turramurra Town Centre.

Please find attached a conditional section 65 certificate for the draft LEP referred to above. The Council should make the necessary adjustments to the draft plan in line with the conditions specified in Schedule 2 of the Certificate prior to placing the plan on exhibition. The section 65 Certificate is to be exhibited with the amended draft Plan.

In addition to these requirements Council is requested to provide the following information to the Department:

1. Demonstrate that capacity provided by the R4 and B2 zones will deliver additional dwellings and commercial yields sufficient to meet Council's Metropolitan Strategy targets.
2. Demonstrate RTA approval has been provided for rezoning of lands currently shown as road reservation.
3. Demonstrate State Rail approval has been provided to rezone railway lands to alternative uses.

This information must be provided as part of Council's section 68 (4) submission, if not provided earlier.

Should you have any queries in regard to this matter please contact the Regional Office of the Department.

Yours sincerely

per Sam Haddad
Director General

17/7/06





ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

SECTION 65(2) CERTIFICATE

I, the Director General of the Department of Planning under Section 65(2) of the Environmental Planning and Assessment Act 1979, certify that the draft plan named in Schedule 1 may be publicly exhibited under Section 66 of the Act if it is amended in the way set out in Schedule 2 (File 904133).

Dated 17th day of JULY 2006.

Sam Gabriel Haddad
DIRECTOR GENERAL
Department of Planning

Schedule 1

Draft Ku-ring-gai Local Environmental Plan 2006 (Town Centres) Amendment No 1 –
Turramurra Town Centre

To zone lands in the Turramurra locality for residential and business uses subject to the conditions listed in Schedule 2.

Schedule 2

- The 'principal development standards' in the draft LEP are to be confined to height and floor space ratio with any other controls placed in the DCP.
- Delete the proposed clause 21(3) in relation to "Height of Buildings".
- Sites currently zoned under a business zone in the Ku-ring-gai Planning Scheme must be transferred to the B2 Local Centre zone in the draft Plan.
- Existing permitted uses in current commercial zones are to be made permissible in the B2 zone.
- The Special Purposes (SP2 Infrastructure) zone in the draft Plan is not to be used for car park areas, community facilities, churches or schools. These areas are to be zoned according to the adjoining land use zoning (i.e. the relevant residential or commercial zone).
- Show all heritage items on the Land Zoning Map or on a separate Heritage Items Map.

**Draft Ku-ring-gai Local Environmental Plan 2006 (Town Centres)
(Draft Amendment No 1)**

under the

Environmental Planning and Assessment Act 1979

I, the Minister for Planning, make the following local environmental plan under the
Environmental Planning and Assessment Act 1979.

FRANK SARTOR, M.P.,
Minister for Planning

Draft Ku-ring-gai Local Environmental Plan 2006 (Town Centres) (Draft Amendment No 1)

under the

Environmental Planning and Assessment Act 1979

1 Name of plan

This plan is *Draft Ku-ring-gai Local Environmental Plan 2006 (Town Centres) (Draft Amendment No 1)*.

2 Aims of plan

The aim of this plan is to make local environmental planning provisions for land in Turramurra in accordance with the relevant standard environmental planning instrument under section 33A of the Act.

3 Land to which plan applies

This plan applies to the land identified on the map marked “Draft Ku-ring-gai Local Environmental Plan 2006 (Town Centres) (Draft Amendment No 1) Land Application Map” deposited in the office of Ku-ring-gai Council.

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

Draft Ku-ring-gai Local Environmental Plan 2006 (Town Centres) is amended as set out in Schedule 1.

Schedule 1 Amendments

(Clause 4)

[1] Clause 3 Land to which this plan applies

Insert at the end of clause 3 after the word 'Map':

‘as amended by:

Draft Ku-ring-gai Local Environmental Plan 2006 (Town Centres) (Draft Amendment No 1) Land Application Map.’

[2] Clause 7 Maps

Delete the note at the end of clause 7(3) and replace with the following:

‘Note. The maps adopted by this plan are:

- i) Draft Ku-ring-gai (Town Centres) Local Environmental Plan Land Zoning Map as amended by:
 - Draft Ku-ring-gai (Town Centres) Local Environmental Plan 2006 (Draft Amendment No 1) Land Zoning Map
- ii) Draft Ku-ring-gai (Town Centres) Local Environmental Plan Lot Size Map as amended by:
 - Draft Ku-ring-gai (Town Centres) Local Environmental Plan 2006 (Draft Amendment No 1) Lot Size Map.
- iii) Draft Ku-ring-gai (Town Centres) Local Environmental Plan Height of Buildings Map as amended by:
 - Draft Ku-ring-gai (Town Centres) Local Environmental Plan 2006 (Draft Amendment No 1) Height of Buildings Map.
- iv) Draft Ku-ring-gai (Town Centres) Local Environmental Plan Floor Space Ratio Map as amended by:
 - Draft Ku-ring-gai (Town Centres) Local Environmental Plan 2006 (Draft Amendment No 1) Floor Space Ratio Map.
- v) Draft Ku-ring-gai (Town Centres) Local Environmental Plan Building Site Coverage Map as amended by:
 - Draft Ku-ring-gai (Town Centres) Local Environmental Plan 2006 (Draft Amendment No 1) Building Site Coverage Map.’

[3] Clause 10 Land use zones

Insert the following under the words ‘SP 2 Infrastructure’:

‘**Recreation Zones**
RE1 Public Recreation’.

[4] Land Use Table

In the 'Land Use' table insert the following additional zone after 'Zone SP 2 Infrastructure':

Zone RE1 Public Recreation

1 Objectives of zone

- To enable land to be used for public open space or recreational purposes.
- To provide a range of recreational settings and activities and compatible land uses.
- To protect and enhance the natural environment for recreational purposes.

2 Permitted without consent

Public utility undertakings; Utility installations

3 Permitted with consent

Advertising structures; Caravan parks; Community facilities; Drainage; Environmental facilities; Environmental protection works; Kiosks; Recreation areas; Registered clubs; Roads; Signage; Telecommunications facilities

4 Prohibited

Any use not otherwise permitted with or without consent.'

[5] Clause 21 Height of Buildings

Insert the following clause after clause 21(2)(d):

- '(3) Notwithstanding clause 21(1), the maximum height of buildings in the R4 - High Density Residential Zone is not to exceed the maximum height in the table below.

Site Area	Maximum Height of Buildings
Less than 1800sqm	3 storeys
1800sqm or more but less than 2400sqm	4 storeys
2400sqm or more	Maximum floors indicated on the Height of Buildings Map.

[6] Schedule 1 Additional permitted uses

Insert in the table under Schedule 3 the following:

Lot Description	Address	Additional Permitted Uses
Lot 7, DP214733 & Lot 6, DP26828	1334 & 1340 Pacific Highway, Turramurra	Business premises; Medical centre; Office premises; Restaurant
Pt. Lot 2, DP183894	1335 Pacific Highway	Business premises; Office premises;
Lot B, DP400653	1337 Pacific Highway	Business premises; Office premises; Retail
Lot 1, DP807765	1408 Pacific Highway	Service station

[7] Schedule 4 Classification and reclassification of public land

Insert in the table under the heading 'Reclassification of Land as Operational' the following:

Item No.	Address	Property	Description
	2-8 Turramurra Avenue	Lot 2, DP840070	Turramurra Avenue Car Park
	1-7 Gilroy Road	Lot 1, DP840070	Turramurra Senior Citizens Centre; Ku-ring-gai Support and Services Centre – HACC
	12 William Street	Lot 1, DP519532	William Street Car Park
	5 Ray Street	Lot 2, DP221290	Ray Street Car Park; Turramurra Library
	1A-3 Kissing Point Road	Lot 2, DP500761, Lot 2, DP500077, Lot 2, DP502388, Lot A, DP391538 & Lot B DP435272	Kissing Point Road Car Park
	3 Stonex Lane & 4 Duff Street	Lot 2, DP550866 & Lot 1, DP807766	Stonex Lane & Duff Street car park

[8] Schedule 5 Environmental Heritage

Insert in the table under Schedule 5 the following:

Suburb	Item Name	Address	Property	Significance
Turramurra	Masonic Temple,	1247 Pacific Highway	Lot 1, DP303959	Local
Turramurra	Hillview	1334 Pacific Highway	Lot 7, DP214733	Local
Turramurra	Hillview Garages	1340 Pacific Highway	Lot 6, DP26828	Local
Turramurra	Former	1356 Pacific Highway	Lot 5, DP132873	Local

Turrumurra	Commonwealth Bank	1358 and 1360 Pacific Highway	Lot A & B, DP445374 Lot 8, DP237813	Local
Turrumurra		1428 Pacific Highway,	Lot 2, DP308421	Local
Turrumurra		1458 Pacific Highway,	Lot A, DP374006	Local
Turrumurra	Uniting Church	10 Turrumurra Avenue,	Lot 1, DP834582	Local
Turrumurra		8 Kissing Point Road,	Lot 1, DP743998	Local
Turrumurra		2-4 Boyd Street,	Lot 2, DP596228	Local
Turrumurra		8 Ray Street,	Lot 4, DP11752	Local
Turrumurra	St Margaret's Church	17A Eastern Road,	Lot1, DP830432	Local



