



**ORDINARY MEETING OF COUNCIL
TO BE HELD ON TUESDAY, 9 MARCH 2004 AT 7.00PM
LEVEL 3, COUNCIL CHAMBERS**

A G E N D A

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APOLOGIES

DECLARATION OF PECUNIARY INTEREST

CONFIRMATION OF REPORTS TO BE CONSIDERED IN CLOSED MEETING

ADDRESS THE COUNCIL

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

DOCUMENTS CIRCULATED TO COUNCILLORS

CONFIRMATION OF MINUTES

Minutes of Ordinary Meeting of Council

File: S02131

Meeting held 2 March 2004

Minutes numbered 94 to 116

MINUTES FROM THE MAYOR

PETITIONS

- P.1 **Diana Avenue, West Pymble - Installation Of Kerb And Guttering (Thirty-Two [32] Signatures)** **1**

File: 88/05369/01

“We the undersigned support the request to Ku-ring-gai Council made by Mrs Bronwyn Wilson – Principal of West Pymble Public School in relation to kerbing, guttering and footpathing the Diana Avenue entrance to the school in the interests of increased safety for the students of West Pymble Public School and for the wider community.”

REPORTS FROM COMMITTEES

GENERAL BUSINESS

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

- GB.1 **52a Kulgoa Road, Pymble - Detached Dual Occupancy** **2**

File: DA1164/03

Ward: Gordon

Applicant: H C Prott c/- Glendinning Minto and Associates

Owner: H and D Prott

To determine a development application for a dual occupancy development.

Recommendation:

Approval

- GB.2 **14 Arthur Street, Killara - Demolish Existing Dwelling And Construct Detached Dual Occupancy** **47**

File: DA937/03

Ward: Gordon

Applicant: Venture First P/L c/- Glendinning Minto & Associates

Owner: Venture First Pty Ltd

To carry out a review under Section 82A of an application for demolition of an existing dwelling and swimming pool and construction of a detached dual occupancy that was refused by Council on 25 November 2003.

Recommendation:

Approval

- GB.3 **23 To 25 Stanley Street, St Ives - Demolition Of Existing Structures And Erection Of SEPP 5 Development Consisting Of 5 X 3 Bedroom And 2 X 2 Bedroom Units And Basement Carparking** **88**

File: DA638/03

Ward: St Ives

Applicant: William Heaton C/- Glendinning Minto & Associates

Owner: L A Marks-Meenan and J Kendall

Determination of Development Application 638/03 for the demolition of existing dwellings and other structures and erection of a SEPP 5 development consisting of 5 x 3 bedroom and 2 x 2 bedroom units and basement carparking

Recommendation:

Recommended for approval subject to conditions

- GB.4 **64 To 66 Pacific Highway, Roseville - Demolition Of Existing Commercial Building (No 66) And Additions And Alterations To A Club Building - Supplementary Report** **144**

File: DA1366/02

To respond to the issues raised by Council at its Ordinary Meeting of the 9 September 2003 and seek Council's determination of the development application.

Recommendation:

Refusal

- GB.5 **265 To 267 Pacific Highway, Lindfield - Youth Development Service At The Lindfield Library** **197**

File: DA1100/03

Ward: Roseville

Applicant: Lindfield Rotary Club

Owner: Ku-ring-gai Council

To determine a development application for the establishment of a Youth Development Service.

Recommendation:

Consent , subject to conditions.

- GB.6 **39 Horace Street, St Ives - Demolition Of Existing Dwelling And Erection Of SEPP 5 Development** **230**

File: DA933/02

Ward: St Ives

Applicant: Milan Samardic

Owner: Northside Property Developers

To determine a development application for the demolition of the existing dwelling and erection of a SEPP 5 development.

Recommendation:

Refusal

- GB.7 **Evaluation And Acceptance Of Tender For New Waste And Recycling Collection Contract** **375**

File: S03185

To present to Council the outcome of the tender for the new waste and recycling collection contract and the evaluation of the tenders received.

Recommendation:

That Council accepts the tender for the Waste and Recycling Collection Contract from Collex Pty Ltd and that tenders for the sale of recycling product be prepared.

That charges are phased in over three years and charges included in Council's Management Plan and Fees and Charges.

- GB.8 **Heritage Advisory Committee - Minutes Of 2 February 2004** **391**

File: S02152

That Council receive and note the minutes of the Heritage Advisory Committee meeting held on

2 February 2004 and endorse two (2) statements prepared in consultation with the Committee.

Recommendation:

That Council receive and note the minutes of the Heritage Advisory Committee meeting held on 2 February 2004 and that Council endorse the statements - " The Character of Ku-ring-gai" and "Ku-ring-gai a Statement of Heritage Significance".

GB.9 West Pymble Pool Business Strategy 407

File: S02381

The purpose of this report is to advise Council of feedback received during the period of public exhibition of the draft West Pymble Pool Business Strategy, associated funding implications and to endorse the business strategy for future actions.

Additionally the existing pool management lease expires in September 2004 and as per the previous resolution Council requires that a tender process be undertaken to market test the lease incorporating items outlined in the business strategy.

Recommendation:

That Council adopt Option 2, as outlined in the Draft West Pymble Pool Business Strategy. Council support a detailed feasibility to be considered in the 2004/05 Management Plan, a selective tender process be used for the provision of commercial swimming pool management services and that a future report be considered by Council at the conclusion of the tender evaluation process.

GB.10 Asset Works Definitions 430

File: S02135

To provide a description of works associated with the various classes of assets owned and operated by Council. It is intended that this will assist Council in determining the various categories of works associated with the asset classes and determining the level of funding required in future years.

Recommendation:

That the definitions for the various asset classes as detailed in the report be adopted by Council for the purpose of assigning program funding and allocation of internally restricted reserves.

GB.11 22-24 Henry Street, Gordon - Residential Flat Building 447

File: DA1078/03

To report on the issues raised at the Council site inspection and seek Council's determination of the development application.

Recommendation:

Approval, subject to conditions.

File: DA228/03

To provide a response to Council's resolution of 24 February 2004 to enable determination of Development Application No 228/03

Recommendation:

That Development Application No 228/03 for the alterations and additions to an existing dwelling and construction of a new dwelling to create a Detached Dual Occupancy at Lot 20 in DP 16889 being 127 Bannockburn Road, Turramurra be approved for a period of two years subject to the conditions within this report, subject to the applicant withdrawing the appeal.

EXTRA REPORTS CIRCULATED AT MEETING

MOTIONS OF WHICH DUE NOTICE HAS BEEN GIVEN

NM.1 **Sydney Turpentine Ironbark Forest**

647

File: 06/0043-003

Notice of Motion from Councillor A Little dated 3 March 2004.

I move:

That as a matter of urgency, Council nominate Sydney Turpentine Ironbark Forest as a critically endangered ecological community under the Environment Protection and Biodiversity Conservation Act 1999.

NM.2 **Railway Station Lifts**

648

File: S02261

Notice of Motion from Councillor A Little dated 3 March 2004.

With regard to part C of minute number 88, Railway Station Lifts – Implementation

I move:

That the General Manager and the Mayor seek a meeting with the Minister for Transport and Barry O'Farrell MP as soon as possible, to discuss Ku-ring-gai Council and State Rail working together in developing guidelines that allow for improved access to all railway stations in Ku-ring-gai and recognise the heritage significance of the whole North Shore Railway Line.

BUSINESS WITHOUT NOTICE - SUBJECT TO CLAUSE 14 OF MEETING REGULATION

QUESTIONS WITHOUT NOTICE

INSPECTIONS COMMITTEE - SETTING OF TIME, DATE AND RENDEZVOUS

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

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

- C.1 **48 St Johns Avenue, Gordon – Drainage**
(Section 10A(2)(g) - Advice concerning litigation)

1

File: P59001

Report by Directors Technical Services and Finance & Business dated 2 March 2004.

Brian Bell
General Manager

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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.*

PETITION

DIANA AVENUE, WEST PYMBLE - INSTALLATION OF KERB AND GUTTERING (THIRTY-TWO [32] SIGNATURES)

“We the undersigned support the request to Ku-ring-gai Council made by Mrs Bronwyn Wilson – Principal of West Pymble Public School in relation to kerbing, guttering and footpathing the Diana Avenue entrance to the school in the interests of increased safety for the students of West Pymble Public School and for the wider community.”

RECOMMENDATION

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

DEVELOPMENT APPLICATION

SUMMARY SHEET

REPORT TITLE:	52A KULGOA ROAD PYMBLE - DETACHED DUAL OCCUPANCY
WARD:	Gordon
DEVELOPMENT APPLICATION N^o:	1164/03
SUBJECT LAND:	52A Kulgoa Road Pymble
APPLICANT:	H C Prott c/- Glendinning Minto and Associates
OWNER:	H and D Prott
DESIGNER:	Wibsoma Pty Ltd
PRESENT USE:	Residential
ZONING:	Residential 2(c)
HERITAGE:	No
PERMISSIBLE UNDER:	Ku-ring-gai Planning Scheme Ordinance
COUNCIL'S POLICIES APPLICABLE:	Ku-ring-gai Planning Scheme Ordinance, Development Control Plan No 43 - Car Parking, Development Control Plan No 40 - Waste Management, Development Control Code
COMPLIANCE WITH CODES/POLICIES:	Yes
GOVERNMENT POLICIES APPLICABLE:	State Environmental Planning Policy No 53 - Metropolitan Residential Development (SEPP 53), State Environmental Planning Policy No 55 - Remediation of Land (SEPP 55)
COMPLIANCE WITH GOVERNMENT POLICIES:	Yes
DATE LODGED:	12 September 2003
40 DAY PERIOD EXPIRED:	22 October 2003
PROPOSAL:	Detached Dual Occupancy
RECOMMENDATION:	Approval

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DEVELOPMENT APPLICATION N^o	1164/03
PREMISES:	52A KULGOA ROAD PYMBLE
PROPOSAL:	DETACHED DUAL OCCUPANCY
APPLICANT:	H C PROTT C/- GLENDINNING MINTO AND ASSOCIATES
OWNER:	H AND D PROTT
DESIGNER	WIBSOMA PTY LTD

PURPOSE FOR REPORT

To determine a development application for a dual occupancy development.

EXECUTIVE SUMMARY

- Existing single storey dwelling
- Construct a two storey dwelling to create a detached dual occupancy development
- No letters of objection received
- The proposal complies with the requirements of SEPP 53
- Recommended for approval

HISTORY

The existing structures on site include a single storey dwelling constructed in 1966, a single garage and an in-ground swimming pool.

THE SITE

Zoning:	Residential 2(c)
Visual Character Study Category:	1945 - 1968
Lot Number:	2
DP Number:	508831
Area:	1954.6m ² (including access handle)
Side of Street:	Western
Cross Fall:	South
Stormwater Drainage:	To easement along the southern boundary
Heritage Affected:	No
Required Setback:	12 metres
Integrated Development:	Yes
Bush Fire Prone Land:	Yes. Bushfire prone vegetation buffer 100m and 30m.
Endangered Species:	No
Urban Bushland:	No
Contaminated Land:	No

SITE DESCRIPTION

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The site is located on the western side of Kulgoa Road Pymble, opposite the intersection of Bristol Avenue with Kulgoa Road. The site is battle-axe in shape with a total area of 1954.6m² (including access handle). The access handle is 4.570 metres wide and comprises an area of 283.4m². A 6.1 metres wide drainage reserve is located along the southern boundary and a 1.83 metres wide drainage reserve is located along the western boundary. The drainage reserve along the southern boundary is a natural watercourse and, accordingly, the proposal was referred to The Department of Infrastructure, Planning and Natural Resources (DIPNR) for comment. The site is partly flood affected. The site slopes from north to south from RL 125.5 to RL 118.11.

A single storey brick and tile dwelling is located on site along with a detached single garage and inground swimming pool. Vehicular access to the existing dwelling is via the access handle from Kulgoa Road.

The site has established gardens including shrubs and trees.

The site is identified on the Ku-ring-gai Bush Fire Prone Map as being within the Bush Fire Prone Vegetation Buffer (100m and 30m). The site is not affected by amendment 10 to SEPP 53. The site is flood affected along the southern boundary.

THE PROPOSAL

Is a new front fence part of the proposed development?	No
Is a new swimming pool part of the proposed development?	No

The proposal consists of the demolition of the existing garage, construction of a new double garage, construction of a new two storey dwelling located on the southern side of the existing dwelling to create a detached dual occupancy development. The new dwelling will use pier and beam construction to accommodate the slope of the land. The external finishes will be brick and tile. The dwelling will comprise 3 bedrooms with living areas on the ground floor.

CONSULTATION - COMMUNITY

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

No comments or objections have been received.

CONSULTATION - WITHIN COUNCIL

Development Engineer

There are no engineering objections to the proposed development. A flood study has been submitted, Appleyard Forrest Report No. 332821/DR/1.1, dated January 2003, which demonstrates that the proposed new residence is clear of the 100 year ARI flood envelope. This is satisfactory.

Comment:

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An on-site detention system is proposed and discharge will be to the watercourse. In order to prevent erosion and impact on vegetation, mortared bushrock scour protection will be provided at the outlet.

Landscape Development Officer

An inspection of the property was conducted on 5th November 2003.

Tree Removal

No trees will require removal for the proposed development.

Landscape Issues

There are adequate setbacks between the 2 dwellings and the adjoining properties to provide screen planting.

The landscape plan by Sally Bourne, Drawing No. 78/03, dated 6th September 2003 is considered satisfactory.

Passing Bay

The proposed passing bay will require the removal of a section of the existing Photinia sp (Hawthorn) hedge located along the southern side of the driveway. To screen the driveway from the property at 52 Kulgoa Road a solid fence such as a timber paling fence or brush fence shall be erected along the southern side of the proposed passing bay.

It would appear that the northern side of the proposed passing bay will require excavation which may either impact on or require the removal of several shrubs located on the adjoining property, No 54 Kulgoa Road. The Landscape Section raises no objections to their removal however, the applicant is to discuss this issue with the owners of 54 Kulgoa Road as the vegetation provides some screening of the elevated pool located on the subject property.

The Landscape Section will support the application subject to conditions.

An inspection of the property was conducted on 1st December 2003.

The proposed passing bay has been relocated closer to the front entrance to the driveway. It has been relocated so as to cause minimal impact on the existing vegetation and the adjoining properties.

The Landscape Section will support the proposed amendment to the passing bay.

No additional conditions will be required.

Heritage and Urban Design Adviser

Amendments were made to improve the use of open space, solar access to living rooms and privacy. The initial concerns of Council's Heritage and Urban Design Adviser have been addressed and no further issues raised.

CONSULTATION - OUTSIDE COUNCIL

NSW Rural Fire Service

Based upon assessment of the plans and documentation received for the proposal, the NSW Rural Fire Service is prepared to grant a Bush Fire Safety Authority with no specific conditions.

Department of Infrastructure, Planning and Natural Resources

As the development is within 40 metres of a watercourse, the application was referred to the Department of Infrastructure, Planning and Natural Resources (DIPNR) for comment.