<div><div><div>NORTH</div><div></div></div><div>SCALE:1:3000</div></div> <div><div></div><div>Land to which this plan applies</div></div>		<div>ENVIRONMENTAL PLANNING & ASSESSMENT ACT,1979</div> <div>KU-RING-GAI COUNCIL</div> <div>DRAFT KU-RING-GAI LOCAL ENVIRONMENTAL PLAN 2006 - (TOWN CENTRES)</div> <div>AMENDMENT NO.1</div> <div>Land Application Map (clause 3)</div>		<div>STATEMENT OF RELATIONSHIP WITH OTHER PLANS</div> <div>AMENDS THE KU-RING-GAI PLANNING SCHEME</div> <div>CERTIFIED IN ACCORDANCE WITH THE ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979, AND REGULATIONS.</div> <div>GENERAL MANAGER DATE 7 August 2006</div>
DRAWN BY: COUNCIL,S LAND INFORMATION DIVISION				
PLANNING OFFICER : ANTONY FABBRO				
COUNCIL FILE NO.				
DEPT. FILE NO.				
CERTIFICATE ISSUED UNDER SEC.65 E.P.A.ACT				DATE
GOVT. GAZETTE NO.				DATE

Zone Description	
Residential Zones	<div></div>
Zone R3 - Medium Density Residential	
Zone R4 - High Density Residential	
Business Zones	<div></div>
Zone B2 - Local Centre	
Special Purpose Zones	<div></div>
SP2 - Infrastructure	
Recreation Zones	<div></div>
RE1 - Public Recreation	
Item	
Heritage Item	<div></div>
Heritage Conservation Area	<div></div>
Archaeological site	<div></div>
Access across boundaries restricted	<div></div>
Foreshore protection line	<div></div>
Foreshore protection area	<div></div>
Scenic protection area	<div></div>
Environmentally sensitive land	<div></div>
Riparian land	<div></div>
<div></div> North	SCALE: 1:4000
DRAWN BY: COUNCIL,S LAND INFORMATION DIVISION	
PLANNING OFFICER : ANTONY FABBRO	
COUNCIL FILE NO.	
DEPT. FILE NO.	
CERTIFICATE ISSUED UNDER SEC.65 E.P.A.ACT	DATE
GOVT. GAZETTE NO.	DATE



ENVIRONMENTAL PLANNING & ASSESSMENT ACT,1979

KU-RING-GAI COUNCIL

DRAFT KU-RING-GAI LOCAL ENVIRONMENTAL PLAN 2006 - (TOWN CENTRES)

AMENDMENT NO.1

Land Zoning Map (clause 11)

STATEMENT OF RELATIONSHIP WITH OTHER PLANS	
AMENDS THE KU-RING-GAI PLANNING SCHEME	
CERTIFIED IN ACCORDANCE WITH THE ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979, AND REGULATIONS.	
GENERAL MANAGER	DATE 7 August 2006



SCALE:1:3000

R3 = Minimum 1200 sqm
R4 = Minimum 1800 sqm

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PLANNING OFFICER : ANTONY FABBRO	
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DEPT. FILE NO.	
CERTIFICATE ISSUED UNDER SEC.65 E.P.A.ACT	DATE
GOVT. GAZETTE NO.	DATE

ENVIRONMENTAL PLANNING & ASSESSMENT ACT,1979

KU-RING-GAI COUNCIL

DRAFT KU-RING-GAI LOCAL ENVIRONMENTAL PLAN 2006 - (TOWN CENTRES)

AMENDMENT NO.1

Lot Size Map (clause 19)

STATEMENT OF RELATIONSHIP WITH OTHER PLANS AMENDS THE KU-RING-GAI PLANNING SCHEME	
CERTIFIED IN ACCORDANCE WITH THE ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979, AND REGULATIONS.	
GENERAL MANAGER	DATE 07 August 2006



NORTH



SCALE:1:3000



Maximum height shown in storeys

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PLANNING OFFICER : ANTONY FABBRO	
COUNCIL FILE NO.	
DEPT. FILE NO.	
CERTIFICATE ISSUED UNDER SEC.65 E.P.A.ACT	DATE
GOVT. GAZETTE NO.	DATE

ENVIRONMENTAL PLANNING & ASSESSMENT ACT,1979

KU-RING-GAI COUNCIL

DRAFT KU-RING-GAI LOCAL ENVIRONMENTAL PLAN 2006 - (TOWN CENTRES)

AMENDMENT NO.1

Height Map (clause 21)

STATEMENT OF RELATIONSHIP WITH OTHER PLANS AMENDS THE KU-RING-GAI PLANNING SCHEME	
CERTIFIED IN ACCORDANCE WITH THE ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979, AND REGULATIONS.	
GENERAL MANAGER	DATE 07 August 2006



<div><div>NORTH</div><div>↑</div></div> <div>SCALE:1:3000</div>		<div><div>1.3:1</div></div> <div>Floor Space Ratios (FSR)</div>
DRAWN BY: COUNCIL,S LAND INFORMATION DIVISION	<div>ENVIRONMENTAL PLANNING & ASSESSMENT ACT,1979</div> <div>KU-RING-GAI COUNCIL</div> <div>DRAFT KU-RING-GAI LOCAL ENVIRONMENTAL PLAN 2006 - (TOWN CENTRES)</div> <div>AMENDMENT NO.1</div> <div>Floor Space Ratio Map (clause 22)</div>	STATEMENT OF RELATIONSHIP WITH OTHER PLANS
PLANNING OFFICER : ANTONY FABBRO		AMENDS THE KU-RING-GAI PLANNING SCHEME
COUNCIL FILE NO.		
DEPT. FILE NO.		
CERTIFICATE ISSUED UNDER SEC.65 E.P.A.ACT		DATE
GOVT. GAZETTE NO.		DATE
		<div>CERTIFIED IN ACCORDANCE WITH THE ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979, AND REGULATIONS.</div> <div>GENERAL MANAGER</div> <div>DATE 7 August 2006</div>

ALLOCATION OF DWELLING YIELD FOR NORTHERN SUB-REGION

EXECUTIVE SUMMARY

PURPOSE OF REPORT:

For Council to consider an offer of allocation of dwelling yield for the Northern sub-region component of the Metropolitan Strategy.

BACKGROUND:

Council previously considered a report to negotiate numbers with Hornsby on 27 June 2006. As a result Hornsby has offered an allocation of dwellings to Ku-ring-gai.

COMMENTS:

The information provided is to assist Council to determine its position in relation to the offer by Hornsby Council and resolve its course of action.

RECOMMENDATION:

That Council determine its position in relation to the offer made by Hornsby Council for allocation of dwelling yield to 2031 under the Metropolitan Strategy.

PURPOSE OF REPORT

For Council to consider an offer of allocation of dwelling yield for the Northern sub-region component of the Metropolitan Strategy.

BACKGROUND

A report on Metropolitan Strategy to Council on 27 June 2006 is background to this report and is **attachment one**.

Council's resolution regarding this matter is outlined below:

- A. *That the Mayor, General Manager and Director Open Space and Planning be delegated to resolve the matter with Hornsby Council (including their Mayor and staff as appropriate).*
- B. *That staff enter yield and centre typology consistent with the tables outlined in this report and final figures negotiated with Hornsby Council into the Model.*
- C. *That a further briefing be provided for Councillors to outline the final makeup of Council's input to the Model.*
- D. *That the final number of dwellings allocated to Ku-ring-gai as a component of the Sydney North Sub-Region dwelling target be formally reported to Council.*

A copy of a report considered by Hornsby Council and subsequent resolution on the Metropolitan Strategy has been previously forwarded to Councillors and is attachment two.

Following Council's resolution, the Mayor, General Manager and Director Open Space & Planning have met with a delegation from Hornsby Council. As a result of this meeting Hornsby have offered the following allocation of dwellings to 2031 (14,960 dwellings).

Hornsby	11,000
Ku-ring-gai	10,000
Total Required	21,000

This represents a percentage break up of 52.4% to Hornsby and 47.6% to Ku-ring-gai. Based on information contained in attachment one, this would require an approximate take up of 67% of current zoned and anticipated zonings from Stage 1 and 2 of Council's Residential Development Strategy.

A number of matters have been raised as being pertinent to Councils consideration of the break up. These matters include relationship to the draft NSROC Planning Strategy, completed development in the years leading up to 2004 for both Councils, development achieved since 2004, potential dwelling yield that Hornsby has outlined to 2031, percentage increase in dwelling numbers and percentage population increase to 2031.

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S02315
8 August 2006

The development of a NSROC Strategy was to provide a regional response to the development of a Metropolitan Strategy. This document, which has not been adopted, nor exhibited by Ku-ring-gai is not a statutory document and is to the knowledge of staff, not connected with the Department of Planning's Metropolitan Strategy.

A report from the Executive Officer (**attachment three**) of NSROC is due to be considered by NSROC on 10 August 2006 and highlights that most regions will not be responding to the Department of Planning requests to allocate dwelling yields to 2031. This is due to a range of factors as outlined in that attachment including lack of zoning capacity and concerns regarding deliveries of infrastructure and the Metrix tool.

Attachment four provides a table that identifies current figures for both Hornsby and Ku-ring-gai from the Metrix at both an LGA and centre level.

Attachments one and two highlight existing and anticipated zoning and yield for both Councils. The total of both Councils potential zoning should allow each Council to reach the apportioning as offered by Hornsby.

COMMENTS

The information provided is to assist Council to determine its position in relation to the offer by Hornsby Council and resolve its course of action.

Council is required to reach agreements with Hornsby prior to the next planning workshop which has been tentatively scheduled for the third week in August. In the event that an agreement cannot be reached, the Department has indicated that it will assist in determining allocations.