DIPNR have reviewed the application and raise no objections to the development, subject to General Terms of Approval dated 17 November 2003 (copy attached) as required by recommended Condition No 27.

PROVISIONS OF RELEVANT LEGISLATION

The Environmental Planning & Assessment Amendment Act 1979 Section 79C

1. Environmental Planning Instruments

- State Environmental Planning Policy No 53 - Metropolitan Residential Development
- State Environmental Planning Policy No 55 - Remediation of Land
- Ku-ring-gai Planning Scheme Ordinance
- Development Control Plan No 43 - Car Parking
- Development Control Plan No 40 - Waste Management
- Development Control Code - Dual Occupancy

State Environmental Planning Policy No 53

Clause 17 allows development that results in two dwellings being located on the one allotment of land in any zone that permits a dwelling-house to be erected.

Clause 18 permits, with Council's consent, the creation of a dual occupancy development.

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

Development Standard	SEPP 53 Requirement	Proposal	Compliance
Allotment Size	600 m ²	1671.2m ² (excluding access handle)	Yes
Floor Space Ratio	0.5:1	0.25:1	Yes

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Car Parking	2 car spaces for each dwelling with a gross floor area of more than 150 sqm.	2 car spaces provided for both dwellings	Yes
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Clause 31 states the following:

- (1) *Consent must not be granted for development to which this Part applies unless the consent authority has taken into account a site analysis prepared in accordance with this clause.*
- (2) *A site analysis must:*
 - (a) *contain information, where appropriate, about the site and its surrounds as described in schedule 5 (Site Analysis), and*
 - (b) *be accompanied by a written statement explaining how the design of the proposed development has regard to the site analysis.*

The submitted information is satisfactory to enable a proper consideration of the proposal in terms of clause 31.

A summary of compliance with the design principles of **Clause 32** of SEPP 53 is as follows:

a. Streetscape

The development will not be seen from the street. Access to the development is via a 62-metres long access handle that has established landscaping on both sides. The streetscape will remain unchanged.

b. Visual and Acoustic Privacy

The proposed dwelling will be sited more than 7 metres from the existing dwelling and will have the ground floor 2.155 metres lower than the ground floor of the existing dwelling. The private open space of each dwelling cannot be viewed from the living areas of the adjacent dwelling. The visual and acoustic privacy of surrounding properties will not be compromised by the proposed development.

c. Solar access and Design for Climate

The living areas of both dwellings are orientated north and will receive adequate daylight. A substantial area of the private open space of both dwellings will receive adequate sunlight. The proposal is satisfactory in terms of design for climate.

d. Stormwater

All stormwater is to be discharged to the existing watercourse via an on-site detention system. Council's Development Control Engineer has commented that the proposal is

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acceptable in this regard, subject to conditions. In this regard, the proposal complies with the relevant objectives of SEPP 53.

e. Crime Prevention

The proposed development will allow natural surveillance of the entry to the site and the approaches to each dwelling. The proposal satisfies this provision of SEPP 53.

f. Accessibility

The number of parking spaces provided complies with the provisions of SEPP 53 and, given the scale of the proposed development, it is considered unreasonable to require additional parking for visitors.

The proposal will enable people with a disability to access the street frontage, car parking and all buildings, facilities and open space with the site.

g. Waste Management

Whilst the proposal does not nominate facilities on site for waste management, conditions could be imposed on any development consent requiring provision of waste facilities that maximise recycling.

h. Visual Bulk

The proposed development will not be seen from the street. The proposed building will use pier and beam construction to accommodate the slope of the site and reduce the need for cut and fill. A cut of 1 metre is proposed to form a level pad to accommodate the double garage servicing the existing dwelling. The cut will be consistent with the existing benching of the site.

The roof-line of the proposed dwelling is varied and walls are articulated to reduce bulk. The proposed dwelling is compatible in scale with surrounding dwellings.

The proposal complies with the requirements of Clause 32 of SEPP 53.

State Environmental Planning Policy No 55 - Remediation of land (SEPP 55)

There is no evidence to suggest that the site is contaminated.

Ku-ring-gai Planning Scheme Ordinance (KPSO)

The KPSO does not contain any specific controls in relation to dual occupancy development. In relation to clause 46 (2) - height, both of the proposed dwellings comply with the 8 metres height development standard for dwelling-houses.

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The built-upon area of the proposed development is 50% which complies with the 60% maximum prescribed by Clause 60C of the KPSO.

The land is zoned Residential 2(c) and the Aims and Objectives of the zone are outlined in Schedule 9 and are applicable to this application. Dual Occupancy developments are not prohibited in the Residential 2(c) zone.

Development Control Plan No 43 - Car Parking

Development Control Plan No 43 prescribes the following provisions;

Minimum 1 car space per dwelling under 125 square metres.

Minimum 2 car spaces per dwelling in excess of 125 square metres.

Both of the proposed dwellings are in excess of 125m² and require 2 car spaces each, which are proposed. A total of 4 car spaces are provided as required.

Development Control Plan No 40 - Construction & Demolition Waste Management

Development Control Plan (DCP) No 40 requires the submission of a waste management plan for the demolition and construction of buildings. The application has not provided details of how demolition materials will be stored and disposed of. The location of building materials and waste material storage areas have not been identified on a site plan.

The proposal fails to comply with the requirements of DCP 40, however, a condition is recommended requiring submission of a waste management plan and approval thereof by Council, prior to the issue of a Construction Certificate (see Condition No 45).

Council's Dual Occupancy Development Control Code

The Code is intended to complement the statutory requirements of SEPP 53 in relation to Dual Occupancy Development.

The aims and objectives of this Code should be read in conjunction with Schedule 9 of the KPSO, "Aims and Objectives for Residential Zones".

The Policy sets out standards for dual occupancy development as detailed below:

Standard	Requirement	Compliance
Streetscape	Single storey. Two storey, mixed, building scale, setback, height, landscape, etc.	Yes
Visual character	Consistent with surrounds when viewed from the street or public domain. Integrates built form and soft landscaping.	Yes
Architectural design	Reinforce existing streetscape	Yes

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	character, roof forms, building height, colour, material, etc.	
Roof pitch	Compatible with streetscape character. Consider heritage, building bulk, overshadowing.	Yes
Fences	Consider visual character study, existing fences, landscape character.	N/A
Visual privacy	Use of distance or slope, dwelling layout, screen planting fencing, screening devices, window screens, courtyard walls.	Yes
Acoustic privacy	Minimise noise transmission, relationship to major roads.	Yes
Solar access	Maximised to north facing windows of living rooms and outdoor areas. Consider adjoining areas, overshadowing of public reserve and bushland.	Yes
Energy efficiency	Designed to reduce energy use, consider thermal properties of construction materials.	Yes
Watercourses and drainage systems	Retain ecological integrity. 100 year flood, riparian zone, etc.	Yes
Stormwater disposal.	Site detention , reuse, effect on vegetation.	Yes. Council's Development Control Engineer supports proposal subject to conditions.
On site detention	Should be considered.	Yes. Conditions recommended by Development Control Engineer.
Water conservation	Particular plumbing fittings.	May be required as a condition of consent.
Rainwater tanks	Should be considered.	Not proposed.
Site and building design	Crime prevention measures, observation of street and public areas, dwelling entries. Reduce opportunity for illegal access, restrict side and rear access, consider landscaping obstructing observation.	Yes. Passive surveillance of entry and street obtainable from living areas.
Lighting	Provide lighting to paths, etc., parking, building entries. Enhance safety.	Yes. May be required as a condition of consent.
Vehicular access	Functional, safe, limit hard surface run-off. Reduce conflict with traffic,	Yes.

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	pedestrians, safety. Heritage significance, existing trees.	
Car parking	Numbers, size, location, sympathetic to development.	Yes. Four spaces provided as required by SEPP 53.
Disabled access	Travel paths, etc.	Yes.
Waste storage facilities	Space for garbage, recyclables, compost. Comply with policy. Ease of access to Council collection point.	Not shown on submitted plans but may be required as a condition of consent.
Building setbacks	Regard to adjoining properties and pattern of street.	Yes
	Setback between occupancies 7 metres.	Yes
	Side and rear to allow for landscaping.	Yes
Building form	Improve and enhance visual aspect. Not to dominate, provide architectural relief and modulation. Avoid a bulky appearance. Allow for soft landscaping. Provide for sunlight, ventilation, daylight both within and outside the site.	Yes
Built upon area.	Comply with standard for development, being 40% max.	No - 50%
Floor space ratio	Comply with standard for development, being 0.5:1 max.	Yes - 0.25:1
Building height	Maintain relative scale, solar access, minimise overshadowing, adequate separation between building and boundary.	Yes
Building envelope	Comply with standard for development	Yes
Cut and fill	Maximum 1800mm.	Yes
Views	Protect significant views.	Yes
Private open space	Comply with standard for development, being 100 m ² max, minimum 5m dimension. Oriented to allow for adequate solar access.	Yes
Protection of	Consider wildlife corridors and	Yes - No bushland located in

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bushland	vegetation links, endangered species habitats, bushland and scenic views.	immediate vicinity of site.
Heritage	Consider heritage impacts both within and outside the site.	Yes - There are no heritage items located in the immediate vicinity of this site.
Site and waste management	Prepare site management plan.	Yes. May be required as a condition of consent.
Pollution control	Comply with Draft DCP No 47.	Yes. May be required as a condition of consent.

The only design control of the Development Control Code - Dual Occupancy not complied with is built-upon area, however, the proposal complies with the floor space ratio of SEPP 53 and the maximum built-upon area of the KPSO. In this regard, the proposal meets the assessment criteria of Development Control Code - Dual Occupancy as sufficient soft landscaping area will be retained to provide adequate stormwater infiltration.

2. Likely Impacts

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

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

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

The likely impacts of the development have been assessed throughout this report and are considered to be satisfactory, subject to conditions.

3. Suitability of The Site

The subject site is traversed by a watercourse, which conveys stormwater generated from the upstream catchment. The proposed development will be constructed outside the 1 in 100 year flood zone in order to not adversely affect the flooding behaviour and not increase the risk of flooding upstream. The floor level of habitable rooms will be greater than 500mm above the 1 in 100 year flood level.

The Department of Infrastructure, Planning and Natural Resources have commented on the proposal in relation to the existing watercourse on site and are prepared to issue General Terms of Approval.

The site is within a Bush Fire Prone Vegetation Buffer. The NSW Rural Fire Service raises no objection to the proposed development.

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Utility services are available to the site and there are no site hazards such as landslip or soil contamination.

The site is considered suitable for the proposed development.

4. Any Submissions

No submissions were received.

5. Public Interest

The proposal would provide housing choice in accordance with the aims of SEPP 53. The proposal is compatible with the existing environment and its approval is in the wider public interest as envisaged by SEPP 53.

6. Section 94 Contribution

A consent would be subject to a condition requiring payment of a contribution towards provision of services and facilities as required by Council's adopted Section 94 Contributions Plan for Residential Development. The proposed development will add an additional dwelling to the site, being a total contribution of \$12,459.72.

CONCLUSION

The proposal complies with the aims and objectives of SEPP 53, the general aims and objectives of Schedule 9 of the KPSO and the assessment criteria of Council's Dual Occupancy Development Control Code.

RECOMMENDATION

That Development Application No 1164/03 for the construction of a two storey dwelling to create a detached dual occupancy development on Lot 2, DP 508831, being 52A Kulgoa Road, Pymble, be approved subject to the following conditions:

GENERAL CONDITIONS

1. The development to be in accordance with Development Application No 1164/03 and Development Application plans prepared by Wibsoma Pty Ltd, reference number DW.001 to DW.004 and DA-005 to DA-007, dated 24 July 2003 and 9 February 2004 and lodged with Council on 12 September 2003 and 16 February 2004.
2. All building works shall comply with the Building Code of Australia.
3. The submission of the approved plans to Sydney Water, before any work is commenced to ensure that the proposed structure meets that Authority's By-Laws. Failure to submit these plans before commencing work will render the owner liable to a penalty and may result in the demolition of work.

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

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

9. For the purpose of public safety, a sign shall be erected on the site prior to any work commencing which is clearly visible from a public place stating that unauthorised entry to the site is not permitted and showing the name of the builder or another person responsible for the site and a telephone number for contact outside working hours. The sign may only be removed on satisfactory completion of the works.
10. A sign shall be erected in a prominent position on the site which states the name and contact details of the Principal Certifying Authority.
11. 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

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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.

12. 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.
13. The demolition is to be carried out in accordance with the guidelines contained in Australian Standard 2601-1991: The Demolition of Structures.
14. Access to demolition sites shall be protected as directed by the Principal Certifying Authority by the use of suitable fences or hoardings.
15. A person taking down or demolishing or causing to be taken down or demolished any building or part thereof shall, upon identifying or suspecting that asbestos is present in the building, immediately notify the Workcover Authority. The Authority is the controlling body for the safe removal, handling and disposal of asbestos. The Authority supervises and monitors contractors engaged in asbestos removal.

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

16. Erosion control measures shall be provided on demolition sites to prevent the siltation of watercourses and drainage systems.
17. 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.
18. The patio to Dwelling 2 is to be constructed of timber to allow for stormwater infiltration beneath and to eliminate the need for fill against the external wall of the dwelling.
19. Stormwater runoff from all hard surfaces, or landscaped areas which are not at natural ground level, shall be piped to the watercourse within the drainage reserve adjacent to the site. A headwall and energy dissipater structure shall be constructed at the discharge point. Unless specified by plans approved with the Development Consent or other Conditions of this Consent, this structure is to be solidly constructed from mortared sandstone bushrock so that it has a low impact on local landscape and vegetation. It must not impede flows along the watercourse nor or lead to ongoing erosion of the watercourse.

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20. To maintain capacity of the Public drainage system, an On-site Stormwater Detention System must be provided in accordance with Council's Stormwater Management Manual. Unless otherwise approved, separate detention systems are to be provided for each residence. An overflow is to be incorporated that will direct any excess flow to the downstream drainage system and subsoil drainage is to be provided from the underside of the sediment control sump to the outlet line or other approved location.

The system is to be cleaned regularly and maintained to the satisfaction of Council.

NOTE 1: The on-site stormwater detention system and property drainage system is not to require excavation or fill underneath the canopy areas of any trees to be retained unless as approved by a qualified arborist's certification that such excavation will not affect the longevity of the subject tree(s).

NOTE 2: If the applicant wishes to vary the prescribed storage and outflow volumes contained in Council's Stormwater Management Manual, a detailed analysis must be provided following the guidelines set out in Council's requirements for on-site detention with full computations accompanying the submission including a flood routing analysis.

NOTE 3: All roof, driveway and other hard-surface runoff water is to be intercepted and directed to the on-site stormwater detention system. If some areas of hard-surface are unable to be directed to the detention system an adjustment to the rate of discharge is to be made to attain the required site discharge.

NOTE 4: If a landscaped surface type detention system is used the storage volume required is to be increased by 20%.

NOTE 5: The standard Council On-site Stormwater Detention Calculation Sheet is to be completed and included on design drawings. This is available from Council upon request.