CONSULTATION

Much of the information outlined in the subregional Metrix Model has been restricted to Council viewing only. Consequently given this and the timeframes involved, consultation has not been undertaken with the community generally. Various dwelling yields outlined in this report are the collective result of other planning work, of which has been subject to various levels of consultation with and information to the community.

Two briefings have been undertaken with Councillors in the preparation of dwelling yield targets for Ku-ring-gai.

A further briefing with Councillors has been undertaken in the preparation of this report.

FINANCIAL CONSIDERATIONS

None undertaken for this report.

CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

None undertaken for this report.

SUMMARY

As a component of the Metropolitan Strategy, an increase of dwellings of 21,000 to 2031 has been allocated to the Sydney North sub-region which includes Ku-ring-gai and Hornsby. Following Councils resolution of 27 June 2006 concerning this matter, a meeting has been held with Hornsby Council. Hornsby have offered a split of 11,000 dwellings for Hornsby and 10,000 for Ku-ring-gai.

RECOMMENDATION

- A. That Council determine its position in relation to the offer made by Hornsby Council for allocation of dwelling yield to 2031 under the Metropolitan Strategy.
- B. Should Council resolve a position in "A" above, that Council formally write to the Department of Planning, reinforcing the following:
 - 1. That the allocation of dwellings is the maximum total dwellings required to be achieved by Ku-ring-gai until 2031; and
 - 2. The allocation between Hornsby and Ku-ring-gai will not form the basis of apportionment for any other, or future planning initiatives for dwelling yield with Ku-ring-gai.

John McKee
General Manager

Steven Head
Director Open Space & Planning

Attachments:

- 1. Metropolitan Strategy Council Report 27 June 2006 - 632980**
- 2. Hornsby Council recommendation from Planning meeting 19.7.06 - 649084**
- 3. Metropolitan Strategy section from NSROC meeting agenda 10 August 2006 - 649026**
- 4. Northern sub-region Metrix allocation for dwellings to 2031 - 649087**

METROPOLITAN STRATEGY

EXECUTIVE SUMMARY

PURPOSE OF REPORT:

For Council to consider its position for sharing of dwelling and employment targets with Hornsby LGA toward the Northern subregion component of the Metropolitan Strategy.

BACKGROUND:

A component of the Sydney Metropolitan Strategy is the preparation of housing and employment targets.

COMMENTS:

Council is required as part of the Sydney North Sub-Region to provide its contribution to dwelling targets.

RECOMMENDATION:

That the Mayor, General Manager and Director Open Space and Planning be delegated to resolve the matter with Hornsby Council (including their Mayor and staff as appropriate).
That Council determine a figure for the purposes of this negotiation. That staff enter yield and centre typology consistent with the tables outlines in this report and final figures negotiated with Hornsby Council into the Model.

PURPOSE OF REPORT

For Council to consider its position for sharing of dwelling and employment targets with Hornsby LGA toward the Northern subregion component of the Metropolitan Strategy.

BACKGROUND

Metropolitan Strategy

In an effort to provide for and guide the future development of Sydney covering employment and residential needs the State Government have developed the Metropolitan Strategy.

Given likely population growth and demographic change it has been outlined that the city will need approximately 500,000 new dwellings by 2031, the period covered by the Metropolitan Strategy.

Detailed information regarding background to the Metropolitan Strategy, its aim and process have previously been disseminated to Councils and can be downloaded from www.metrostrategy.nsw.gov.au.

The Strategy is effectively based on a concentration of growth of centres around retail/ commercial precincts with complementary services such as transport as the most effective means of delivering growth in a way which will improve the liveability of the city, provide a mix of uses and activities in every area and promote the centres as stronger focal points for local residents.

A hierarchy of centres has been identified which include neighbourhood, small village, village, town centre and major centre to assist in identifying current and future centre types and to identify potential dwelling yields within these areas.

A significant component of the Metropolitan Strategy is the allocation of residential dwelling and employment targets on a subregional basis. A combined figure for the Hornsby and Ku-ring-gai LGA's has been identified which requires a dwelling increase of 20,000 additional dwellings. This figure represents the expectation of residential dwelling increase on the ground by 2031. This figure is required to be allocated across both Hornsby and Ku-ring-gai. It should also be noted that this figure is the requirement for growth of actual dwellings and that appropriate zoning will be required considerably above this figure as the full potential of zonings are often not realised.

Subregional Metrix Model

To assist in the development of yield targets consistent with the various centre typologies, to provide a means for testing alternative distribution of dwelling yields and to aid in monitoring of actual dwelling increases the Department of Planning have developed a software tool utilising Geographic Information Systems overlaid with various layers of data based on Australian Census Collector Districts.

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Based on the census collector districts and Sydney Water connections, a benchmark number of actual dwellings for all LGA's have been established. For Ku-ring-gai the total dwellings in 2004 were 35,493.

The software tool additionally outlines a number of dwelling assumptions based on centre typology to predict a series of yield targets at 2013, 2021 and 2031. For the Hornsby Ku-ring-gai area this is identified at approximately 36,000 dwellings.

The software tool also provides information on current zoning, potential of existing planning schemes to highlight potential inconsistencies with centre based planning. Areas not provided for within collector districts allocated within specific centres are considered within the model collectively as infill. Significantly collector districts not allocated to a specific centre within the model will incur larger discounts to the take up rate of dwellings outlined for target years 2021 and 2031. That is larger areas will be required to be zoned to produce dwellings that are equivalent to what can be achieved within the centres. This drop in what are referred to as "build our rates" reflects the policy of reducing the amount of additional dwellings in areas not related to centres.

Work to date by Council

Since Council was provided access to the software tool (15 June 2006) staff have undertaken an initial review of both the software tool and information provided by it.

An overlay of Council's own GIS system with dwelling data sources from Proclaim identified to each collector district has been undertaken. This provides an accurate benchmark for Council as of June 2006. This figure of 36,493 represents a growth of 1,000 dwellings from Department of Planning figures of 2004. Further analysis of this figure is being currently undertaken.

Detailed yields anticipated from Stage One of Council's RDS and Stage Two (Centres Planning) are currently being applied to this overlay prior to any actual input of data into the Department of Planning's Subregional Metrix Model. Updates to this program are accessible by the Department and other Councils.

Although allocation of Stage One and Stage Two yields have not been allocated fully to census districts the table below (Table 1) provides a detailed view on potential dwelling yields identified to date. Additional potential dwellings in infill areas outside of 2D3 zones have not been identified.

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Table 1

**Ku-ring-gai Residential Development Strategy (RDS)
Proposed Dwelling Yields to 2031**

Suburb	Stage 1 <i>LEP 194, LEP 200 & Minister's Targeted Sites</i>		Stage 2 <i>Town Centres</i>		Total <i>Stage 1 + Stage 2</i>	
	<i>Dwellings*</i>	<i>Projected pop'n^</i>	<i>Dwellings#</i>	<i>Projected pop'n^</i>	<i>Dwellings</i>	<i>Projected pop'n^</i>
Roseville	544	968	379	675	923	1 643
Lindfield	1 589	2 828	758	1 350	2 347	4 178
Killara	1 657	2 949	-	-	1 657	2 949
Gordon	1 352	2 407	1 641	2 920	2 993	5 327
Pymble	832	1 481	379	675	1 211	2 156
Turramurra	1 163	2 070	748	1 330	1 911	3 400
Warrawee	351	625	-	-	351	625
Wahroonga	999	1 778	-	-	999	1 778
St Ives	1 815	3 231	753	1 340	2 568	4 571
Total	10 302	18 337	4 658	8 290	14 960	26 627

* Based on 110sqm per dwelling

These preliminary figures assume:

- 80sqm average for shop top units;
- 110sqm average for non shop top units.

^ Occupancy rate assumed to be 1.78 per dwelling. This may be revised down for Stage 2 units.

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Table 2 below outlines proposed changes to the Centre typology to be included in the final version of the model to be submitted to the Department.

Subregional Plan – Centres Classification

Centre	Current DoP Centre Role	Proposed Centre Role
East Killara	Neighbourhood	Neighbourhood
East Lindfield	Neighbourhood	Neighbourhood
Eastern Rd-Turramurra	Neighbourhood	Neighbourhood
Fox Valley	Neighbourhood	Neighbourhood
Gordon	Town	Town
Hampden Ave Shops-Nth Wahroonga	Neighbourhood	Neighbourhood
Killara	Neighbourhood	Neighbourhood
Lindfield	Small Village	<i>Village</i>
North Turramurra	Small Village	<i>Neighbourhood</i>
Princes St-Turramurra	Neighbourhood	Neighbourhood
Pymble	Small Village	Small Village
Roseville	Small Village	Small Village
Roseville Chase	Neighbourhood	Neighbourhood
South Turramurra	Neighbourhood	Neighbourhood
St Ives	Village	Village
St Ives Chase	Neighbourhood	Neighbourhood
St Ives North	Neighbourhood	Neighbourhood
Turramurra	Village	Village
Wahroonga	Small Village	Small Village
Warrawee	Neighbourhood	Neighbourhood
West Gordon	Neighbourhood	Neighbourhood
West Lindfield	Neighbourhood	Neighbourhood
West Pymble	Small Village	<i>Neighbourhood</i>

COMMENTS

Council is required in conjunction with Hornsby to allocate the 20,000 dwellings required across the two LGA's. The Department of Planning have advised that these figures should be entered into the Metrix software tool by the third joint workshop with Hornsby Council and the Department of Planning. Once finalised, the targets will be binding. Staff from the Department have outlined that the next (third) workshop will be held mid July to early August, but no time has yet been set. It has also been further outlined that work on the employment targets will be discussed in more detail at the next workshop.