21. For stormwater control a 200mm wide grated channel/trench drain with heavy duty removable galvanised grates is to be provided in front of the garage door for the new residence and connected to the stormwater drainage system.
22. 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 minimise and/or 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, with all silt being removed from the site, or to an approved location within the site.
23. 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 AS 2890.1 – "Off-Street car parking".

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24. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained. 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.
25. A Tree Preservation Order exists within the Ku-ring-gai Council area whereby the removal, lopping or destruction of any tree exceeding 5.0 metres in height or 4.0 metres in canopy spread (except where exempt as defined under Council's Tree Preservation Order) without prior written consent of Council is prohibited.

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

26. 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.
27. Compliance with the general terms of approval issued by Department of Infrastructure, Planning and Natural Resources.

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

28. 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.

29. 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

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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).

30. 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.
31. 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.
32. A contribution is to be paid for the provision, extension or augmentation of community facilities, recreation facilities, open space and administration that will, or are likely to be, required as a consequence of development in the area.

TOTAL CONTRIBUTION FOR THIS DEVELOPMENT OF ONE ADDITIONAL DWELLING IS CURRENTLY \$12,459.72. The amount of the payment shall be in accordance with the Section 94 charges as at the date of payment. The charges may vary at the time of payment in accordance with Council's Section 94 Contributions Plan to reflect changes in land values, construction costs and the consumer price index.

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

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1.	Preparation of New Residents Kit	\$10.98
2.	New Resident Survey	\$9.87
3.	New child care centre (including land acquisition and construction of facility)	\$252.13
4.	Additions/alterations to Acron Rd child care centre for additional 20 places	\$2.41
5.	New Library bookstock	\$17.95
6.	New Public Art	\$2.93
7.	Acquisition of Open Space - Pymble	\$1,966.00
8.	Koola Park upgrade and reconfiguration	\$143.09
9.	North Turramurra Sportsfield development	\$986.80
10.	Section 94 2000-2003 Study and Interim Plan preparation cost	\$49.34
11.	Section 94 Officer for period of Plan 2000-2003	\$118.42

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

OCCUPANCY RATES FOR DIFFERENT DWELLING SIZES

Small dwelling (under 75 sqm)	1.25 persons
Medium dwelling (75 - under 110 sqm)	1.75 persons
Large dwelling (110 - under 150sqm)	2.75 persons
Very Large dwelling (150sqm or more)	3.5 persons
New Lot	3.5 persons

33. Full design drawings of the proposed method of achieving the requirements for on-site stormwater detention and all supporting calculations are to be prepared by a suitably qualified and experienced civil/hydraulic engineer in accordance with Council requirements. These must be submitted to and approved by the Principal Certifying Authority (PCA) prior to issue of the Construction Certificate.
34. The property drainage system (including but not limited to gutters, downpipes, pits, joints, flushing facilities and all ancillary plumbing) shall be designed and based upon a 235mm/hour rainfall intensity for a duration of five (5) minutes (1:50 year storm recurrence) for impervious surfaces. Design drawings and calculations are to be prepared by a suitably qualified and experienced civil/hydraulic engineer in accordance with Council's Stormwater Management Manual and the national Plumbing and Drainage Code. These must be submitted to and approved by the Principal Certifying Authority (PCA) prior to issue of the Construction Certificate.

NOTE 1: The property drainage system is not to require excavation or fill underneath the canopy areas of any trees to be retained unless as approved by a qualified arborist's certification that such excavation will not affect the longevity of the subject tree(s).

NOTE 2: If the proposed drainage system involves piping underneath or within the building then the designer is to certify that the design is in accordance with AS3500.3.2:1998 and the BCA.

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NOTE 3: All enclosed floor areas, including habitable and garage floor levels, are to be safeguarded from outside stormwater runoff ingress by suitable differences in finished levels, gradings and provision of stormwater collection devices.

35. For stormwater control, the provision of an interceptor drainage system to capture and convey all stormwater runoff arriving at the subject property from upslope areas to the Council or public drainage system and bypassing any on-site stormwater detention systems. The drainage system is to comprise suitable inlet pits, grated drains, pipes and channels and is to be designed in accordance with Council's Stormwater Management Manual. This drainage system is to be designed for storm events up to and including the 100-year ARI. Design drawings are to be prepared by a suitably qualified and experienced civil/hydraulic engineer and submitted for approval by the Principal Certifying Authority (PCA) prior to issue of the Construction Certificate.
36. For stormwater retention and quality control, provision of a five (5) metre long first-flush absorption trench within the subject property designed to capture and retain the first-flush stormwater runoff from the subject property after which runoff bypasses the trench and reverts to the main drainage system. Design drawings are to be prepared by a suitably qualified and experienced civil/hydraulic engineer and submitted for approval by the Principal Certifying Authority (PCA) prior to issue of the Construction Certificate.

NOTE 1: The first-flush system may be achieved by the use of a separate low-level outlet from a pit located on the main drainage system.

NOTE 2: Where practicable, runoff from driveway and landscaped areas is to be directed to the retention system in preference to roof runoff.

NOTE 3: The trench shall be 700mm wide x 700mm deep and fitted with half round PVC (230mm radius) dome sections backfilled with crushed or round river gravel to within 150mm of surface level, surrounded with suitable geofabric and finished with topsoil.

NOTE 4: The trench is to be at least 5 metres from private property boundaries and 3 metres from the footings of any structure.

NOTE 5: A suitably designed litter and coarse sediment 450mm square grated arrestor pit is to be provided immediately upstream of the trench.

NOTE 6: The trench is not to require excavation underneath the canopy areas of any trees to be retained unless as approved by a qualified arborist's certification that such excavation will not affect the longevity of the subject tree(s).

NOTE 7: Upon completion, certification from a suitably qualified person is to be submitted to the Principal Certifying Authority with respect to this condition being satisfied.

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NOTE 8: This requirement does not apply where the Applicant considers installation to be impractical.

OR

For stormwater retention, provision of a 2000 litre rainwater tank within the subject property designed to capture and retain runoff from at least one roof downpipe after which runoff bypasses the tank and reverts to the main drainage system. Design drawings are to be prepared by a suitably qualified and experienced civil/hydraulic engineer and submitted for approval by the Principal Certifying Authority (PCA) prior to issue of the Construction Certificate.

NOTE 1: The tank is to be located at or above existing natural ground level.

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

NOTE 3: The tank must not be located on the front façade of a dwelling.

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

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

NOTE 6: The tank is to be a commercially manufactured tank designed for the use of water supply and to be installed in accordance with manufacturers specifications.

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

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

NOTE 9: The tank is to be fitted with measures to prevent mosquito breeding.

NOTE 10: Upon completion, certification from a suitably qualified person is to be submitted to the Principal Certifying Authority with respect to this condition being satisfied

NOTE 11: This requirement does not apply where the Applicant considers installation to be impractical.

37. To prevent surface stormwater from entering the building, the finished habitable ground floor level(s) of the building shall be a minimum of 150mm above adjacent finished ground level(s). The entire outside perimeter of the building must have overland flow escape routes which will protect all finished floor levels from flooding during times of complete subsurface drainage blockage.

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38. A passing bay is to be provided within the access handle, which complies with AS2890.1 – 1993. Details are to be provided and approved by the Principal Certifying Authority prior to issue of a Construction Certificate.
39. An amended plan and specification of the proposed landscape works for the site shall be prepared in accordance with Council's Development Control Plan No 38, by a Landscape Designer to enhance the amenity of the built environment and protect the Ku-ring-gai landscape character. The plan must be submitted to Council prior to the release of the Construction Certificate and be approved by Council's Landscape Development Officer prior to the commencement of works. A Landscape Assessment fee of \$120.00 will be payable on lodgement of the required landscape plan, in accordance with the following schedule.

Landscape Plan Certification Fees

Minor Landscaping Works	\$50.00
New Dwellings/Dual Occupancies	\$120.00
Multi-Unit Housing	\$100.00 plus \$30.00 per unit
Commercial	\$100.00 plus 10 cents per m ²

40. The amended Landscape plan shall indicate the proposed passing bay. The amended landscape plan shall provide details of effective screening along the northern and southern sides of the passing bay.
41. The property shall support a minimum number of 10 trees that will attain 13.0 metres in height on the site, to preserve the tree canopy of Ku-ring-gai, in accordance with Council's policy of Tree Retention/Replenishment on Residential Allotments adopted 26 April 1988. The existing tree/s, and additional tree/s to be planted, shall be shown on the Landscape Plan/Site Plan. The plan shall be submitted to Council prior to release of Construction Certificate and approved by Council's Landscape Development Officer, prior to commence of work.
42. The 9 trees to be planted shall be maintained in a healthy and vigorous condition until they attain a height of 5.0 metres whereby they will be protected by Council's Tree Preservation Order. Any of the trees found faulty, damaged, dying or dead shall be replaced with the same species.
43. A CASH BOND/BANK GUARANTEE of \$2,000.00 shall be lodged with Council as a Landscape Establishment Bond prior to the release of the Construction Certificate to ensure that the landscape works are installed and maintained in accordance with the approved landscape plan or other landscape conditions.

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

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

44. 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.

45. A waste management plan shall be prepared in accordance with Development Control Plan No 40 and submitted to Council for approval prior to the issue of the Construction Certificate.

CONDITIONS TO BE COMPLIED WITH PRIOR TO WORK COMMENCING

46. Prior to the commencement of any work, the Principal Certifying Authority shall be notified in writing of the name and contractor licence number of the owner/builder who intends to carry out the approved works.
47. 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.
48. To preserve the following tree/s, no work shall commence until the area beneath the canopy of the following tree/s is fenced off at the specified radius from the trunk to prevent any activities, storage or the disposal of materials within the fenced area. The fence/s shall be maintained intact until the completion of all demolition/building work on site.

Tree/Location

Radius in Metres

Jacaranda mimosifolia (Jacaranda)

2 metres

Eastern boundary adjacent to the driveway access handle

49. The tree protection fence shall be constructed of galvanised pipe at 2.4 metre spacings and connected by securely attached chain mesh fencing to a minimum height of 1.8 metres prior to work commencing.
50. Upon completion of the installation of the required tree protection measures you are required to contact Council on telephone 9424 0888 or facsimile 9418 1117 to arrange an inspection of the site, in this regard a minimum of 24 hours notice is required. Following the carrying out of a satisfactory inspection and subject to the payment of all relevant monies and compliance with any other conditions of approval, work may commence.

CONDITIONS TO BE COMPLIED WITH PRIOR TO OCCUPATION

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51. Prior to the release of any occupation certificate, a compliance certificate must be obtained from an accredited certifier, certifying that the building works for the building to be occupied comply with the plans and specifications approved by this development consent; and any construction certificate associated with this consent for the buildings to be occupied. If the PCA is not the Council, then this compliance certificate must be submitted to the Council at the same time as the occupation certificate is submitted to the Council in accordance with Clause 151(2) of the E P & A Act regulations.
52. The creation of a Positive Covenant and Restriction on the Use of Land under Section 88B of the Conveyancing Act 1919, burdening the property with the requirement to maintain the on-site stormwater detention facilities on the property. These must be created prior to issue of the Final Compliance Certificate or issue of a Subdivision Certificate. 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.

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

53. In order to maintain Council's database of as-constructed on-site stormwater detention systems, if the Principal Certifying Authority is not Council then a copy of the approved stormwater detention design, the works-as-executed drawings and the Engineer's certification of the as-constructed system is to be provided to Council, attention Development Engineer, prior to issue of the Final Compliance Certificate or issue of a Subdivision Certificate.
54. Prior to issue of the Final Compliance Certificate or issue of a Subdivision Certificate, any infrastructure within the road reserve along the frontage of the subject site or within close proximity which has been damaged as a result of construction works on the subject site must be fully repaired to the satisfaction of Council's Development Engineer and at no cost to Council.
55. The Section 73 Sydney Water compliance certificate must be obtained and submitted prior to issue of the Final Compliance Certificate or issue of the Subdivision Certificate.
56. Construction of the On-site Stormwater Detention System is to be supervised and upon completion a Certificate and Works-as-Executed (WAE) plan is to be submitted to the Principal Certifying Authority for approval, prior to issue of the Final Compliance Certificate. Certification is to be provided by a suitably qualified civil/hydraulic engineer and the WAE plan is to be prepared by a registered surveyor. The certifying engineer must also complete and submit Council's standard On-site Stormwater Detention Certification sheet.

The Certificate is to be with respect to compliance with:

- Compatibility of the drainage system with the approved plans

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- The soundness of the structure.
- The adequacy of the outlet control mechanism to achieve the discharge as specified.
- The capacity of the detention storage as specified.
- The size of the orifice or pipe control fitted.
- The maximum depth of storage over the outlet control.
- The adequate provision of a debris screen.
- The inclusion of weepholes in the base of the outlet control pit.
- The provision of an emergency overflow path.
- All enclosed floor areas, including habitable and garage floor levels, being safeguarded from outside stormwater runoff ingress by suitable differences in finished levels, gradings and provision of stormwater collection devices.

The Works-as-Executed drawing(s) are to include all relevant levels including:

- invert levels
- surface or pavement levels
- floor levels including adjacent property floor levels
- maximum water surface level to be achieved in the storage zone
- dimensions of basin(s), tank(s), pit(s), etc.
- location(s) of basin(s), tank(s) and distances from buildings, boundaries, and easements, etc.
- storage volume(s) provided and supporting calculations
- size of orifice(s)

57. Construction of the property stormwater drainage works is to be supervised and upon completion certified by a suitably qualified and experienced civil/hydraulic engineer, prior to issue of the Final Compliance Certificate, that:
- a. The works were carried out and completed in accordance with the approved plans.
 - b. All enclosed floor areas, including habitable and garage floor levels, are safeguarded from outside stormwater runoff ingress by suitable differences in finished levels, gradings and provision of stormwater collection devices.

A Works-as-Executed drawing of the property stormwater drainage system is also to be furnished by the Certifier Prior to issue of the Final Compliance Certificate.

58. The landscape works shall be completed prior to release of the Certificate of Occupation and maintained in a satisfactory condition at all times.
59. The following noxious and/or undesirable plant species shall be removed from the property prior to completion of the proposed building works. Documentary evidence of compliance with this condition shall be submitted to the Principal Certifying Authority prior to the release of the Occupation Certificate.

Ligustrum lucidum (Large-leaved Privet)
Ligustrum sinense (Small-leaved Privet)

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Ipomoea sp. (Morning Glory Vine)
Toxicodendron succedaneum (*Rhus Tree*)

BUILDING CONDITIONS

60. The following are required details and must be submitted to the Principal Certifying Authority *prior to issue of the Construction Certificate*. Any matter listed below must have a Certificate attached from a suitably qualified person to the effect that the design or matter complies with the relevant design Standard or Code which the Certificate must identify.
- a. Details prepared by a practicing structural engineer for all or any reinforced concrete, structural steel or timber framing.
 - b. Wind bracing details complying with AS 1684-1992 National Timber Framing Code, AS 1170.2-1989 Wind Load Code or AS 4055-1992 Wind Loads for Housing Code.
 - c. Upper floor joist details, engineered or complying with AS 1684-1992 National Timber Framing Code.
 - d. Stormwater disposal details complying with Council's Stormwater Management Manual and/or other conditions of this consent.
61. The building works are to be inspected during construction by the Council, an accredited certifier or other suitably qualified person/s (as applicable) and a Compliance Certificate shall be issued prior to proceeding to the subsequent stages of construction, encompassing not less than the following stages:
- a. All sediment and erosion control and tree protection measures and installations in place on the site prior to the commencement of any earthworks, excavations or other work.
 - b. Any pier holes and/or foundation material.
 - c. Any steel reinforcement prior to placement of concrete. This includes all reinforcement of floors, slabs, trenches, columns, beams and stairs (if components of this structure).
 - d. Any structural components (i.e. timber framework, structural steelwork or the like) before fixing any lining or covering.
 - e. Any stormwater drainage works prior to covering.
 - f. The completed landscape works in accordance with the approved plans.
 - g. The completed structure prior to occupation.

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

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

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

62. All structural timber members subject to weather exposure shall have a durability class rating of 2 or better in accordance with Australian Standard 1684.2-1999 (National Timber Framing

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Code), or be preservative treated in accordance with Australian Standard 1604-1980 (Preservative Treatment for Sawn Timbers, Veneers and Plywood).

63. For the purpose of safety and convenience a balustrade of 1.0 metre minimum height shall be provided to any landing, verandah, balcony or stairway of a height exceeding 1.0 metre above finished ground level. The design may consist of vertical or horizontal bars but shall not have any opening exceeding 125mm. For floors more than 4.0 metres above the ground, any horizontal elements within the balustrade or other barrier between 150mm and 760mm above the floor must not facilitate climbing.

64. For the purpose of safe ingress and egress the stairs are to be constructed within the following dimensions:

Risers:	Maximum 190mm	Minimum 115mm
Going (Treads):	Maximum 355mm	Minimum 240mm

Note: Dimensions must also comply with limitations of two (2) Risers and one (1) going equalling a maximum 700mm or minimum 550mm. The Risers and Goings shall be uniform throughout the length of the stairway.

65. For fire safety an automatic fire detection and alarm system shall be installed throughout the dwelling in accordance with the following requirements:
- A smoke alarm system complying with Part 3.7.2 of the Building Code of Australia Housing Provisions; or
 - Smoke alarms which:

- comply with Australian Standard 3786 or listed in the Scientific Services Laboratory Register of Accredited Products (all accredited products should have scribed on them the appropriate accreditation notation); and
- are connected to the mains and have a standby power supply; and
- are installed in suitable locations on or near the ceiling and as prescribed under Part 3.7.2 of the Building Code of Australia Housing Provisions.

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

66. Termite protection which will provide whole of building protection in accordance with Australian Standard 3660 - *"Protection of Buildings from Subterranean Termites"* is to be provided.

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

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

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

S Cox
**Development Control
Officer**

G Smith
**Team Leader, Gordon
Ward**

M Miocic
**Director
Environment &
Regulatory Services**

Attachments: **Locality Plan**
 Architectural Drawings
 Shadow diagrams
 Landscape Plan
 General Terms of Approval (DIPNR)

DEVELOPMENT APPLICATION SECTION 82A REVIEW

SUMMARY SHEET

<i>REPORT TITLE:</i>	14 ARTHUR STREET, KILLARA - DEMOLISH EXISTING DWELLING AND CONSTRUCT DETACHED DUAL OCCUPANCY
<i>WARD:</i>	Gordon
<i>DEVELOPMENT APPLICATION N^o:</i>	937/03
<i>SUBJECT LAND:</i>	14 Arthur Street, Killara
<i>APPLICANT:</i>	Venture First P/L c/- Glendinning Minto & Associates
<i>OWNER:</i>	Venture First Pty Ltd
<i>DESIGNER:</i>	Lindsay Little & Associates
<i>PRESENT USE:</i>	Residential
<i>ZONING:</i>	Residential 2B
<i>HERITAGE:</i>	No
<i>PERMISSIBLE UNDER:</i>	State Environmental Planning Policy 53
<i>COUNCIL'S POLICIES APPLICABLE:</i>	Ku-ring-gai Planning Scheme Ordinance, Dual Occupancy Code, Development Control Plan 40, Development Control Plan 43
<i>COMPLIANCE WITH CODES/POLICIES:</i>	No
<i>GOVERNMENT POLICIES APPLICABLE:</i>	State Environmental Planning Policy 53, State Environmental Planning Policy 55
<i>COMPLIANCE WITH GOVERNMENT POLICIES:</i>	No
<i>DATE LODGED:</i>	12 January 2004 (Section 82A Review)
<i>PROPOSAL:</i>	Demolish existing dwelling and construct detached dual occupancy
<i>RECOMMENDATION:</i>	Approval

DEVELOPMENT APPLICATION N^o	937/03
PREMISES:	14 ARTHUR STREET, KILLARA
PROPOSAL:	DEMOLISH EXISTING DWELLING AND CONSTRUCT DETACHED DUAL OCCUPANCY
APPLICANT:	VENTURE FIRST P/L C/- GLENDINNING MINTO & ASSOCIATES
OWNER:	VENTURE FIRST PTY LTD
DESIGNER	LINDSAY LITTLE & ASSOCIATES

PURPOSE FOR REPORT

To carry out a review under Section 82A of an application for demolition of an existing dwelling and swimming pool and construction of a detached dual occupancy that was refused by Council on 25 November 2003.

ISSUES

- Demolition of existing dwelling and swimming pool and construction of two new dwellings to create a detached dual occupancy development.
- Nine objections received on the original plans and three objections to the revised plans.
- The original plans were considered not to comply with Council's Dual Occupancy Development Control Code in relation to urban design issues and was refused by Council on 24 October 2003.
- The applicant has lodged an appeal to the Land and Environment Court against Council's deemed refusal of the development application. The matter is set down for call over on 11 March 2004.
- The applicant lodged an application pursuant to Section 82A of the Environmental Planning & Assessment Act 1979 to review the determination.
- Amended plans provided following discussion with Council's original Assessment Officer and Council's external consultant.
- Amended plans are recommended for approval.

THE SITE

Zoning:	Residential 2B
Visual Character Study Category:	1920-45
Lot Number:	A
DP Number:	375034
Area:	942m ²
Side of Street:	Western
Cross Fall:	To street
Stormwater Drainage:	To street
Heritage Affected:	No
Required Setback:	12 metres

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Integrated Development:	No
Bush Fire Prone Land:	Yes
Endangered Species:	No
Urban Bushland:	No
Contaminated Land:	No

HISTORY

The original proposal was refused by Council on 25 November, 2003 for the following reasons;

1. The development does not positively contribute to an attractive residential environment because the entrance as seen from the street is dominated by garages.
2. The development does not positively contribute to an attractive residential environment because the scale of No. 14 has not been satisfactorily broken down from a full two-storey design. The development does not adopt building heights at the street frontage that are compatible in scale with adjacent development.
3. The development proposes an unsatisfactory relationship between the rear garden and living room of No. 14. The development does not ensure adequate daylight to the rear garden of No. 14 given the level difference between the existing natural ground level and level of the proposed rear garden, which will result in damp, dark conditions. The building form and siting do not satisfactorily relate to the site's landform.
4. The proposed development has not addressed the design principles provided in clause 32 of State Environmental Planning Policy No. 53 – Metropolitan Residential development which relate to streetscape, solar access and design for climate and visual bulk.

COUNCIL'S STATUTORY RESPONSIBILITIES UNDER S82A

Under Section 82A of the Environmental Planning and Assessment Act 1979, an applicant may request Council to review a determination of a development application, other than for:

- a) Designated development,
- b) Integrated development, or
- c) State significant development

The request for review must be made within 12 months after the date of determination and the review must occur in the following way:

- a) If the determination was made by a delegate of Council – the review must be undertaken by Council or another delegate of Council that is not subordinate to the delegate who made the determination, or
- b) If the determination was made by full Council the review must also be undertaken by full Council.

Upon making a determination of the review application, the following must be undertaken:

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- If upon review, Council grants development consent, or varies the conditions of a development consent, it must endorse on the Notice of Determination the date from which the consent, or the consent as varied by the review, operates.
- If upon review, Council changes a determination in any way, the changed determination replaces the earlier determination as from the date of the review.

Council's decision on a review may not be further reviewed under Section 82A.

SITE DESCRIPTION

The site is an L-shaped allotment located on the south-western side of Arthur Street between McIntosh Street and Forsyth Street. The site has a frontage to Arthur Street of 32.810m and has a total area of 942m². The land falls towards the street.

The surrounding area is predominantly residential in nature, consisting of single and two storey dwellings. The site supports a single storey dwelling and inground swimming pool. The dwelling is setback approximately 7m from the front boundary and the pool is located in the north western corner of the property. There is limited vegetation on the site with the majority being low shrub plantings.

THE PROPOSAL

Is a new front fence part of the proposed development?	No
Is a new swimming pool part of the proposed development?	No

The application seeks approval for the demolition of an existing, single storey, dwelling and inground swimming pool and the construction of a detached dual occupancy. The development will comprise two x two storey dwellings.

The proposed dwelling, identified as No 14, will be set back a distance of 12 metres from the front boundary and has been reduced in length giving a greater setback from the rear boundary from 5.95m to 6.45m. The floor area has been reduced from 203.49m² to 198.52m². The proposed dwelling identified as No.14A has been revised giving a setback of 6 metres from the front boundary and a slight increase in the floor from 217.31m² to 220.17m².

Amendments

The applicant has submitted the following changes to the original proposal following their discussions with Council's original Assessment Officer and Council's external consultant and gives the reasons for the changes as follows :

Dwelling 14

- *The proposed roof form for the dwelling will now be a hip roof form as demonstrated in the plans submitted. This change has been made to the plans to reduce the perceived appearance of bulk of the Dwelling to Arthur Street.*

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- *A modification to the ground floor building footprint has been made to enable a minimum dimension of 3m to the retaining wall for the rear private open space area from the living areas of the proposed dwelling. The modification has increased the rear setback for this dwelling and re-orientated the layout of the laundry. A reduced setback to the northern common boundary has been provided to allow for the reduced floor area to be incorporated into the width of the dwelling house.*

Dwelling 14A

- *Modification to the entry and front porch for this dwelling. This modification will reduce the setback to Arthur Street to the front porch area, however it will enhance the presentation to this streetscape. The porch is provided with a separate roof form that will be consistent with the roof form of the dwelling house.*

The front door of the proposed dwelling will now be in line with the wall length of the proposed garage. The modification to the entry area will not reduce the setback to Arthur Street, or alter the building line of the application as submitted. This modification provides a clearly defined entryway and will enhance the opportunity for general observation of the site and street from within the Dwelling house.

- *The windows associated with the garage for this dwelling have been modified in the eastern elevation as detailed in the plans provided. These windows have been provided to enhance the visual appearance of the Dwelling to Arthur Street.*

CONSULTATION - COMMUNITY

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

Nine submissions of objection were received from the following property owners:

- Dr J Schofield – 1 Laing Avenue, Killara
- Mr and Mrs Simon Lee – 5 Laing Avenue, Killara
- Neil Falconer – 7 Laing Avenue, Killara
- R and J Hirst – 10 Arthur Street, Killara
- L and P Earl – 11 Arthur Street, Killara
- Mr and Mrs R L Hordern – 12 Arthur Street, Killara
- Chow Boey – 16 Arthur Street, Killara
- Nicholas Heath – 18 Arthur Avenue, Killara
- Robert Leeser – 23 Arthur Street, Killara

The revised plans submitted with the current Section 82A Review application were also notified.

Three submissions of objection to the revised plans were received from the following property owners:

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- Mrs S Dunston – 46 Forsyth Street, Killara
- Mr P Bussell – 21 Arthur Street, Killara
- Robert Leeser – 23 Arthur Street, Killara

The following comments have been received:

The proposal is not consistent with the residential character of the area

The proposal is residential in nature and seeks to erect two dwellings on the one lot. The surrounding area consists of predominantly single dwellings on large allotments. The proposal is permitted under SEPP 53 with the consent of Council.

To help reduce the visual bulk to Dwelling No.14 the revised plans show a hip roof over the garage and bedroom 2 on the first floor plan on Sheet 1 of 3. The first floor plan conflicts with the elevation in that the first floor plan indicates a hip roof and the elevations show gable roof over bedroom 2. To ensure a hip roof is constructed the following condition is recommended should Council grant approval :

"The Construction Certificate plans are to show a hip roof over bedroom 2, in the house indicated as No 14, and on all the elevations so as to be consistent with the first floor plan shown on Sheet 1 of 3, drawn by Peter Rae, dated 17 July 2003".

See Condition No.62 of the recommendation.

The development will increase traffic levels resulting in greater accidents

Council's Development Control Engineers have assessed the proposal and stated that the existing public road system will satisfactorily handle the increase in traffic resulting from the development. The revised plans have modified the driveway to allow the vehicles to egress from the site in a forward direction.

The size of the property of 942m² is too small to accommodate two dwellings

The land area is greater than the minimum area required for two detached dwellings under SEPP 53, which prescribes a minimum area of 600m² for two detached dwellings.

The development will overshadow the pool and garden areas of No.12 Arthur Street.

Shadow diagrams were prepared to identify the impact of overshadowing on adjoining properties. The swimming pool at No.12 Arthur Street will maintain full sunlight between 9am and 12noon. At 3pm, the majority of the pool will be shaded, however, this is in winter when pool usage is less.

The shading of No.12 Arthur Street is minor as the majority of the property will not be significantly affected. The most shadow effect occurs at 3 pm. when the shadow extends approximately 8 metres into the property over the pool area. It has no effect on the dwelling as it is set back approximately 14 metres from the boundary. There is a negligible shadow effect during the morning.

There is limited open space available so as to create mature gardens

Council's Dual Occupancy Code provides a built-upon area requirement of 40% for two x two storey dwellings and the revised development proposes a slight increase from 46.6% to 48.60% due to the modification of the driveway. The proposed built-upon area is nevertheless considered acceptable given that the development complies with the density provisions of SEPP 53. Council's Landscape Development Officer supports the proposal in terms of provision for landscaping because suitable landscaping and canopy replenishment can be provided.

Approval of the proposed dual occupancy would set an unfavourable precedent

Dual occupancy development is permissible within the Ku-ring-gai Municipality under SEPP 53 with the consent of Council. Each development application must be assessed on its merits, and the approval of this development application would not guarantee consent for future dual occupancy developments, which each have to be assessed on their individual merits.

The revised plans meet the objectives of SEPP53 and Ku-ring-gai Dual Occupancy Development Control Code.