In order that discussion and negotiation with Hornsby can proceed, Council will need to adopt its position regarding the number of dwellings.

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Review of growth of dwellings achieved from 2004 to present and an increase of potential yields from the zoning of the Minister's sites, LEP 194, 200 and from Centres Planning provide for a growth of up to 16,000 dwellings bearing in mind that the actual take up rate for these rezonings will be somewhat lower. Feedback from the meeting of the Mayor and General Manager with the Director General and Acting Executive Director, Metropolitan Planning from the Department of Planning is that a figure considerably less than half of the total for the sub-region being allocated to Ku-ring-gai would represent a satisfactory outcome.

Accordingly the following course of action is proposed:

- 1) That the Mayor, General Manager and Director Open Space and Planning be delegated to resolve the matter with Hornsby Council (including their Mayor and staff as appropriate).
- 2) That Council determine a figure for the purposes of this negotiation.
- 3) That staff enter yield and centre typology consistent with the tables outlined in this report and final figures negotiated with Hornsby Council into the Model.
- 4) That a further briefing be provided for Councillors to outline the final makeup of Council's input to the Model.

CONSULTATION

Much of the information outlined in the subregional Metrix Model has been restricted to Council viewing only. Consequently given this and the timeframes involved, consultation has not been undertaken with the community generally. Various dwelling yields outlined in this report are the collective result of other planning work, of which has been subject to various levels of consultation with and information to the community.

Two briefings have been undertaken with Councillor's in the preparation of dwelling yield targets for Ku-ring-gai.

FINANCIAL CONSIDERATIONS

Financial considerations have not been undertaken in the preparation of this report. Various financial aspects of re-development, viability and impacts on community of the Ku-ring-gai centres LEP are currently being undertaken.

CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

There was no consultation with other Council departments.

SUMMARY

As a component of the Metropolitan Strategy, an increase of dwellings of 20,000 actual residents by 2031 has been allocated to the Sydney North subregion which includes Ku-ring-gai and Hornsby.

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This figure needs to be allocated across both LGA's and final centre typology and associated dwelling targets allocated within the subregional Metrix Model. These will be required to correlate with the agreed targets.

This report seeks delegation of Council for the Mayor, General Manager and Director Open Space and Planning to negotiate an appropriate figure with Hornsby Council.

RECOMMENDATION

- A. That the Mayor, General Manager and Director Open Space and Planning be delegated to resolve the matter with Hornsby Council (including their Mayor and staff as appropriate).
- B. That Council determine a figure for the purposes of this negotiation.
- C. That staff enter yield and centre typology consistent with the tables outlined in this report and final figures negotiated with Hornsby Council into the Model.
- D. That a further briefing be provided for Councillors to outline the final makeup of Council's input to the Model.

Antony Fabbro
Manager Urban Planning

Steven Head
Director Open Space & Planning



The Shire of Hornsby

Recommendation - Planning Meeting - 19/07/2006

No additional information.

12 PLN212/06 DRAFT NORTHERN SYDNEY SUB-REGIONAL PLANNING STRATEGY - DWELLING TARGETS - recommending

THAT:

1. The contents of Executive Manager's Report No. PLN212/06, Planning Division be received and noted.
2. A workshop for Councillors be conducted on 25 July 2006 to discuss the draft Sub-Regional Planning Strategy for the North Region currently being prepared by the Department of Planning and the draft dwelling targets for inclusion in the Strategy.
3. Council insert dwelling projections into the Department of Planning Sub-Regional METRIX Planning tool based on potential dwelling yield under existing planning strategies.
4. The total number of dwellings allocated to Hornsby Shire as a component of the Sydney North Sub-Regional dwelling target be reported to Council when finalised by the Department.

(F2004/07491)



The Shire of Hornsby

Executive Manager's Report No. PLN212/06

Planning Division

Date of Meeting : 19/07/2006

Item No: Subject:

12 DRAFT NORTHERN SYDNEY SUB-REGIONAL PLANNING STRATEGY - DWELLING TARGETS

EXECUTIVE SUMMARY

The Metropolitan Strategy identifies that 21,000 new dwellings should be provided within the North Sub-Region (comprising Hornsby and Ku-ring-gai Councils) by the year 2031. To guide the distribution of dwellings between councils in the sub-region, the Department of Planning has released METRIX, an on-line planning tool. Councils have been requested to input their expected dwelling yields into METRIX, to year 2031. Councils are then requested to collaborate and to come to a third Sub-Regional Planning Workshop (to be held between mid-July and August 2006) with an agreed draft dwelling distribution between the councils in the sub-region. Once agreed, the overall local government area targets will become binding.

This report discusses the dwelling targets for Hornsby Shire identified in the Sub-Regional METRIX planning tool. The report also addresses the implications of the dwelling targets for Hornsby Shire in terms of the NSROC Planning Strategy and the progression of the Hornsby Shire Housing Strategy. The report recommends a workshop for Councillors be conducted on 25 July 2006 to discuss the draft Sub-Regional Planning Strategy for the North Region currently being prepared by the Department of Planning and the draft dwelling targets for inclusion in the Strategy.

As Council has not commenced the long term actions in the Hornsby Shire Housing Strategy, the input of dwelling projections for Hornsby Shire can only be based on development potential under Council's existing planning strategies. Accordingly, the report recommends that Council insert dwelling projections into the Department of Planning METRIX Planning tool based on potential dwelling yield under existing planning strategies. Once the overall local government area targets are finalised by the Department of Planning, it is recommended a report be presented to Council advising of same.

PURPOSE

The purpose of this report is to update Council on the draft Sub-Regional Planning Strategy for the North Region currently being prepared by the Department of Planning and the draft dwelling targets for inclusion in the Strategy.

BACKGROUND

On 4 December 2005, the State Government released the Metropolitan Strategy *'City of Cities – A Plan for Sydney's Future'*. The Metropolitan Strategy is a strategic document that outlines a vision for Sydney and provides a broad framework to facilitate and manage growth and development over the next 25 years. At its meeting on 17 May 2006, Council considered Executive Manager's Report No. PLN140/06 presenting the Strategy and outlining its implications for Hornsby Shire and resolved to note the contents of the report.

As the first step in implementing the Metropolitan Strategy, the State Government is preparing Sub-Regional Plans. The metropolitan area of Sydney has been arranged into ten sub-regions that combine local government areas with similar issues and challenges in terms of planning for growth and managing change. The State Government has stated that Sub-Regional Plans will guide the preparation of new comprehensive Local Environmental Plans (LEPs) by councils.

On 9 March 2006, the Mayor and Council officers attended a Sub-Regional Planning Workshop facilitated by representatives from the Department of Planning (DoP). The workshop was also attended by representatives from Ku-ring-gai Municipal Council and the Executive Director of the Northern Sydney Region Organisation of Councils (NSROC). The purpose of the workshop was to confirm the existing hierarchy of commercial centres within the sub-region and identify their future strategic direction. The Workshop was also conducted to discuss the total dwelling and employment targets for the sub-region as contained in the Metropolitan Strategy.

On 19 May 2006, representatives from the Planning Division attended a second Sub-Regional Planning Workshop to discuss total dwelling targets in more detail. Specifically, the workshop was conducted to discuss the Sub-Regional METRIX planning tool developed by the DoP. The Department states that the purpose of METRIX is to allow councils to agree on the overall dwelling targets for each local government area to guide the detailed distribution of dwellings whilst meeting Metropolitan Strategy Sub-Regional dwelling targets.

On 13 June 2006, each council was provided with access to METRIX and has been requested to input their expected dwelling yields to 2031. This may be based upon existing council policy, as well as any additional knowledge of future expected yields. Councils are then requested to collaborate and discuss dwellings numbers, and to come to the third round of workshops with an agreed draft distribution between councils in each sub-region. The Department has advised that the third round of Sub-Regional Workshops will be held between mid-July and August 2006.

DISCUSSION

This report discusses the dwelling targets for Hornsby Shire identified in the Sub-Regional METRIX planning tool developed by the Department of Planning in the context of the Metropolitan Strategy and Sub-Regional Plans. The report also addresses the implications of the dwelling targets for Hornsby Shire in terms of the NSROC Planning Strategy and the progression of the Hornsby Shire Housing Strategy.

Metropolitan Strategy

The Metropolitan Strategy is a strategic document that outlines a vision for Sydney and provides a broad framework to facilitate and manage growth and development over the next 25 years. Detailed sub-regional planning will translate the Strategy into strategies for each group of local government areas within Sydney. Hornsby has been grouped with Kuring-gai Council to form the 'North' sub-region.

The Metropolitan Strategy contains seven (7) subject areas or strategies, addressing Economy and Employment, Centres and Corridors, Housing, Transport, Environment and Resources, Parks and Public Places, and Implementation and Governance. The objectives, actions and targets under these strategies will need to be upheld in all of Council's strategic planning projects. In addition, Council will be required to meet employment and housing targets, to be finalised through the sub-regional planning process facilitated by the Department of Planning. Council will also be required to investigate new policy areas such as the provision of affordable housing and incorporation of additional provisions for aged housing within its comprehensive LEP.

Specifically, the Housing Strategy component of the Metropolitan Strategy reflects a 'concentrated' model whereby new development is promoted in and around centres, towns, villages and neighbourhoods and is focussed on public transport. Similar to previous Metropolitan Strategies, the Strategy seeks to provide 60 to 70% of new housing in existing urban areas. Between 30 and 40% of new housing will occur in land release areas, however only where the development meets new sustainability criteria.

Under the Strategy, the housing target for the North subregion (Hornsby and Kuring-gai) is 21,000 new dwellings by 2031. Housing quotas have not been apportioned to individual local government areas within the Metropolitan Strategy.

Sub-Regional Plans

The first step in implementing the Metropolitan Strategy will be sub-regional planning, to be completed in 2006/2007 by the State Government in collaboration with local government and in consultation with the community and business groups. The DoP states that the metropolitan area of Sydney has been arranged into ten sub-regions that combine local government areas with similar issues and challenges in terms of planning for growth and managing change.

Sub-regional planning will allow local knowledge to be used to understand where there is capacity for additional homes and jobs in each part of Sydney and the infrastructure and service implications. Sub-regional strategies will guide new LEPs to be prepared by councils and will provide:

- a vision for the future role of the sub-region;
- clarity on the future roles of centres;
- staging and prioritisation of renewal;
- a framework for potential agreements between local governments concerning coordinated planning, funding and development contributions, local transport, open space networks and biodiversity;

- a framework for prioritisation of State infrastructure;
- housing targets (amount, distribution and mix); and
- employment capacity targets for local planning (amount, distribution and mix).

Sub-regional strategies will be informed by existing and planned infrastructure, and will identify priorities for future infrastructure to support urban growth. The Strategy states that the amount and timing of infrastructure will be aligned with redevelopment to ensure the efficient allocation of resources.

At the first Sub-Regional Planning Workshop on 9 March 2006, DoP representatives commented that the Metropolitan Strategy recognises that policy must reflect the diversity of Sydney's centres, their different sizes and functions and consider the specific attributes and opportunities in each. The Strategy proposes an increase in the share of jobs in strategic centres. Opportunities to increase the number of residents living adjacent and accessible to strategic centres will also be pursued.

DoP representatives advised that new LEPs will be required to reflect the employment and dwelling targets identified in the Metropolitan Strategy and sub-regional plan (ie. 21,000 new dwellings and 8,000 new jobs for the North sub-region). State Government led planning in strategic centres and Council's involvement in sub-regional planning will inform how the targets are to be met at the local level. The capacity of infrastructure in centres will be a key consideration in achieving the targets and State agencies will be involved in reporting on these issues through the sub-regional planning process. The targets will also inform the agency capital works and services planning.

Council officers and the Mayor were requested to identify the current hierarchy of commercial centres within Hornsby Shire. The existing hierarchy of commercial centres within the Shire, the role and future strategic direction for the centres were provided to Department officers in accordance with the Council's Commercial Centres Paper, Employment Lands Review and the Business Lands Development Control Plan. A copy of relevant planning studies and instruments were subsequently forwarded to the DoP.

A second workshop was held on 19 May 2006 to discuss total dwelling targets in more detail. The workshop included discussion on the Sub-regional METRIX planning tool developed by the DoP. METRIX indicates how the targets are proposed to be divided between the two local government areas and specific targets for individual centres.

The Department has requested that councils input their expected dwelling yields into METRIX to 2031. This may be based upon existing council policy, as well as any additional knowledge of future expected yields. Councils are then requested to collaborate and discuss dwellings numbers, and to come to the third round of workshops with an agreed draft distribution between councils in each sub-region. Once agreed, the overall local government area targets will become binding.

Dwelling Targets – Sub-Regional METRIX

Sub-Regional METRIX is a computer based planning tool developed by the DoP to allow councils to agree on the overall dwelling targets for each local government area to guide the detailed distribution of dwellings whilst meeting Metropolitan Strategy Sub-Regional

dwelling targets. The Department has prepared a User Guide to assist Councils in the use of METRIX. The Guide notes that the aims of METRIX are to:

- Provide an efficient means for testing alternative distributions;*
- Facilitate communication between councils and the DoP;*
- Provide a common data set for use by all councils and State agencies; and*
- Provide a real time snap shot of current local government thinking to State agencies.*

The User Guide outlines the methodology adopted in METRIX to determine the dwelling targets for the North Region, and more specifically for each commercial centre. The methodology is summarised below.

Step 1: Identify Centres

The underlying proposition of the Metropolitan Strategy is that concentrating development in and around centres has a number of benefits. These benefits include optimising the use of services and infrastructure, increased dwelling choice, strengthened local economy and more sustainable transport use. Accordingly, the first step in the process has been the identification of all the employment centres (commercial and industrial) in Hornsby Shire. Each of the centres in Council's Commercial Centres Hierarchy is identified in addition to the Asquith, Thornleigh and Mt Kuring-gai industrial areas.

Step 2: Assignment of Centre Role and Catchment

The User Guide acknowledges that centres have various roles depending on the goods and services they provide and the catchment they serve. Accordingly, the second step of the process has been the assignment of a role to each of the centres. Each centre type has been assigned a notional radius to provide an approximation of the area associated with a centre. The different roles are derived from the Metropolitan strategy and include the following:

Major Centres (radius 1,000m): Contain the main shopping and business centre for the district, a full scale shopping mall, council offices, high rise office and residential buildings. Examples include Hornsby, Blacktown and Bondi Junction.

Town Centres (radius 800m): Contain a large group of shops and services, 1-2 supermarkets, some community facilities, a medical centre and a variety of specialist shops. Examples include Eastwood and Top Ryde.

Villages (radius 600m): May contain a small supermarket, a strip of shops for daily shopping (eg. butcher, hairdresser, café, restaurants and take away food shops) and some services (eg. health, bank, library and/or post office). Examples include Asquith, Beecroft, Pennant Hills, Thornleigh and Cherrybrook.

Small Villages (radius 400m): Contain a small strip of shops for daily shopping (eg. butcher, hairdresser, café, restaurants and take away food shops). Examples include Berowra, Turner Road, Galston, Westleigh and West Pennant Hills.

Neighbourhood Centres (radius 150m): May contain a small group of 2-5 shops

supplying daily needs (eg. milk bar and a newsagent). The Centre should have a public transport point and child care centres, schools and other compatible activities should be located in the vicinity. Examples include Appletree Drive, Cherrybrook; Edgeworth David Avenue, Waitara; Malton Road, North Epping; and Somerville Road, Hornsby Heights.

At the first Sub-Regional Planning Workshop on 9 March 2006, Council officers provided Department representatives with a copy of the existing hierarchy of commercial centres within the Shire and the role and future strategic direction for the centres in accordance with Council's Commercial Centres Paper, Employment Lands Review and the Business Lands Development Control Plan. The role of the centres within Hornsby Shire identified in METRIX is generally consistent with Council's existing Commercial Centres Hierarchy.

Step 3: Calculation of Dwelling Targets for Centres

The User Guide notes that each centre has been allocated a number of dwellings that could be associated with it. The calculation of the dwelling numbers is based on multiplying the amount of land that could reasonably be expected to be zoned for multi-unit housing within the radius of the centre, by the likely density of development.

The User Guide notes that analysis shows that the amount of residentially zoned land within the radius of a centre is approximately 50 percent of the total area. However, there is a higher proportion of residential land in smaller centres such as neighbourhoods and a lower proportion in major centres due to the higher proportion of space allocated for roads, car parking and commercial uses.

The density of development reflects the mix and type of dwellings associated with the centre role. For instance Major Centres and Towns include assumed percentages for mid-high rise multi-unit housing. However, the densities for neighbourhood centres are based on detached housing and town house developments.

Step 4: Dwelling Targets

The Metropolitan Strategy identifies that 21,000 new dwellings should be provided within the North Sub-Region by the year 2031. However, the total dwelling target for the North Sub-Region in METRIX is 29,988. This comprises an allocation of 18,434 dwellings for Hornsby Shire and 11,554 for Ku-ring-gai Shire. Accordingly, the projections in METRIX currently exceed the Metropolitan Strategy target by 8,988 dwellings. The User Guide comments that councils should use local knowledge to revise the dwelling targets for their local government area.

Indicative numbers for additional dwellings have been provided for each centre based on the category of the centre. A dwelling target has also been provided for "infill" areas. Infill areas are lands not within a Census collector district associated with a centre.