The proposed development will reduce the privacy of adjoining properties

The development has been designed with the living areas on the ground floor and bedrooms on the first floor, thereby reducing the potential for direct overlooking from active rooms. The revised plans now include a highlight window to the main bedroom 1 to dwelling No.14 which will reduce the overlooking to the pool area of No.12 Arthur Street. The site is to be fully landscaped with vegetative screening proposed within the boundary setbacks. The privacy of adjoining properties will not be compromised, given the design of the dwellings and the existence of intervening buildings and vegetation between the proposal and neighbouring open space areas/living room windows.

Suggested no parking on northern side Arthur Street opposite.

Neighbours had concerns with the amount of vehicles that use the street in both directions between the hours of 7.30am to 9am. Provided vehicles are not parked illegally, it is not considered necessary to provide "No Standing" signs or warning signs on the northern side of Arthur Street opposite the subject property to restrict work vehicles associated with construction of the two detached dwellings.

CONSULTATION - WITHIN COUNCIL

Council's Urban Design and Heritage Adviser

Streetscape / context

The existing single storey house is noted as contributory in the Killara Conservation Area and is adjoined on left and right by similar contributory buildings. There are some two-storey houses on the opposite side of the street.

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I am concerned that the entrance as seen from the street will be dominated by garage doors. I question whether double garages are necessary for both residences. Car ports or single garages would be less intrusive. A smaller garage or car port might enable the front door of 14A to be made visible from the point of entry.

Bulk, form & scale

The design tries to break the scale down from full two-storey houses. This is successful on 14A but less so on no. 14. I would prefer to see the same approach used on no. 14 wrapping the first floor rooms up in the gabled roof. This would avoid the need to support first floor walls over the middle of ground floor rooms.

Solar design

Sun shading is needed to west facing windows and bi-fold doors.

Private open space

Acceptable for 14A but the rear garden of 14 is around a metre below natural ground level and is liable to be damp, dark and lacking in top soil.

Conclusion

I recommend that the design be amended to reduce the dominance of the garages, improve the address of no 14A and reduce the bulk of no 14. The floor area of no 14 may need to be reduced in order to achieve this and to improve the relationship between its living room and private open space.

Comment:

The issues raised by the Urban Design & Heritage Adviser relate to:

- *The entrance as seen from the street is dominated by garages.*
There is only one garage that faces the street and being set back 12 metres from the street it would have a lesser impact than the existing garage and with the Dwelling No.14A which is located 6 metres from the front boundary, it would further reduce the visual dominance of the garage of Dwelling No.14.
- *The scale of No. 14 has not been satisfactorily broken down from a full two-storey design.*
The incorporation of hipped roof forms to the garage and upper floor of No.14 reduces bulk and the dwelling appears not to be inconsistent with a single storey plus attic.
- *The relationship between the living room and private open space of No. 14 is not satisfactory, and the level difference between the proposed rear garden will be damp, dark and lacking in topsoil because of the difference between natural ground level and proposed rear garden level.*

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Although the private open space for Dwelling 14 has part of the area below natural ground level, with proper subsoil and surface drainage, this area should not be damp and should receive sufficient sunlight between 12 noon and 3pm, even at midwinter.

The rear lawn area has been widened from 2.1 metres to 3 metres.

With regard to the private open space, the revised plans now indicate Dwelling No.14 with a greater set back from the rear boundary by reduction in the overall length of the dwelling, which increases the setback from 5.95 metres to 6.45 metres. The total area for private open space to Dwelling No.14 is 101.977 m². Dwelling No.14A has been provided with 86.7 m² of private open space which does not comply with Council's Dual Occupancy Code. Due to the shallow depth of this portion of the site, this area for private open space to Dwelling No 14A is considered to meet the general aims of the objectives of Clause 5 under Landscaping and Open Space in Council's Dual Occupancy Code.

Development Control Engineer

Summary

(a) This DA is recommended for approval, subject to the engineering conditions shown.

Report

The proposal is for a dual occupancy development. The existing dwelling is to be demolished and two new dwellings constructed, as a detached dual occupancy.

The land drains to the street, with the increased stormwater runoff being dealt with by the construction of a proposed stormwater detention system for each of the two dwellings.

The applicant will be conditioned to provide a "first flush" water quality treatment system as per Council's normal procedure.

The existing public road will satisfactorily handle the increase in traffic resulting from the development. The sealed road and kerb and gutter are all in good condition.

The stormwater drainage design submitted with the revised plans is satisfactory and may be stamped with the Development Application plans.

Comment:

The Development Control Engineer has recommended conditions of development consent.

Landscape Development Officer

The proposal will result in a number of small trees and shrubs being removed from this site. Trees to be removed including a Celtis sp. 7m high to the front of the existing building, an unknown very upright deciduous tree to the rear (9m high), a Crepe Myrtle to the rear 5m high, a Chinese Tallow

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tree in poor condition 5m to rear. None of these trees are of significance both within this site or externally to this site.

Shrubs to be removed include camellias all less than 5m in height, some of which provide a partial screen along the northern boundary at present. Vegetation to the frontage and verge area including a Jacaranda, Casuarina torulosa, and Camellia on the rock shelf will be preserved and will provide a partial screen for the proposal from Arthur Street.

General screen planting capable of 3-4m in height has been provided within adequate side setbacks of 2m and 1.5m, from the edge of the single storey portions of the proposal.

The proposal meets canopy replenishment requirements for a site of this size with 5 trees proposed, 3 of which are locally occurring native (Turpentine). All proposed canopy trees have been satisfactorily positioned on site.

Supported subject to conditions.

The Landscape Development Officer has reviewed the revised plans and recommended approval subject to conditions contained in the recommendations.

CONSULTATION – OUTSIDE COUNCIL

NSW Rural Fire Service

The NSW Rural Fire Service raises no objections, subject to the development complying with AS3959 - level 1 'Construction of Buildings in Bushfire Prone Areas'. (See Condition No.17A)

PROVISIONS OF RELEVANT LEGISLATION

The Environmental Planning & Assessment Amendment Act 1979 Section 79C

1. Environmental Planning Instruments

- State Environmental Planning Policy No 53 (SEPP 53)
- State Environmental Planning Policy No 55 (SEPP 55)
- The Ku-ring-gai Planning Scheme Ordinance, 1979 (KPSO)
- Council's Dual Occupancy Code

This application requires development consent under SEPP 53.

State Environmental Planning Policy No 53

Clause 17 allows development that results in two dwellings being located on the one allotment of land in any zone that permits a dwelling-house to be erected.

Clause 18 permits, with Council's consent, the creation of a dual occupancy development.

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

Development Standard	SEPP 53 Requirement	Proposal	Compliance
Allotment Size	600 m ²	942.2 m ²	Yes
Floor Space Ratio	0.5:1	0.44:1	Yes
Car Parking	2 car spaces for each dwelling with a gross floor area of more than 150 sqm.	2 car spaces provided for both dwellings	Yes

Clause 31 states the following:

- (1) *Consent must not be granted for development to which this Part applies unless the consent authority has taken into account a site analysis prepared in accordance with this clause.*
- (2) *A site analysis must:*
 - (a) *contain information, where appropriate, about the site and its surrounds as described in schedule 5 (Site Analysis), and*
 - (b) *be accompanied by a written statement explaining how the design of the proposed development has regard to the site analysis.*

The submitted information is satisfactory to enable a proper consideration of the proposal in terms of clause 31.

A summary of compliance with the design principles of **Clause 32** of the SEPP is as follows:

a. Streetscape

The subject site was identified in a study carried out by Godden Mackay Logan Heritage Consultants in December 2002. The existing dwelling is noted as a contributing item in the Killara Urban Conservation Area.

Council's Urban Design and Heritage Advisor did not raise any issue with the demolition of the existing dwelling.

The proposed detached dual occupancy dwellings are consistent in design with other dwellings in the area which contain one and two storey dwellings.

It is noted that the site is not near any heritage item.

b. Visual and Acoustic Privacy

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In terms of No. 14, there are no main living rooms at the first floor level with the potential to overlook the adjoining property to the south. There are no windows in the first floor level which face towards the western, neighbouring, property.

This dwelling also has no main living room windows facing towards the northern adjoining property. Should consent to be granted, it is recommended a condition be imposed requiring a minimum sill height of 1.6m for the Study window to minimise privacy impacts to the nearest northern neighbour. Studies are likely to be occupied for extended periods during daylight hours so privacy impacts need to be addressed. (See Condition No. 62).

In terms of No. 14A, this dwelling also has no main living room windows at the first floor level facing towards the neighbouring properties. The Study/Gallery at this level has a window which faces towards the western, neighbouring property, which is approximately 5.6 metres from the western boundary. The oak tree on the adjoining property has a 14.0 metres canopy spread and should provide adequate screening to the private open space for the adjoining premises.

c. Solar Access and Design for Climate

The submitted shadow diagrams demonstrate that No.14 will overshadow approximately 35m² of the pool and pool area of No.12 Arthur Street at 9am on 22 June. This increases to 41m² at 12noon and to 125m² at 3pm. The site area of No.12 Arthur Street is 1307m². The overshadowing is only a small proportion of the site and the proposal complies with the solar access provisions of this requirement. A standard 1.8m high, solid boundary fence would cast a shadow at 3pm approximately 5.5m in width along the length of the southern neighbour's property (No. 12), which would occupy the majority of the shadow cast by proposed No. 14. For these reasons, the development will not have a significant impact on the southern neighbouring property.

Council's Urban Design & Heritage Adviser confirms, however, that the development provides for an unsatisfactory relationship between the rear garden and living room of No 14 and does not ensure adequate solar access to the rear garden. Note earlier comments related to the widening of this area.

Whilst the solar access to Dwelling No. 14 could be better the site shape does constrain optimum design in this area.

Council's Urban Design & Heritage Adviser recommends sun shading to west-facing windows and bi-fold doors, (see Condition No.20).

d. Stormwater

Council's Development Control Engineer has commented that the proposal is acceptable in this regard, subject to conditions.

e. Crime Prevention

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The entry into the development is visible from the living areas of both dwellings. The design of both dwellings will allow residents to see visitors approaching without the need to open front doors. The proposal complies with the design requirements for crime prevention.

f. Accessibility

The road reserve in front of the site does not include a footpath. The nearest footpath is in McIntosh Street to the north of the site. The site is located in close proximity to a footpath which provides pedestrian access to the Gordon commercial and service facilities, railway station and bus stops. The development does not propose a connecting footpath to that which exists in McIntosh Street and the Development Control Engineer has not recommended a condition requiring the provision of such a footpath.

The number of parking spaces provided complies with the provisions of SEPP 53 and, given the scale of the proposed development, it is considered unreasonable to require additional parking for visitors.

The topography of the front part of the site is relatively flat and the street boundary, parking spaces and buildings will be accessible to its future occupants.

g. Waste Management

Whilst the proposal does not nominate facilities on site for waste management, conditions could be imposed on any development consent requiring provision of waste facilities that maximise recycling.

h. Visual Bulk

The front setback of the development is consistent with the front setback of the existing dwelling on the site, except for the front porch of Dwelling No.14A which has been moved forward 1.0 metre to provide better security for the residents. The proposed side and rear setbacks are reasonable having regard to the scale of the development when viewed from the adjoining properties.

To address the concerns raised by Council's Urban Design and Heritage Adviser, the plans have been revised replacing the gable ends to Dwelling No 14 to a hip roof. With the roof change plus the 12 metres set back to Dwelling No.14, the overall development will have minimal impact on the streetscape and be consistent with other surrounding developments.

With regard to the comments by Council's Urban Design and Heritage Adviser, that the garage doors to No 14 will be dominating when viewed from the street, it is considered that this will not be the case.

The 7 metres setback of the adjoining dwelling will offset the effect of the garage doors to No 14. It is also to be noted that there are a number of similar garage doors in the near vicinity.

State Environmental Planning Policy No 55 - Remediation of land (SEPP 55)

There is no evidence to suggest that the site is contaminated. Conditions have been included requiring appropriate treatment and disposal of any asbestos or lead based paint materials, which may be uncovered during the demolition process.

Ku-ring-gai Planning Scheme Ordinance (KPSO)

The KPSO does not contain any specific controls in relation to dual occupancy development. In relation to clause 46 (2) – height, both of the proposed dwellings do not exceed 6 metres in height and the development easily complies with the 8m height development standard for dwelling-houses.

The land is zoned Residential 2(b) and the Aims and Objectives of the zone are outlined in Schedule 9 and are applicable to this application. Dual Occupancy developments are not prohibited in the Residential 2(b) zone.

Development Control Plan No 43 - Car Parking

Development Control Plan No 43 prescribes the following provisions;

Minimum 1 car space per dwelling under 125 square metres.

Minimum 2 car spaces per dwelling in excess of 125 square metres.

Both of the proposed dwellings are in excess of 125m² and require 2 car spaces each, which are proposed. A total of 4 car spaces are provided as required.

Development Control Plan No 40 - Construction & Demolition Waste Management

Development Control Plan (DCP) No. 40 requires the submission of a waste management plan for the demolition and construction of buildings. The application has not provided details of how demolition materials will be stored and disposed of. The location of both building materials and waste material storage areas have not been identified on a site plan.

A condition has been included requiring submission of a waste management plan and approval thereof by Council, prior to the issue of a Construction Certificate.

Council's Dual Occupancy Development Control Code

The aims and objectives of this Code should be read in conjunction with Schedule 9 of the KPSO, "Aims and Objectives for Residential Zones".

The Policy sets out standards for dual occupancy development as detailed below:

Standard	Requirement	Compliance
Streetscape	Single storey. Two storey,	Yes. Hip roof now included in

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	mixed, building scale, setback, height, landscape, etc.	Dwelling No.14 to ensure consistency with surrounding dwellings.
Visual character	Consistent with surrounds when viewed from the street or public domain. Integrates built form and soft landscaping.	Yes. The buildings are consistent with surrounding development.
Architectural design	Reinforce existing streetscape character, roof forms, building height, colour, material, etc.	Yes. Roof change to Dwelling No.14 maintains the existing streetscape character.
Roof pitch	Compatible with streetscape character. Consider heritage, building bulk, overshadowing.	Yes
Fences	Consider visual character study, existing fences, landscape character.	Yes. No front fences proposed.
Visual privacy	Use of distance or slope, dwelling layout, screen planting fencing, screening devices, window screens, courtyard walls.	Yes. Areas of private open space and living areas will not overlook adjoining neighbours due to setbacks, intervening buildings and vegetation screening, orientation of adjoining living areas and living areas located on the ground floors.
Acoustic privacy	Minimise noise transmission, relationship to major roads.	Yes.
Solar access	Maximised to north facing windows of living rooms and outdoor areas. Consider adjoining areas, overshadowing of public reserve and bushland.	Yes. Sufficient solar access to the living areas and outdoor areas.
Energy efficiency	Designed to reduce energy use, consider thermal properties of construction materials.	Yes. Complies by condition.
Watercourses and drainage systems	Retain ecological integrity. 100 year flood, riparian zone, etc.	Yes.
Stormwater disposal.	Site detention, reuse, effect on vegetation.	Yes. Council's Development Control Engineer supports proposal subject to conditions.
On site detention	Should be considered.	Yes. Development Control Engineer has approved the stormwater drainage detail.
Water conservation	Particular plumbing fittings.	Yes. Requires specific conditions.
Rainwater tanks	Should be considered.	Not proposed.
Site and building design	Crime prevention measures, observation of street and public areas, dwelling entries. Reduce	Yes. Passive surveillance of entry and street obtainable from living areas.