The User Guide states that the dwelling numbers in METRIX are not binding targets. It is up to councils to determine where future growth will occur to achieve the overall Sub-Regional target. The indicative dwelling targets by centre for Hornsby Shire are

summarised in the following table:

Table 1: METRIX Indicative Dwelling Targets by Centre

Centre	Number of Dwellings 2004	Dwelling Estimate 2031	Dwelling Increase
Major Centre			
Hornsby Town Centre	5025	11572	6547
Town			
Eastwood	416	416	0
Villages			
Asquith	612	1770	1158
Beecroft	900	1624	724
Carlingford Court	634	747	113
Cherrybrook	849	1883	1034
Epping	1701	1758	57
Pennant Hills	929	2265	1336
Thornleigh	1065	1909	844
Small Villages			
Berowra	305	1282	977
Berowra Heights (Turner Road)	356	1176	820
Galston	330	859	529
Westleigh	210	451	241
West Pennant Hills	175	583	408
Neighbourhood Centres			
Appletree Drive, Cherrybrook	172	175	3
Berowra Waters	116	137	21
Brooklyn	296	314	18
Castle Hill	314	319	5
Cheltenham Station	713	745	32
Dangar Island	195	195	0
Dural Village	180	195	15
Edgeworth David Avenue, Waitara	148	188	40
Galston Road, Hornsby Heights	342	348	6
Malton Road, North Epping	333	338	5
Mt Colah (Shops)	397	413	16
Mt Colah (Station)	656	693	37
Mt-Kuring-gai (Station)	180	193	13
Myrtle Street, Normanhurst	329	335	6
Normanhurst	922	950	28
Pennant Hills Road, Thornleigh	119	122	3
Plympton Road, Epping	621	631	10

Sefton Road, Thornleigh	368	374	6
Somerville Road, Hornsby Heights	187	190	3
Waitara	1683	2243	560
Wisemans Ferry	36	165	129
Hornsby Infill			
Infill	28433	30855	2422
Employment Precincts			
Asquith	651	704	53
Dural Service Centre	368	482	114
Mt Kuring-gai	282	312	30
Thornleigh	696	767	71
TOTAL	52244	70678	18434

The User Guide notes that the targets for individual centres will not be reflected in the Sub-Regional Plan. The Sub-Regional Plan will only include a total dwelling target for each local government area. The detailed distribution of dwellings, densities, built form and rezonings will be at the discretion of councils. However, the DoP will be using METRIX to monitor the performance of councils in progressing towards the overall dwelling targets for each sub-region.

Step 4: Review of Dwelling Targets

Each council has been asked to use Sub-Regional METRIX over the next 3-4 weeks to input their expected dwelling yields (to 2031). This may be based upon existing council policy, as well as any additional knowledge of future expected yields.

Council is then expected to collaborate and discuss dwellings numbers with Ku-ring-gai Council, and to come to the third round of workshops with an agreed draft distribution between the councils for the sub-region.

The Department has advised that the third round of Sub-Regional Workshops will be held between mid-July and August 2006. The Department has noted that employment distributions will be discussed at the next workshop and will be based around the employment targets that were adopted in *City of Cities* for the twenty-seven (27) strategic centres (including Hornsby Town Centre), as well as employment targets for each of the ten (10) sub-regions. A report on the employment targets will be presented to Council when they are released by the Department following to next Sub-Regional Planning Workshop.

Implications for Hornsby Shire

The implications of the dwelling targets for Hornsby Shire are discussed below in terms of the NSROC Planning Strategy and progression of the Hornsby Shire Housing Strategy.

NSROC Planning Strategy

In response to the Metropolitan Strategy, the NSROC prepared a draft Northern Sydney Sub-Regional Planning Strategy. The Councils of Hornsby, Ryde, Kuring-gai, Hunters Hill, Lane Cove, North Sydney and Willoughby have jointly contributed to the preparation of the draft Strategy. The purpose of the draft Strategy is to guide the development of the sub-regional plan to inform the preparation of Councils' individual comprehensive LEPs and DCPs as required by the State Government's Planning Reforms.

The policy statements incorporated in the draft Strategy are consistent with the strategies derived from Council's planning studies. The population and dwelling projections for Hornsby Shire are shown as a projected high and low range as derived from Council's Section 94 Contributions Plan and Council's Housing Strategy, respectively. The low range of the dwelling projections is consistent with the requirement that Council make provision for an additional 270 multi-unit dwellings per year as part of Council's current Housing Strategy.

The low range projection for 2034 is 65,526 dwellings (ie. an additional 13,282 dwellings). Adjustment of this projection to align with the Metropolitan Strategy planning horizon of 2031, gives a low range dwelling figure of 62,797 (ie. an additional 10,553 dwellings).

Council at its meeting on 7 December 2006 resolved to endorse the draft Strategy for public exhibition. The draft Strategy is currently on exhibition until 7 July 2006.

Housing Strategy

As part of the State Government's urban consolidation strategy, Council prepared the Hornsby Shire Housing Strategy to provide for 270 multi-unit housing dwellings per year (1,350 dwellings over five years) and to ensure that approvals for multi-unit housing represent 65% of all dwelling approvals. In accordance with the Strategy, Council has a commitment to identify further precincts for multi-unit housing to meet future long term dwelling projections.

Council at its meeting on 7 December 2005 considered Executive Manager's Report No. PLN351/05 regarding nominations to participate on a Steering Committee to oversee the preparation of the Housing Strategy Review. Council resolved that consideration of the matter be deferred to enable further discussions between Councillors and staff to explore all options available for public participation in the formulation of the Housing Strategy.

In accordance with Council's resolution, a workshop with Councillors and staff was conducted on 2 March 2006 (notes attached). The workshop was facilitated by Mr Brian Elton of Elton Consulting. Councillors noted the release of the State Government's Metropolitan Strategy on 4 December 2005 and that the dwelling targets for the region in the Strategy are required to be addressed in the preparation of Council's Comprehensive LEP within the next 5 years. Councillors also noted advice from representatives from the DoP that Council should not progress the rezoning of additional precincts as part of the Housing Strategy until the dwelling targets for inclusion in the Sub-Regional Plan have been finalised.

As Council has not commenced the long term actions in the Housing Strategy, the input of dwelling projections for Hornsby Shire can only be based on development potential under Council's existing planning strategies. These strategies include precincts that have been rezoned for multi-unit housing as part of previous stages of the Housing Strategy, subdivision potential in the low density residential zones, and opportunities for multi-unit housing within existing business and special use zones. Dwelling projections for specific centres beyond these existing initiatives will require detailed planning investigation and evaluation as part of the next stage of the Hornsby Shire Housing Strategy.

The dwelling targets in METRIX do not take into consideration constraints such as flooding, bushfire prone land, heritage, bushland, property capitalisation and ownership. Accordingly, a detailed review has been undertaken of existing dwelling capacity under Council's existing planning controls. This has included a review of capacity within the existing housing strategy precincts and the potential for subdivision within the Low Density Residential, Rural and Special Use zones. In determining subdivision potential, consideration has been given to minimum allotment size, bushfire prone land, and bushland constraints. Potential dwelling yields have also been identified within the Business zones. Existing capacity is summarised in the table below.

Table 2: Dwelling Capacity in Existing Zones

Zone	Potential Dwelling Yield
Low Density Residential	1585
Medium Density Residential	560
Medium/High Density Residential	30
High Density Residential	1130
Business	970
Special Uses	40
Rural	180
Environmental Protection	20
Total	4515

In accordance with advice from the Department, the above figures are based on existing potential as of the date of the Water Board records of dwelling connections in 2004.

As indicated above, the provision of additional dwellings in addition to the dwelling capacity identified in the table will require the progression of amendments to existing planning controls. Should Council progress the rezoning of precincts for additional multi-unit housing in accordance with its endorsed Housing Strategy, Council's contribution to the achievement of the dwelling target for the North Sub-Region would be 11265 dwellings (ie. the existing potential for 4515 dwellings, plus 270 multi-unit dwellings per year for 25 years through the rezoning of planned precincts). This figure is slightly higher than the dwelling forecast in the NSROC Planning Strategy which was based on projections from the existing dwelling potential from 2005 rather than the 2004 Water Board figures.

In the preparation of Council's comprehensive LEP, Council will be required to

demonstrate how local planning provisions will meet the State Government's targets. Council may be required to review planning controls for key centres to meet its obligations under the Metropolitan Strategy. Any comprehensive review of planning controls for key centres should be undertaken in the context of the Metropolitan Strategy and Sub-Regional Plan and should be staged in accordance with priorities identified in Council's Economic Development Strategy.

Accordingly, it would be appropriate for Council to insert dwelling projections into the METRIX Planning tool based on potential dwelling yield under existing planning strategies. Council should indicate to the Department that its commitment to the progression of the long term actions under the Hornsby Shire Housing Strategy (ie. rezoning of precincts to provide the opportunity for 270 multi-unit dwelling per year) would exceed 50 percent of the dwelling target for the North Sub-Region by the year 2031. The identification of precincts for rezoning will require detailed planning analysis, evaluation and community consultation. Therefore, dwelling projections beyond existing initiatives cannot be included in METRIX.

It is recommended that a workshop be conducted for Councillors to discuss the draft Sub-Regional Planning Strategy for the North Region currently being prepared by the DoP and the draft dwelling targets for inclusion in the Strategy.

STATUTORY CONSIDERATIONS

The Department has advised that the targets for individual centres will not be reflected in the Sub-Regional Plan. The Sub-Regional Plan will only include a total dwelling target for each local government area. However, once agreed the overall local government area targets will become binding.

The detailed distribution of dwellings, densities, built form and rezonings will be at the discretion of councils. Council will be required to include appropriate provisions in its comprehensive LEP to demonstrate how the dwelling targets will be met. The Department has advised that its detailed assessment of LEPs will be undertaken by the DoP to determine whether proposed zonings and development standards are likely to provide sufficient viable development potential.

CONSULTATION

The Department has conducted two workshops with Council representatives to discuss the preparation of the Sub-Regional Plan for the North Region. The Department has advised that the third round of Sub-Regional Workshops will be held in mid-July and August 2006 to finalise the dwelling targets and discuss employment targets.

Representatives from Ku-ring-gai Council recently approached Council to arrange a meeting to discuss the allocation of dwelling targets for the Sub-Region under the Metropolitan Strategy. This followed the Council's consideration of the issue at its meeting on 27 June 2006 and its resolution to consult with Hornsby Shire Council. In response, Council representatives have advised Ku-ring-gai Council that it would be premature to discuss the distribution of dwelling targets until Hornsby Shire Councillors have been briefed and determined a position on the matter. As indicated earlier in this

report, a workshop with Councillors is scheduled to be held on 25 July 2006. The purpose of the workshop will be to discuss dwelling targets and to formulate a response to the Department.

Following the third workshop, the Department proposes to finalise the preparation of a draft Sub-Regional Plan in the form of a strategy document containing a structure plan, planning principles for centres, transport links and corridors and identification of employment and natural areas (including major parks and open space). The draft Sub-Regional Strategy document will then be finalised for exhibition for public comment.

FINANCIAL

There are no financial implications.

POLICY

The Sub-Regional Plan for the North Region will include a total dwelling target for each local government area. Council will be required to include appropriate provisions in its comprehensive LEP to demonstrate how the dwelling targets will be met.

CONCLUSION

On 4 December 2005, the State Government released the Metropolitan Strategy '*City of Cities – A Plan for Sydney's Future*' to manage growth and development in Sydney over the next 25 years. As the first step in implementing the Metropolitan Strategy, the State Government is preparing Sub-Regional Plans. The metropolitan area of Sydney has been arranged into ten sub-regions that combine local government areas with similar issues and challenges in terms of planning for growth and managing change. The North Sub-Region comprises Hornsby and Ku-ring-gai Councils. Two (2) Sub-Regional Planning Workshops facilitated by representatives from the Department of Planning (DoP) have been held to assist in the preparation of a North Sub-Regional Plan. The second workshop also discussed METRIX, a sub-regional planning tool developed by the DoP to guide the distribution of dwellings between councils in the sub-region.

On 13 June 2006, each council was provided with access to METRIX and has been requested to input their expected dwelling yields to 2031. Councils are then requested to collaborate and discuss dwellings numbers, and to come to the third round of workshops with an agreed draft distribution between councils in each sub-region. Once agreed, the overall local government area targets will become binding. The Department has advised that the third round of Sub-Regional Workshops will be held between mid-July and August 2006.

This report discusses the dwelling targets for Hornsby Shire identified in the Sub-Regional METRIX planning tool developed by the Department of Planning in the context of the Metropolitan Strategy and Sub-Regional Plans. The report also addresses the implications of the dwelling targets for Hornsby Shire in terms of the NSROC Planning Strategy and the progression of the Hornsby Shire Housing Strategy. It is recommended that, as a first step in determining an appropriate response to the Department of Planning, a workshop for Councillors be conducted to discuss the draft Sub-Regional Planning

Strategy. It is also recommended that Council insert dwelling projections into the Department of Planning METRIX Planning tool based on potential dwelling yield under existing planning strategies. Once the final number of dwellings allocated to Hornsby Shire are known, it is recommended these be reported to Council.

RESPONSIBLE OFFICER

The responsible officer for this report is Mr James Farrington, Manager, Town Planning Services Branch. For further information, please contact Mr Farrington on 9847 6744.

RECOMMENDATION

THAT:

1. The contents of Executive Manager's Report No. PLN212/06, Planning Division be received and noted.
2. A workshop for Councillors be conducted on 25 July 2006 to discuss the draft Sub-Regional Planning Strategy for the North Region currently being prepared by the Department of Planning and the draft dwelling targets for inclusion in the Strategy.
3. Council insert dwelling projections into the Department of Planning Sub-Regional METRIX Planning tool based on potential dwelling yield under existing planning strategies.
4. The total number of dwellings allocated to Hornsby Shire as a component of the Sydney North Sub-Regional dwelling target be reported to Council when finalised by the Department.

JAMES FARRINGTON
Manager
Town Planning Services

Endorsed By:

PETER HINTON
Executive Manager
Planning Division

JF:PA

Attachment: Notes of the Housing Strategy Review Workshop (2 March 2006) (4 pages)



pln212.pdf

SDZ 10,000 13,000 8,000

8. Metropolitan Strategy

The third round of workshops is currently underway to assist in the development of the Sub-Regional Plans as part of the Metropolitan Planning process. The first two workshops identified population targets for the councils and sub-regions as well as introducing the on-line strategic planning tool 'Metrix'. The third workshop (scheduled for

As raised at previous meetings, council officers are concerned that in the process of using the Metrix software, they are being asked to identify possible urban intensification beyond the public commitments already given in their individual residential strategies. Although the DoP contends that these figures are only notional, it should be remembered that any involvement by the councils in providing data without appropriate community consultation or the explicit involvement of elected councillors is extremely problematic.

The Inner North Planning Group has met on several occasions to look at the dwelling targets identified in the Metrix tool for the Inner North Region. A series of tables comparing the councils' own current housing targets identified in their residential strategies and those provided by the DoP is provided below:

	2004	DOP 2004
Mosman	12717	12717
North Sydney	29557	33046
Lane Cove	12900	12790
Willoughby	27300	26622
Ryde	40126	39156
Hunters Hill	4737	4923
Total	127337	129254
Difference	-1917	1917

Table 8.1 Inner North Base Line Dwelling Numbers compared to DoP Baseline Dwelling Numbers 2004.

	NSROC 2034	Metrix 2034
Mosman	13200	13200
North Sydney	37107	36434
Lane Cove	14000	16850
Willoughby	31400	35570
Ryde	44754	55130
Hunters Hill	4900	6110
Total	145361	163260
Difference	-17899	17899

Table 8.2 NSROC Councils' dwelling targets for 8034 compared to DoP Dwelling Targets (2034)

	NSROC Increase from 2004 Baseline by 2034	DoP Increase from 2004 by 2034
Mosman	484	484
North Sydney	7550	3388
Lane Cove	1100	4060
Willoughby	4100	8948
Ryde	4628	15974
Hunters Hill	163	1187
Total	18025	34041
Difference	-16016	16016

Table 8.3 Difference in Dwelling Targets by LGA between NSROC Councils and DoP

As can be seen there is a considerable variance (16,000 dwellings) between council's current commitments and the DoP targets. Council officers are not in a position to reconfigure their own commitments to try and match the DoP targets and contend that the overall figure provided by DoP is too high, is not backed by infrastructure commitments and does not make sense in many localities.

The inner-North group will make a number of individual submissions on this issue and have requested NSROC make a joint submission after the third planning workshop, identifying a number of technical and data errors but also raising the issue that the total target is not achievable (particularly for Ryde and Willoughby).

The North Group (Ku-ring-gai and Hornsby) have yet to determine the allocation of their target (21,000 households) but the same issues are likely to eventuate (the officers can not commit beyond their own strategies).

All the other ROCs have indicated the same problem and it appears likely that no councils within the Sydney Metropolitan Region will commit to putting figures in Metrix (with the possible exception of the MACROC councils). WSROC have already formally resolved not too.

This is a serious impediment to the DoP completing the sub-regional plans, and it is likely that they will be delayed (possibly beyond the looming election cycle). The Department has advised three plans will be released in August as drafts – the North East (SHOROC Councils), the Inner North (NSROC Councils) and the Inner East (SSROC Councils). The fact that NSROC has identified its own population growth targets in the NSROC Strategic Plan provides a robust comparison with the DoP target and enables the NSROC councils to provide a constructive alternate model to that proposed by DoP. Now that all the councils (except Ku-ring-gai) have exhibited and adopted the Plan, it is hoped the final copy will be completed in time for the NSROC Conference in October.

This issue will be pursued through the ROC Presidents and the LGA in their meetings with Sam Haddad and the Minister (see next item).

Executive Director's Recommendations:

1. That NSROC councils agree not to commit to new dwelling numbers in the Metropolitan Sub-regional Planning process in the absence of councillor involvement and adequate community consultation.
2. That NSROC seek to defer the release of the Sub-Regional Plans until adequate consultation is completed.
3. That NSROC lobby to have the target for the Inner North Region reduced.

Attachment 4: Northern Sub-region Metrix Allocation for Dwellings to 2031

Centre Name	Sub-region 2005	LGA	Type2004	Type2031	D2004	Metrix D2031
(E) Asquith	N	H	Employment Precinct	Employment Precinct	651	704
(E) Dural Service Centre	N	H	Employment Precinct	Employment Precinct	368	482
(E) Mt Ku-ring-gai	N	H	Employment Precinct	Employment Precinct	282	312
(E) Thornleigh	N	H	Employment Precinct	Employment Precinct	696	767
Appletree Dr-Cherrybrook	N	H	Neighbourhood Centre	Neighbourhood Centre	172	175
Asquith	N	H	Village	Village	612	1770
Beecroft	N	H	Village	Village	900	1624
Berowra	N	H	Small Village	Small Village	305	1282
Berowra Hts	N	H	Village	Village	356	1176
Berowra Waters	N	H	Neighbourhood Centre	Neighbourhood Centre	116	137
Brooklyn	N	H	Neighbourhood Centre	Neighbourhood Centre	296	314
Carlingford Court	N	H	Town	Town	1167	1506
Cheltenham	N	H	Neighbourhood Centre	Neighbourhood Centre	713	745
Cherrybrook	N	H	Village	Village	849	1883
Dangar Is	N	H	Neighbourhood Centre	Neighbourhood Centre	195	195
David Rdr-Castle Hill	N	H	Neighbourhood Centre	Neighbourhood Centre	314	319
Dural Village	N	H	Neighbourhood Centre	Neighbourhood Centre	180	195
East Killara	N	K	Neighbourhood Centre	Neighbourhood Centre	273	280
East Lindfield	N	K	Neighbourhood Centre	Neighbourhood Centre	369	378
Eastern Rd-Turramurra	N	K	Neighbourhood Centre	Neighbourhood Centre	362	370
Eastwood	N	Ryde	Town	Town	2698	5239
Edgeworth David Ave-Waitara	N	H	Neighbourhood Centre	Neighbourhood Centre	148	188
Epping	N	H	Village	Village	2954	3054
Fox Valley	N	K	Neighbourhood Centre	Neighbourhood Centre	263	267
Galston	N	H	Small Village	Small Village	330	859
Galston Rd-Hornsby Hts	N	H	Neighbourhood Centre	Neighbourhood Centre	342	348
Gordon	N	K	Town	Town	1652	4969
Hampden Ave Shops-Nth Wahroonga	N	K	Neighbourhood Centre	Neighbourhood Centre	208	214
Hornsby	N	H	Major Centre	Major Centre	5025	11572
Hornsby Infill	N	H	Infill	Infill	28433	30855
Killara	N	H	Neighbourhood Centre	Neighbourhood Centre	1198	1345
Kuringai	N	H	Neighbourhood Centre	Village	287	45542
Ku-ring-gai Infill	N	H	Infill	Infill	20268	21982
Lindfield	N	K	Small Village	Small Village	1667	2153
Malton Rd-North Epping	N	H	Neighbourhood Centre	Neighbourhood Centre	333	338
Mt Colah Shops	N	H	Neighbourhood Centre	Neighbourhood Centre	397	413
Mt Colah Stn	N	H	Neighbourhood Centre	Neighbourhood Centre	656	693
Mt Ku-ring-gai Stn	N	H	Neighbourhood Centre	Neighbourhood Centre	180	193
Myrtle St-Normanhurst	N	H	Neighbourhood Centre	Neighbourhood Centre	329	335