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	opportunity for illegal access, restrict side and rear access, consider landscaping obstructing observation.	
Lighting	Provide lighting to paths, etc., parking, building entries. Enhance safety.	Yes. Requires specific conditions.
Vehicular access	Functional, safe, limit hard surface run-off. Reduce conflict with traffic, pedestrians, safety. Heritage significance, existing trees.	Yes. Development Control Engineer raises no objection with respect to pedestrian safety. Site not a heritage item.
Car parking	Numbers, size, location, sympathetic to development.	Yes. Four spaces provided as required by SEPP 53.
Disabled access	Travel paths, etc.	Yes.
Waste storage facilities	Space for garbage, recyclables, compost. Comply with policy. Ease of access to Council collection point.	Yes. Adequate space exists.
Building setbacks	Regard to adjoining properties and pattern of street. Setback between occupancies 7 metres. Side and rear to allow for landscaping.	No. However, setback of proposed and existing development on the site are consistent and acceptable. No. Setback is 1.4 metres. Not an issue of such significance to warrant refusal. Refer to comments below. Yes. Landscape Development Officer supports application subject to conditions.
Building form	Improve and enhance visual aspect. Not to dominate, provide architectural relief and modulation. Avoid a bulky appearance. Allow for soft landscaping. Provide for sunlight, ventilation, daylight both within and outside the site.	Yes. The building will not dominate the surrounding properties and are well articulated. The hip roof to Dwelling No.14 reduces the visual bulk.
Built upon area.	Comply with standard for development, being 40% max.	No. Total built upon area is 48.6%, but is acceptable given that the development complies with SEPP 53 density provisions.
Floor space ratio	Comply with standard for development, being 0.5:1 max.	Yes – 0.44:1

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Building height	Maintain relative scale, solar access, minimise overshadowing, adequate separation between building and boundary.	No. Refer to comments below.
Building envelope	Comply with standard for development	Yes
Cut and fill	Maximum 1800mm.	Yes
Views	Protect significant views.	Yes. There are no significant views from the site.
Private open space	Comply with standard for development, being 100 m ² max, minimum 5m dimension. Oriented to allow for adequate solar access.	No. Proposed No. 14 has a private open space area of approximately 101sqm and proposed No. 14A has a private open space area of approximately 86sqm. Both are considered adequate. The open space area for proposed No. 14A has a dimension of 4.94m, which is only a slight reduction to the 5m requirement. Both open space areas have an open northerly aspect.
Protection of bushland	Consider wildlife corridors and vegetation links, endangered species habitats, bushland and scenic views.	Yes. No bushland located in immediate vicinity of site.
Heritage	Consider heritage impacts both within and outside the site.	Yes. There are no heritage items located in the immediate vicinity of this site.
Site and waste management	Prepare site management plan.	Yes. Can be conditioned to comply.
Pollution control	Comply with Draft DCP No. 47	Yes. Can be conditioned to comply.

Setback between Occupancies

The distance between the two dwellings is approximately 1.4 metres which is less than the required 7.0 metres, which is to allow for adequate privacy and amenity for each dwelling.

Due to the L-shape of the site, it does not allow the buildings to have a 7.0 metres separation.

There are no windows facing each other and both private open space are well spaced apart to provide adequate privacy and amenity for each dwelling.

The proposed landscaping plan shows dense screen planting to be provided at the southern end of the private open space for Dwelling No 14A which will help preserve the amenity of this area.

Side and Rear Setbacks

Due to the odd shape of the site, it is unrealistic to have the detached dual occupancy dwelling comply with Council's Dual Occupancy Code with regards to the side setbacks which requires an allotment width greater than 20 metres for two storey dwellings is 12% of the site width. This would require the building to be set back 3.9 metres from the side boundaries. It would be hard to justify refusal on these grounds given that SEPP53 has no specific set back requirement from side boundaries, and that there is sufficient area for screen planting as evident by the acceptance of the landscape plan by Council's Landscape Development Officer.

Built Upon Area

The built-upon area of the site exceeds the maximum 40% permitted for the site for two storey dual occupancy development. The total built-upon area is approximately 48.6% and SEPP53 allows for a higher density development for dual occupancy development. Council has in the past accepted two storey dual occupancy development with a built-upon area exceeding 40 % and approaching 50 % and it is not considered that there are any adverse impacts resulting from this non-compliance.

Building Height

The height of Dwelling No. 14, exceeds the ceiling height limit of 3.6 metres by 2.59 metres and the overall height of 7 metres by approximately 1 metre. However it would be hard to justify refusal on these grounds given that SEPP53 has no specific height control. The overall heights are consistent with other two storey dwellings in the surrounding area.

Private Open Space

The private open space area to Dwelling No.14 is approximately 101m² but due to the shape of the site, and slope of the land, the land has been divided up with a retaining to create a greater level area from the living area. Dwelling No.14A has approximately 86m² of private open space and is considered acceptable considering the shallow depth of the site of 23.77 metres and having to maintain a reasonable set back for the dwelling from the front boundary.

2. Likely Impacts

The proposal is unlikely to have any significant impact on threatened species, populations or ecological communities or their habitats or any other protected fauna or protected native plants. The proposed two-storey design, which will have minimal impact on the streetscape of the locality as the two storey portion of the Dwelling No.14 is set back 16.5 metres from the front boundary and the two sections to dwelling No.14A is mainly within the roof space and therefore gives the appearance of a single storey dwelling. The proposal will have no unreasonable impacts on the amenity of adjoining properties.

3. Suitability of The Site

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The site is zoned Residential 2b under the Ku-ring-gai Planning Scheme Ordinance and permits dual occupancy development. The site is constrained with it being L-shaped and the proposed dwellings have been designed to respect the setbacks of adjoining dwellings.

As mentioned earlier in the report, SEPP53 allows for higher density of the site to provide more accommodation without impacting on surrounding area or amenity of adjoining properties.

The NSW Rural Fire Service raised no objections to the dwellings being constructed in a bushfire prone area, subject to the construction complying with level 1 Construction in AS3959-1999.

4. Any Submissions

Submissions have been dealt with earlier in this report.

5. Public Interest

The application proposes a more intensified use of residential land in an established residential area. The proposal is in the wider public interest as envisaged by SEPP53.

6. Section 94

This proposal will be subject to the provisions of Council's adapted Section 94 Contributions Plan for Residential Development.

The new dwellings are considered as large dwellings with an occupancy rate of 3.5 persons for which the contribution is \$33,057.22.

Any other Relevant Matters Considerations Not Already Addressed

There are no other relevant matters for consideration.

CONCLUSION

The proposed dual occupancy development complies with the requirements of SEPP 53.

The site has been identified as a contributory item within the Killara Urban Conservation Area. While the sites significance has been considered, there has been no objection raised by Council's Urban Design and Heritage Adviser to demolition of the existing dwelling.

The issues raised by Council's Urban Design and Heritage Adviser have been addressed in the report and in the revised plans with regards to visual bulk, with inclusion of the hip roof instead of gable and protection to the western windows by way of conditions.

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The non compliance with Council's Dual Occupancy Code concerning overall height exceeding the 7.0 metres and 8.0 metres, building setbacks and private open space are not considered sufficient to warrant refusal.

The Rural Fire Service raised no objections to the buildings being constructed in a bush fire prone area subject to compliance with level 1 construction.

The issues raised by the neighbours have been addressed earlier in the report and are not sufficient to warrant further changes or refusal of the application.

To preserve the privacy to the private open space at the rear of Dwelling No.14A a condition will be imposed requiring the sill height of the study room window in the northern wall to be not less than 1.6 metres above finished floor level.

The proposal is recommended for approval, subject to conditions.

RECOMMENDATION

That resulting from a review of determination under Section 82A of the Environmental Planning and Assessment Act, Development Application No. 937/03 for demolition of an existing dwelling and swimming pool and construction of a detached dual occupancy, being Lot A DP 375034 (No. 14) Arthur Street, Killara, be approved for a period of up to 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.937/03, lodged with Council on 28 July 2003 and amended Development Application Plans prepared by Lindsay Little and Associates Pty Ltd, reference number Drawings 1 and 2, dated 24 December 2003 and Drawing 3, dated 13 January 2004, plans prepared by Sally Bourne Landscapes, reference number 65/03, dated 19 July 2003 and plans prepared by Neilly Davies & Partners Pty Ltd, reference number SW1, dated July 2003.
2. All building works shall comply with the Building Code of Australia.
3. The submission of the approved plans to Sydney Water, before any work is commenced to ensure that the proposed structure meets that Authority's By-Laws. Failure to submit these plans before commencing work will render the owner liable to a penalty and may result in the demolition of work.
4. The works set forth in the plans and specifications and approved under this consent, once commenced, shall be completed within two (2) years from the date of commencement.
5. The approved building shall not be occupied unless the development has been completed in accordance with all conditions of consent and the approved plans and a Occupation Certificate has been issued.

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6. The opening of any footway, roadway, road shoulder or any part of the road reserve shall not be carried out without a Road Opening Permit being obtained from the Council (upon payment of the required fee) beforehand.
7. 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.
8. 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.
9. **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.

10. 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.
11. A sign shall be erected in a prominent position on the site which states the name and contact details of the Principal Certifying Authority.
12. All excavations shall be properly guarded and protected with hoardings or fencing to prevent them from being dangerous to life and property.

To maintain existing ground levels all excavated material shall be removed from the site.

13. Any excavation of rock involving hydraulic or compressed air rock hammers or other excavation equipment shall comply with the requirements of Council's Code for the Control and Regulation of Noise on Building Sites.

No rock breaking or other machinery for the excavation, drilling or removal of rock shall be used on the site without the prior approval of the Principal Certifying Authority. Should rock breaking or associated machinery be required, the following details are to be submitted to the Principal Certifying Authority for consideration:

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- a. The type and size of machinery proposed.
- b. The routes of all trucks to convey material to and from the site.
- c. A report by a Geotechnical Engineer detailing the measures recommended in undertaking the work so as to prevent any damage to any adjoining or nearby buildings.

With regard to the proposed rock breaking the following conditions are to be observed:

- a. The Geotechnical Engineer shall supervise the works in progress.
 - b. A dilapidation report on adjoining or nearby properties shall be prepared prior to any excavation, rock breaking, or associated work commencing and shall be submitted to the Principal Certifying Authority.
 - c. All material removed from or imported to the site shall be loaded, unloaded or conveyed in such a manner that will minimise nuisance. Trucks shall be covered and site controls shall include shaker grids at the exits of the site. All materials falling to any part of the road or footpath or any public place shall be immediately cleaned up.
 - d. All material removed from or imported to the site shall be loaded, unloaded or conveyed in such a manner that will minimise nuisance. Trucks shall be covered and site controls shall include shaker grids at the exits of the site. All materials falling to any part of the road or footpath or any public place shall be immediately cleaned up.
14. The applicant is advised that the Construction Certificate plans and specifications must comply with the provisions of the Building Code of Australia.
 15. Toilet facilities are to be provided, within the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.
 16. To maintain residential amenity, all electrical services to the site are to be provided underground and must not disturb the root system of any trees. Please contact the energy supply authority's local customer service office to obtain documentary evidence that the authority has been consulted and that their requirements have been met. This information is to be submitted to Council prior to the release of the Certificate.
 17. Compliance with the general terms of approval issued by the Rural Fire Service and the Department of Infrastructure Planning and Natural Resources.(as follows).
- 17(A) Rural Fire Service
- (a) Construction should comply with AS3959 - 1999 level 1 'Construction of Buildings in bushfire prone areas'.
18. 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.

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19. An energy assessment is to be submitted for the new dwelling achieving as a minimum a NatHERS rating of 3.5 stars. Thermal insulation is to be provided to the roofs, walls and ceilings of the new works.
20. West facing windows shall be provided with adequate shading devices.
21. Adequate lighting is to be provided to all paths, accessways, parking areas and building entries so as to enhance amenity and security around dual occupancy dwellings. Refer to Clause 4.6.3 of Council's Dual Occupancy Code.
22. Locks are to be installed on all windows and doors, with chains and viewers to be installed on all front doors. Where security grills are fitted, they are to be sympathetic to the architectural style of the dwelling and not to restrict surveillance.
23. The demolition is to be carried out in accordance with the guidelines contained in Australian Standard 2601-1991: The Demolition of Structures.
24. Access to demolition sites shall be protected as directed by the Principal Certifying Authority by the use of suitable fences or hoardings.
25. Where a new development is not commencing immediately following demolition, the demolition shall be limited to the extent of the footprint of the building/s on the site and no excavation shall be carried out.
26. 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.
27. 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.
28. Erosion control measures shall be provided on demolition sites to prevent the siltation of watercourses and drainage systems.
29. 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:

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- 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.
30. 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.
 31. A temporary construction exit and sediment trap to reduce the transport of sediment from the site onto public roads shall be provided before demolition commences.
 32. 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.
 33. All combustible material shall be removed from the site on a daily basis. Material shall not be burnt on the site.
 34. 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.
 35. Trees and vegetation on a site shall not be disturbed except with the approval of the Council.
 36. Adequate precautions shall be taken to ensure the protection of adjoining premises and persons therein from damage and injury during the process of demolition.
 37. 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.
 38. The applicant or builder/developer is responsible for the cost of making good any damage that may be caused to any Council property as a result of work associated with the demolition.
 39. A photo record of the buildings to be demolished and vegetation on site is to be submitted to Council for archival purposes.

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40. A sign must be erected in a prominent position on any work site on which work involved in the erection or demolition of a building is being carried out:
- stating that unauthorised entry to the work site is prohibited, and
 - showing the name of the person in charge of the work site and a telephone number at which that person may be contacted outside working hours.

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

This clause does not apply to:

- building work carried out inside an existing building, or
 - building work carried out on premises that are to be occupied continuously (both during and outside working hours) while the work is being carried out.
41. All demolition materials of value for re-use either on-site or elsewhere, shall be separated and made available for re-cycling.
42. Stormwater runoff from all hard surfaces, or landscaped areas which are not at natural ground level, shall be piped to the street drainage system. Drainage line connections to the kerb shall conform and comply with the detailed requirements contained within Council's Plan No82/024 ("Connections of Drainage Lines to Kerb and R.C. Pipe"). Drainage crossings of the footway area shall be a single 100mm diameter sewer grade uPVC pipe with kerb adaptor, where the total design flows from the property are within the capacity of such a pipe, otherwise suitably sized galvanised RHS shall be used. To ensure compliance with this condition, a Certificate from the installer is to be submitted to the Principal Certifying Authority prior to issue of the Final Compliance Certificate.
43. To maintain capacity of the Public drainage system, an On-site Stormwater Detention System must be provided in accordance with Council's Stormwater Management Manual. Unless otherwise approved, separate detention systems are to be provided for each residence. An overflow is to be incorporated that will direct any excess flow to the downstream drainage system and subsoil drainage is to be provided from the underside of the sediment control sump to the outlet line or other approved location.

The system is to be cleaned regularly and maintained to the satisfaction of Council.

NOTE 1: The on-site stormwater detention system and property drainage system is not to require excavation or fill underneath the canopy areas of any trees to be retained unless as approved by a qualified arborist's certification that such excavation will not affect the longevity of the subject tree(s).

NOTE 2: If the applicant wishes to vary the prescribed storage and outflow volumes contained in Council's Stormwater Management Manual, a detailed analysis must be provided following the guidelines set out in Council's requirements for on-site detention with full computations accompanying the submission including a flood routing analysis.

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NOTE 3: All roof, driveway and other hard-surface runoff water is to be intercepted and directed to the on-site stormwater detention system. If some areas of hard-surface are unable to be directed to the detention system an adjustment to the rate of discharge is to be made to attain the required site discharge.

NOTE 4: If a landscaped surface type detention system is used the storage volume required is to be increased by 20%.

NOTE 5: The standard Council On-site Stormwater Detention Calculation Sheet is to be completed and included on design drawings. This is available from Council upon request.

44. The public footways and roadways adjacent to the site are to be maintained in a safe condition, at all times, during the course of the works. A safe pedestrian circulation route a minimum of 1.5m wide and with a pavement free of trip hazards must be maintained at all times on or adjacent to the public footways fronting the construction site. Where the footpath is damaged, repair works must be carried when directed by Council officers and in accordance with the relevant clauses of the current edition of AUS-SPEC.

Where circulation is diverted on to the roadway clear directional signage and protective barricades must be installed in accordance with Aust 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.

45. 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 minimise and/or 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, with all silt being removed from the site, or to an approved location within the site.
46. 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 AS 2890.1 – "Off-Street car parking".
47. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained. 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.

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

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

49. The landscape works shall be completed prior to issue of final Certificate of Compliance and maintained in a satisfactory condition at all times.
50. Landscape works shall be carried out in accordance with Landscape Drawing No 65/03 prepared by Sally Bourne Landscapes and dated 19 July 2003 submitted with the Development Application. The landscape works shall be completed prior to issue of the final Certificate of Compliance and be maintained in a satisfactory condition at all times.
51. Tree planting to satisfy tree retention/replenishment requirements shall be completed prior to the issue of the final Certificate of Compliance
52. The 5 trees to be planted shall be maintained in a healthy and vigorous condition until they attain a height of 5.0 metres whereby they will be protected by Council's Tree Preservation Order. Any of the trees found faulty, damaged, dying or dead shall be replaced with the same species.
53. 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.
54. On completion of the LANDSCAPE WORKS/TREE PLANTING , a Landscape Architect or qualified Landscape Designer shall submit a report certifying correct installation, faithful to the landscape plan to the Principal Certifying Authority with a copy to Council, prior to issue of final Certificate of Compliance.
55. All builders' refuse, spoil and/or material unsuitable for use in landscape areas shall be removed from the site on completion of the building works.
56. The following noxious and/or undesirable plant species shall be removed from the property prior to completion of the proposed building works. Documentary evidence of compliance with this condition shall be submitted to the Principal Certifying Authority prior to the release of the final Compliance Certificate:

Plant Species

Asparagus densiflorus, Blechnum sp., Cinnamomum camphorum, Hedera sp.,

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

57. 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.

58. 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).
59. 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.
60. Prior to commencing any construction or subdivision work, the following provisions of the Environmental Planning & Assessment Act, 1979 (the 'Act') are to be complied with:
- a. A Construction Certificate is to be obtained in accordance with Section 81A(2)(a) of the Act.
 - b. A Principal Certifying Authority is to be appointed and Council is to be notified of the appointment in accordance with Section 81A(2)(b) of the Act.

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

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

TOTAL CONTRIBUTION FOR THIS DEVELOPMENT OF ONE (1) ADDITIONAL DWELLING IS CURRENTLY \$33,057.22. The amount of the payment shall be in accordance with the Section 94 charges as at the date of payment. The charges may vary at the time of payment in accordance with Council's Section 94 Contributions Plan to reflect changes in land values, construction costs and the consumer price index.

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

1. Preparation of New Residents Kit	\$10.98
2. New Resident Survey	\$9.87
3. New child care centre (including land acquisition and construction of facility)	\$252.13
4. Additions/alterations to Acron Rd child care centre for additional 20 places	\$2.41
5. New Library bookstock	\$17.95
6. New Public Art	\$2.93
7. Acquisition of Open Space - Killara	\$7,851.00
8. Koola Park upgrade and reconfiguration	\$143.09
9. North Turramurra Sportsfield development	\$986.80
10. Section 94 2000-2003 Study and Interim Plan preparation cost	\$49.34
11. Section 94 Officer for period of Plan 2000-2003	\$118.42

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

OCCUPANCY RATES FOR DIFFERENT DWELLING SIZES

Small dwelling (under 75 sqm)	1.25 persons
Medium dwelling (75 - under 110 sqm)	1.75 persons
Large dwelling (110 – under 150sqm)	2.75 persons
Very Large dwelling (150sqm or more)	3.5 persons
New Lot	3.5 persons

62. Prior to the release of the Construction Certificate revised plans showing :

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- a. a hip roof over bedroom 2 in house indicated as No.14 on all elevations so as to be consistent with the first floor plan shown on Sheet 1 of 3 drawn by Peter Rae, dated 17 July 2003.
- b. To preserve the privacy to the private open space at the rear of Dwelling No.14A a condition will be imposed requiring the sill height of the study room window in the northern wall to be not less than 1.6 metres above finished floor level.

63. DRIVEWAYS AND FOOTPATHS: Approval of this Development Application is for works wholly within the property and 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.

Footpath and driveway levels at the property boundary/road alignment are to be obtained from Council prior to release of the Construction Certificate. All footpaths and driveways are to be constructed strictly in accordance with Council's specifications "Construction of Gutter Crossings and Footpath Crossings". This is issued with alignment levels after completing the necessary application form at Customer Services and payment of the appropriate fee.

The grading of such footpaths or driveways outside the property are to 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 this may be affected by the alignment levels fixed by Council.

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 (if applicable) of the proposed driveway at the boundary alignment. Failure to submit this information may delay processing.

64. A *CASH BOND/BANK GUARANTEE* of \$4000 shall be lodged with Council as a Landscape Establishment Bond prior to the release of the Construction Certificate to ensure that the landscape works are installed and maintained in accordance with the approved landscape plan or other landscape conditions.

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

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.

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65. A Waste Management Plan to be submitted to the Principal Certifying Authority for approval prior to the release of the Construction Certificate.

CONDITIONS TO BE COMPLIED WITH PRIOR TO WORK COMMENCING

66. Prior to the commencement of any work, the Principal Certifying Authority shall be notified in writing of the name and contractor licence number of the owner/builder who intends to carry out the approved works.
67. External finishes and colours are to be sympathetic to the surrounding environment. Samples of materials and finishes are to be submitted to and approved by Council prior to the commencement of work.
68. To preserve the following tree/s, no work shall commence until the area beneath the canopy of the following tree/s is fenced off at the specified radius from the trunk to prevent any activities, storage or the disposal of materials within the fenced area. The fence/s shall be maintained intact until the completion of all demolition/building work on site.

Tree/Location	Radius in Metres
<i>Rothmania sp/</i> rear boundary	2.0 metres
<i>Camellia japonica/</i> rear boundary	2.0 metres

69. The tree protection fence shall be constructed of star pickets at 2.4 metre spacings and connected by four strands of 2mm wire at 300mm spacings to a minimum height of 1.5 metres prior to work commencing.

CONDITIONS TO BE COMPLIED WITH PRIOR TO OCCUPATION

70. Prior to the release of any occupation certificate, a compliance certificate must be obtained from an accredited certifier, certifying that the building works for the building to be occupied comply with the plans and specifications approved by this development consent; and any construction certificate associated with this consent for the buildings to be occupied. If the PCA is not the Council, then this compliance certificate must be submitted to the Council at the same time as the occupation certificate is submitted to the Council in accordance with Clause 151(2) of the E P & A Act regulations.
71. A survey report shall be submitted to the Principal Certifying Authority prior to occupation, which certifies that the development has been constructed in accordance with the terms of this consent in relation to built upon area, building levels and setbacks.
72. Prior to issue of the Final Compliance Certificate or the issue of a Subdivision Certificate, all disused driveway crossings, pipe crossing and/or kerb laybacks are to be reinstated as footway and kerb and/or gutter to the satisfaction of Council's Development Engineer. Reinstatement works to generally match surrounding infrastructure. Any infrastructure within the road

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reserve along the frontage of the subject site or within close proximity which has been damaged as a result of construction works on the subject site is to be repaired to the satisfaction of Council's Development Engineer, at the Applicants cost.

73. The creation of a Positive Covenant and Restriction on the Use of Land under Section 88B of the Conveyancing Act 1919, burdening the property with the requirement to maintain the on-site stormwater detention facilities on the property. These must be created prior to issue of the Final Compliance Certificate or issue of a Subdivision Certificate. 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.

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

74. In order to maintain Council's database of as-constructed on-site stormwater detention systems, if the Principal Certifying Authority is not Council then a copy of the approved stormwater detention design, the works-as-executed drawings and the Engineer's certification of the as-constructed system is to be provided to Council, attention Development Engineer, prior to issue of the Final Compliance Certificate or issue of a Subdivision Certificate.
75. The Section 73 Sydney Water compliance certificate must be obtained and submitted prior to issue of the Final Compliance Certificate or issue of the Subdivision Certificate.
76. Construction of the On-site Stormwater Detention System is to be supervised and upon completion a Certificate and Works-as-Executed (WAE) plan is to be submitted to the Principal Certifying Authority for approval, prior to issue of the Final Compliance Certificate. Certification is to be provided by a suitably qualified civil/hydraulic engineer and the WAE plan is to be prepared by a registered surveyor. The certifying engineer must to also complete and submit Council's standard On-site Stormwater Detention Certification sheet.

The Certificate is to be with respect to compliance with:

- Compatibility of the drainage system with the approved plans
- The soundness of the structure.
- The adequacy of the outlet control mechanism to achieve the discharge as specified.
- The capacity of the detention storage as specified.
- The size of the orifice or pipe control fitted.
- The maximum depth of storage over the outlet control.
- The adequate provision of a debris screen.
- The inclusion of weepholes in the base of the outlet control pit.
- The provision of an emergency overflow path.

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

The Works-as-Executed drawing(s) are to include all relevant levels including:

- invert levels
 - surface or pavement levels
 - floor levels including adjacent property floor levels
 - maximum water surface level to be achieved in the storage zone
 - dimensions of basin(s), tank(s), pit(s), etc.
 - location(s) of basin(s), tank(s) and distances from buildings, boundaries, and easements, etc.
 - storage volume(s) provided and supporting calculations
1. size of orifice(s)

77. Construction of the property stormwater drainage works is to be supervised and upon completion certified by a suitably qualified and experienced civil/hydraulic engineer, prior to issue of the Final Compliance Certificate, that:

- a. The works were carried out and completed in accordance with the approved plans.
- b. All enclosed floor areas, including habitable and garage floor levels, are safeguarded from outside stormwater runoff ingress by suitable differences in finished levels, gradings and provision of stormwater collection devices.

A Works-as-Executed drawing of the property stormwater drainage system is also to be furnished by the Certifier Prior to issue of the Final Compliance Certificate.

BUILDING CONDITIONS

78. The following are required details and must be submitted to the Principal Certifying Authority *prior to issue of the Construction Certificate*. Any matter listed below must have a Certificate attached from a suitably qualified person to the effect that the design or matter complies with the relevant design Standard or Code which the Certificate must identify.

- a. Details prepared by a practicing structural engineer for all or any reinforced concrete, structural steel or timber framing.

79. The building works are to be inspected during construction by the Council, an accredited certifier or other suitably qualified person/s (as applicable) and a Compliance Certificate shall be issued prior to proceeding to the subsequent stages of construction, encompassing not less than the following stages:

- a. All sediment and erosion control and tree protection measures and installations in place on the site prior to the commencement of any earthworks, excavations or other work.
- b. Any pier holes and/or foundation material.

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- c. Any steel reinforcement prior to placement of concrete. This includes all reinforcement of floors, slabs, trenches, columns, beams and stairs (if components of this structure).
- d. Any structural components (i.e. timber framework, structural steelwork or the like) before fixing any lining or covering.
- e. Any stormwater drainage works prior to covering.
- f. The completed landscape works in accordance with the approved plans.
- g. The completed structure prior to occupation.

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

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

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

- 80. To ensure compliance with this determination the building shall be set out by a Registered Surveyor and the Survey Report shall be lodged with the Principal Certifying Authority prior to the external wall construction proceeding above floor level.
- 81. To ensure compliance with this determination a Registered Surveyor's Report confirming reduced levels as shown on the approved plans with particular regard to the future finished level of the ground floor of Dwelling No.14 and No.14A shall be submitted to the Principal Certifying Authority on completion of that floor.
- 82. For the purpose of safety and convenience a balustrade of 1.0 metre minimum height shall be provided to any landing, verandah, balcony or stairway of a height exceeding 1.0 metre above finished ground level. The design may consist of vertical or horizontal bars but shall not have any opening exceeding 125mm. For floors more than 4.0 metres above the ground, any horizontal elements within the balustrade or other barrier between 150mm and 760mm above the floor must not facilitate climbing.
- 83. For the purpose of safe ingress and egress the stairs are to be constructed within the following dimensions:

Risers:	Maximum 190mm	Minimum 115mm
Going (Treads):	Maximum 355mm	Minimum 240mm
- Note: Dimensions must also comply with limitations of two (2) Risers and one (1) going equalling a maximum 700mm or minimum 550mm. The Risers and Goings shall be uniform throughout the length of the stairway.
- 84. For fire safety an automatic fire detection and alarm system shall be installed throughout the dwelling in accordance with the following requirements:

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- a. A smoke alarm system complying with Part 3.7.2 of the Building Code of Australia Housing Provisions; or
- b. Smoke alarms which:
 - i. comply with Australian Standard 3786 or listed in the Scientific Services Laboratory Register of Accredited Products (all accredited products should have scribed on them the appropriate accreditation notation); and
 - ii. are connected to the mains and have a standby power supply; and
 - iii. are installed in suitable locations on or near the ceiling and as prescribed under Part 3.7.2 of the Building Code of Australia Housing Provisions.

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

85. Termite protection which will provide whole of building protection in accordance with Australian Standard 3660 - *"Protection of Buildings from Subterranean Termites"* is to be provided.

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

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

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

86. The following are required details and must be submitted to the Council on completion of the works. Any matter listed below must have a Certificate attached from a suitably qualified person to the effect that the design or matter complies with the relevant design Standard or Code which the Certificate must identify.
- a. Wet area waterproofing details complying with the Building Code of Australia.
 - b. Glazing details complying with AS 1288-1989 Glass in Buildings and Installation Code.
 - c. A Compliance Certificate that the building is protected and complies with Australian Standard 3959 Construction of Buildings in Bushfire Prone Areas.
 - d. A Registered Surveyor's Report on completion of footings but before external walls are above floor level verifying compliance with this consent.