Centre Name	Sub-region 2005	LGA	Type2004	Type2031	D2004	Metrix D2031
Normanhurst	N	H	Neighbourhood Centre	Neighbourhood Centre	922	950
North Turrumurra	N	K	Small Village	Small Village	318	1113
Pennant Hills	N	H	Village	Village	929	2265
Pennant Hills Rd-Thornleigh	N	H	Neighbourhood Centre	Neighbourhood Centre	119	122
Plymton Rd Shops-Epping	N	H	Neighbourhood Centre	Neighbourhood Centre	621	631
Princes St-Turrumurra	N	K	Neighbourhood Centre	Neighbourhood Centre	306	313
Pymble	N	K	Small Village	Small Village	654	873
Roseville	N	K	Small Village	Small Village	1534	1618
Roseville Chase	N	K	Neighbourhood Centre	Neighbourhood Centre	508	517
Sefton Rd-Thornleigh	N	H	Neighbourhood Centre	Neighbourhood Centre	368	374
Somerville Rd-Hornsby Hts	N	H	Neighbourhood Centre	Neighbourhood Centre	187	190
South Turrumurra	N	K	Neighbourhood Centre	Neighbourhood Centre	588	601
St Ives	N	K	Village	Village	395	2719
St Ives Chase	N	K	Neighbourhood Centre	Neighbourhood Centre	195	200
St Ives North	N	K	Neighbourhood Centre	Neighbourhood Centre	743	757
Thornleigh	N	H	Village	Village	1065	1909
Turrumurra	N	K	Village	Village	1379	2057
Wahroonga	N	K	Small Village	Small Village	783	905
Waitara	N	H	Neighbourhood Centre	Neighbourhood Centre	1683	2243
Warrawee	N	K	Neighbourhood Centre	Neighbourhood Centre	451	501
West Gordon	N	K	Neighbourhood Centre	Neighbourhood Centre	320	328
West Lindfield	N	K	Neighbourhood Centre	Neighbourhood Centre	464	474
West Pennant Hills	N	H	Small Village	Small Village	175	583
West Pymble	N	K	Small Village	Small Village	595	608
Westleigh	N	H	Small Village	Small Village	210	451
Wiseman's Ferry	N	Baulkham Hills	Neighbourhood Centre	Neighbourhood Centre	36	251

NOTICE OF RESCISSION

PYMBLE TOWN CENTRE DRAFT LOCAL ENVIRONMENTAL PLAN & DRAFT DEVELOPMENT CONTROL PLAN

Notice of Rescission from The Mayor, Councillor E Malicki, Councillors Andrew & Bennett dated 25 July 2006.

We move rescission of Section T of motion dealing with Precinct J from the motion on Pymble Town Centre from Council's meeting of 25 July 2006.

"That Precinct J include 17 and 15 Livingstone Avenue and that the Precinct be zoned R4 and that building controls be developed to consider topography, existing trees and drainage. Further, that any building adjacent to single residential development be restricted to 3-storeys".

RECOMMENDATION

That the above Notice of Rescission as printed be adopted.

Councillor E Malicki
Mayor

Councillor A Andrew
Comenarra Ward

Councillor Laura Bennett
St Ives Ward

NOTICE OF MOTION

DRUG AND ALCOHOL FORUM

Notice of Motion from Councillor N Ebbeck dated 31 July 2006.

An opportunity has been presented for Council to make use of the skills of a highly respected guest speaker, Darren Marton, to facilitate a Drug and Alcohol Forum in partnership with Ku-ring-gai Council on 4 September 2006, at Hornsby RSL for the youth of Ku-ring-gai.

I move:

That Council support the Drug and Alcohol Forum on Monday 4 September at Hornsby RSL, and that funding for the forum be made available through the Community Services budget, capped at \$3,500. The appropriate source for funding to be identified in the first 2006-07 quarterly review.

RECOMMENDATION

That the above Notice of Motion as printed be adopted.

Councillor Nick Ebbeck
Wahroonga Ward

Attachments: **Background information**

Background Information

Drug & Alcohol Forum

An opportunity has been presented for Council to make use of the skills of a highly respected guest speaker, Darren Marton, to facilitate a Drug and Alcohol Forum in partnership with Ku-ring-gai Council on 4 September 2006, at Hornsby RSL.

Mr Marton has agreed to give his time free of charge for the forum. He has worked closely with Council's Community Development and Youth Services staff, along with the Police Community Safety Committee, in preparing a draft agenda which will focus on drug and alcohol abuse and associated consequences, parental attitudes and awareness, identifying early signs of drug abuse, influences of friends and peer group pressure, effects of drug abuse, and mental health issues.

The intended audience for the forum is young people, parents, older siblings, educators and service providers, and the general community.

This type of activity is supported in Council's Community Plan, under the Youth Target Group, recommended actions - Discussion of Youth Issues, point 5:

"Improved access to early intervention services for mental health, relationship counselling, and drug and alcohol issues"

Costs for the forum were budgeted at approximately \$6,000. However, after negotiations with Hornsby RSL, the booking fee for the venue (\$2,500) has been waived, reducing the total budget to \$3,500. Other costs include catering, promotional material and advertising.

A draft outline for the forum and draft budget is attached to this Notice of Motion.



Drug & Alcohol Forum Draft Outline

- Date: Monday 4 September 2006
- Venue: Hornsby RSL – Auditorium tentatively booked. Venue solution was based on seating capacity, location, facilities.
- Time: 7.00pm – 9.00pm
- Format: Presentation by speakers and audio visual presentation display.
- Open floor – answer and question session.
Possible options – questions after each speaker, written questions, panel discussion, small group discussions with table captains or facilitators
- Information dissemination by service providers.
- Set Up: Theatre style seating. Information and display tables at the rear or outside the auditorium.
- Audience: Young people, parents, older siblings and general community. Need to develop communication strategies to reach people for culturally and linguistically diverse communities, including identification of English language or interpreting requirements. Possibility of ethnic specific workshops.
- RSVP's required
- Issues:
- drug and alcohol use and abuse among young people
 - parental attitudes to drug and alcohol
 - dangers and consequences
 - how to identify early signs of drug and alcohol use/abuse
 - influences of friends and peer group pressure
 - the affects of various drugs and alcohol
 - abuse of drugs and alcohol is predecessor of other issues. Domestic violence, abuse, mental health issues etc.

Emphasis: Prevention, education, information, promoting resilience, good decision making and choices, importance of support structures.

Research and evidence used, harm minimisation and zero tolerance approaches to this issue.

Surveys of attendees to highlight issues and possible areas for future work.

Ongoing campaign – promote message through workshops, schools, youth concerts.

Speakers: Speakers to be youth friendly. High profile MC to generate interest from young people. Paul Dillon from National Drug & Alcohol Research Centre highly recommended.

- Darren Marton – The No Way Campaign Drug & Alcohol Awareness.
- Tony Wood (Parental perspective)
- Police – Frank Hanson (Assistant Commissioner)
- Representative from Australian Hotel Association
- Medical Expert, pharmacist
- Representative of Rotary Drug Arm
- Judicial representative ie magistrate
- Sports identities – NRL, FFA
- Politicians eg Brendan Nelson
- Gender balance
- Athol Moffit
- John Malouf – President Pharmaceutical Committee
- Craig Thomson

Media/

Publicity: Communication strategy to be established. Usual channels, including ethnic media. Other possible options include using media contacts with the following:

- Sunday Telegraph (Neil Mercer)
- NRL
- Alan Jones
- Channel 9
- Sporting Clubs

Next Meeting:

Tuesday 1 August 2.30pm
Level 3, Ku-ring-gai Council Chambers

Drug & Alcohol Forum

Draft Budget

amended

Venue Hire	(\$2,500) Cr Ebbeck source sponsorship for venue hire
Catering	\$500
Promotional Material	\$1,000
Advertising	\$2,000
Total	\$3,500