A Bailey
Team Leader, Comenarra Ward

M Miocic
Director
Environment & Regulatory Services

Attachments: **Location Sketch**
 Development Plans
 Shadow Diagrams
 Original Report
 Council's Resolution

DEVELOPMENT APPLICATION

SUMMARY SHEET

REPORT TITLE:	23 TO 25 STANLEY STREET, ST IVES - DEMOLITION OF EXISTING STRUCTURES AND ERECTION OF SEPP 5 DEVELOPMENT CONSISTING OF 5 X 3 BEDROOM AND 2 X 2 BEDROOM UNITS AND BASEMENT CARPARKING
WARD:	St Ives
DEVELOPMENT APPLICATION N^o:	638/03
SUBJECT LAND:	23 to 25 Stanley Street, St Ives
APPLICANT:	William Heaton C/- Glendinning Minto & Associates
OWNER:	L A Marks-Meenan and J Kendall
DESIGNER:	Lindsay Little and Associates
PRESENT USE:	Residential - detached dwellings
ZONING:	Residential 2c
HERITAGE:	No
PERMISSIBLE UNDER:	State Environmental Planning Policy 5
COUNCIL'S POLICIES APPLICABLE:	Development Control Code 1/2003 - Housing for Older People and People with a Disability, Development Control Plan No 31 - Access, Development Control Plan No 43 - Parking, Development Control Plan No 40 - Waste Management
COMPLIANCE WITH CODES/POLICIES:	No
GOVERNMENT POLICIES APPLICABLE:	State Environmental Planning Policy Nos 5 and 55, Sydney Regional Environmental Plan 20
COMPLIANCE WITH GOVERNMENT POLICIES:	Satisfactory level of compliance
DATE LODGED:	22 May 2003
40 DAY PERIOD EXPIRED:	29 August 2003 (due to stop the clock provision)
PROPOSAL:	Demolition of existing structures and erection of SEPP 5 development consisting of 5 x 3 bedroom and 2 x 2 bedroom units and basement carparking
RECOMMENDATION:	Recommended for approval subject to conditions

DEVELOPMENT APPLICATION N^o 638/03
PREMISES: 23-25 STANLEY STREET, ST IVES
PROPOSAL: DEMOLITION OF EXISTING STRUCTURES
AND ERECTION OF SEPP 5
DEVELOPMENT CONSISTING OF 5 X 3
BEDROOM AND 2 X 2 BEDROOM UNITS
AND BASEMENT CARPARKING
APPLICANT: WILLIAM HEATON C/- GLENDINNING
MINTO & ASSOCIATES
OWNER: L A MARKS-MEENAN AND J KENDALL
DESIGNER LINDSAY LITTLE AND ASSOCIATES

PURPOSE FOR REPORT

Determination of Development Application 638/03 for the demolition of existing dwellings and other structures and erection of a SEPP 5 development consisting of 5 x 3 bedroom and 2 x 2 bedroom units and basement carparking

EXECUTIVE SUMMARY

- Application for demolition works and erection of a SEPP 5 Development.
- Six (6) submissions were received during notification of the development application.
- Proposal is satisfactory with respect to the provisions of SEPP 5.
- Recommendation - Approval

HISTORY

The application was submitted on 22 May 2003 and subsequently notified in accordance with Clause 61J of the Ku-ring-gai Planning Scheme Ordinance and Council's notification policy. During the notification period, a total of six (6) submissions were received.

On 23 June 2003, the applicant was requested by way of letter to submit various details to supplement the development application. Amended plans and additional information were submitted on 20 August 2003, 15 December 2003 and 11 February 2004.

The amended plans were re-notified in accordance with Clause 61J of the Ku-ring-gai Planning Scheme Ordinance and Council's notification policy. Six (6) submissions were received during the notification period.

THE SITE

Zoning:	Residential 2c
Visual Character Study Category:	1945-1968
Lot Number:	A and 1
DP Number:	320628 and 213105
Area:	2201.5m ²

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Side of Street:	South-west
Cross Fall:	West to east
Stormwater Drainage:	East to Stanley Street
Heritage Affected:	No
Required Setback:	12.0 metres
Integrated Development:	No
Bush Fire Prone Land:	No
Endangered Species:	No
Urban Bushland:	No
Contaminated Land:	No

SITE DESCRIPTION

The subject site is identified as Lot A in DP 320628 and Lot 1 in DP 213105 and is known as 23-25 Stanley Street, St Ives. The site is located on the southern side of Stanley Street, approximately 40 metres east of the intersection of Stanley Street and Lynbara Avenue. The property is an irregular shaped allotment with a total frontage of 45.42 metre to Stanley Street with a combined area of 2201.5m². The property slopes towards Stanley Street where the stormwater will be directed.

No 23 Stanley Street currently supports a two storey brick and tile dwelling whilst No 25 Stanley Street supports a two storey dwelling with basement garage, of brick and tile construction, detached cabana area and an inground swimming pool. Both of the properties have front fencing, with No. 23 having a timber and masonry fence to an approximate height of 1.6 metres and No 25 a sandstone fence with a height of up to 1.4 metres. The site has substantial vegetation around its perimeter.

The site is adjoined by single dwelling houses to the south and to the west and medium density housing to the north-west and on the opposite side of Stanley Street to the north-east.

THE PROPOSAL

Is a new front fence part of the proposed development?	Yes
Is a new swimming pool part of the proposed development?	No

The proposal seeks approval for the demolition of the existing dwellings and associated structures and the construction of seven (7) units, 5 x 3 bedroom and 2 x 2 bedroom units with basement carparking. A 900mm high masonry front fence is also proposed.

Five (5) of the units consist of two (2) storey construction and are located towards the centre of the site, whilst the other two (2) units will be single storey and are located at the respective northern and southern ends of the development.

Access throughout the development will be achieved by pathways and the provision of a lift to each unit. Vehicular access is from Stanley Street.

The proposal includes four (4) unit types, which comprise:

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- Type A 2 bedroom unit, single storey with two bedrooms (1 with ensuite), bathroom, living/dining, kitchen and laundry.
- Type B 2 bedroom unit, single storey with two bedrooms (1 with ensuite), bathroom, laundry, kitchen and living/dining.
- Type C 3 bedroom unit, two storey. The ground floor includes a bedroom with ensuite, living/dining, water closet, family, kitchen and laundry. The first floor includes two bedrooms, a bathroom and water closet.
- Type D 3 bedroom unit, two storey. The ground floor includes a bedroom with ensuite, living/dining, water closet, family, kitchen and laundry. The first floor includes two bedrooms and a bathroom.

The building will be of masonry construction rendered and painted with a pitched tiled roof.

The proposal includes the retention of the majority of the existing trees located along the boundaries and new landscaping as indicated on the landscape plan.

The development indices for the proposal are as follows:

Site Area:	2201.5m ²
Total floorspace:	1050.95m ²
Floor Space Ratio:	0.47:1
Built upon area:	1311.9m ² , 59.5%
Deep soil planting:	front area 301.5m ² , rear area 454.95m ² total area 756.45m ²

CONSULTATION - COMMUNITY

In accordance with Council's policy, adjoining owners were given notice of the original and revised proposals.

Submissions have been received from the following persons:

Graham T Street - 25A Stanley Street, St Ives
I Hall - 10 Lynbara Avenue, St Ives
Dr J L and P Lincoln - 30 Stanley Street, St Ives
I and N Grieve - 1/24 Stanley Street, St Ives
Joan Street - 25 Stanley Street, St Ives
G R Davison - 11 Lynbara Avenue, St Ives

The development does not conform with the statutory provisions of SEPP 5.

The development is compliant with the provisions of SEPP 5. See considerations below.

Overshadows and overlooks property 25a Stanley Street.

This is considered later in the report under the provisions of SEPP 5, visual and acoustic privacy and solar access and design for climate. Notwithstanding the above the overshadowing and privacy impact of the development is acceptable.

The application presents an unacceptable point of entry and creates an unacceptable traffic hazard.

Council's Development Control Engineer has advised that, in relation to vehicular access, the sight lines to approaching vehicles are satisfactory in both directions down Stanley Street.

The existing trees, shrubs and general vegetation on the subject site and particularly on No 25 Stanley Street is in part:

- a. Unable to be removed in that it forms part of a prior legal agreement between the previous owners of 25 and 25A Stanley Street.***
- b. Provides visual separation between Nos 25 and 25A Stanley Street.***
- c. Is unnecessary as not systems are beyond the line of the basement carpark.***

Private legal agreements are not a matter for consideration under section 79C of the Environmental Planning Act, 1979 and are matters between the parties involved.

With respect to the proposed landscaping of the development, Council's Landscape Development Officer supports the proposal, subject to conditions included in the recommendation.

Lack of documentation submitted, including survey information, landscaping and water detention tank details.

The abovementioned information was lacking from the original submission, however, the information was subsequently provided and assessed as part of the application.

The roof line has poor architectural character.

Council's Heritage and Urban Design consultant does not have an issue with the roof design. The consultant had a concern in relation to the front elevation facades not being symmetrical, however this matter has now been addressed to his satisfaction.

A small rectangular section of the site located directly south-east of unit five (5) has an easement for support for the driveway of No 25A Stanley Street.

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Clause 8 of SEPP 5 suspends any agreement imposing any restrictions on the development. Notwithstanding the above, the landscape plan indicates that some additional planting is proposed adjacent to the abovementioned location, however, it is not likely to interfere with the neighbours' driveway pavement.

The plans indicate two (2) north east elevations. The one being the elevation of the frontage to Stanley Street is correct, the elevation depicting Units 4, 5 and 6 should be the south-east elevation.

This is noted. The elevation of Units 4, 5 and 6 is incorrectly shown and should be depicted as the south-east elevation. The plans have been corrected accordingly.

The revised plans indicate an increase in floor area of the first floor units 4, 5, 6 and 7.

The first floor areas of Units 2, 3, 4, 6 and 7 have generally been reduced in floor area by 4 to 6m², whereas the ground floor areas of Units 1, 2, 3, 4 and 5 have been increased in area between 1 to 3m². The ground floor areas of Units 6 and 7 have decreased in floor area by 1m². The overall floor area of the development has decreased in floor area by 20.6m² as a result of the amended plans.

The setback from the street in relation to Unit 2 has been reduced from 14 metres to 9 metres.

The front setback of Unit 2 has been reduced by the amended plans from 13.8 metres to 9.96 metres. The setback is discussed later in the report under streetscape.

Whether there is adequate deep soil planting

Adequate deep soil planting is proposed. SEPP 5 requires an area of 400m² to be provided preferably to the rear of the development. The proposal will provide 455m² at the rear of the development and 301m² at the front of the development.

Suggestion that the developers contribute to surrounding neighbours a sum to cover the costs of pest control should rats relocate from the development site.

This is not a matter for consideration under section 79c of the Environmental Planning and Assessment Act, 1979.

Increase in traffic

Council's Development Control Engineer has advised that, based on RTA guidelines, the net traffic generation of the proposed development would result in 4 less daily trips and 0.3 less evening trips along Stanley Street per day than the existing two dwellings.

This area is not zoned for development

The subject site is zoned residential, therefore, under the provision of clause 4 of SEPP 5, the proposed development is permitted.

The developer seems to be able to remove trees that he sees fit.

Council's Landscape Development Officer supports the proposal, subject to conditions. A detailed comment from the landscape development officer is included later in this report.

Does the built upon area comply?

The built-upon area does comply. A built-upon area of 1311.9m² is proposed which represents 59.5%. The Ku-ring-gai Planning Scheme Ordinance allows 60% or 1452.9m².

An overdevelopment of the site.

The proposal has a floor space ratio of 0.47:1, a built upon area of 1311.9m² or 59.5%, compliant areas of landscaping, adequate site setbacks, a maximum height of 6.5 metres above the existing ground level and the first floor level contained within the roofspace. Consequently, the proposal is not considered to be an overdevelopment of the site.

CONSULTATION - WITHIN COUNCIL

Council's Development Control Engineer

Council's Development Control Engineer has advised that "*based on an formal assessment, the proposal is satisfactory for development approval, subject to conditions*".

Council's Heritage and Urban Design Consultant

Council's Heritage and Urban Design consultant has advised the following:

Context/ Streetscape

The context is predominantly two-storey developments of recent date. Most of these are rendered houses and medium density developments of similar character to that proposed. The existing houses on the site are mid-twentieth century buildings of little apparent heritage value. I see no objection to their demolition.

Comments

Streetscape: *The front elevations are almost symmetrical but not quite. This is disturbing in buildings with such obvious reference to the classical tradition. They should be made symmetrical by adjusting the plans.*

Bulk and scale: *Acceptable.*

Detailed design issues: *The main pedestrian circulation route to the courtyard passes too close to the bedroom and living room windows of unit 3. Garbage collection arrangements seem*

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unsatisfactory. If all residents are to leave bins in the basement bin store for collection it would be inconvenient for the residents of unit 1 for example.

Solar design/ energy efficiency: *Unit 5 lacks access to winter sun. Living rooms could be oriented to the north which would overcome this problem. Unit 4 likewise could take better advantage of its orientation. The planning of these two units should be revised. I question the use of the service yard to unit 4.*

Private open space: *The outdoor space of unit 1 is somewhat cramped, especially the narrow path bounded by a retaining wall to the north-west. The garden of unit 3 will get little winter sun as it is surrounded by buildings. It is difficult to comment further on the treatment of private open space as I have not sighted the landscape plan.*

Common open space: *Some seating and shade planting or shade structures should be provided in the shared courtyard.*

Conclusions

The scheme is acceptable in outline but there are some improvements that need to be made. The front elevation should be adjusted to give either symmetrical facades or ones that are intentionally asymmetrical. The privacy issue of the footpath in relation to unit 3 should be resolved. Planning of units 4 & 5 should be improved for solar access. Amenity of private outdoor spaces of units 1 & 3 should be improved.

Comment:

Improvements have been made to the proposal by amending the front elevation to give symmetrical facades, the relocation of the footpath 4 metres from Unit 3 to resolve the privacy concern, the living room of Unit 5 has been relocated to the north side of the unit for solar access, the family room and kitchen of Unit 4 have access to afternoon sunlight, the private open space of Unit 3 has improved access to sunlight due to the relocation of unit 2, 440mm in a north-eastern direction. The private open space of unit 1 is more open due to the relocation of Unit 2 to the north-east.

Council's Landscape Development Officer

Council's Landscape Development Officer has assessed the proposal and has advised the following:

The site is well vegetated along the street boundary with both houses set well back from the road. A tree report has been prepared by Footprint Green which nominates a number of trees which have a priority for retention, as well as, other trees and shrubs which should be considered for retention.

The trees considered a priority for retention include:

Tree 48 – Cedrus deodara (Himalayan Cedar) located close to the eastern boundary of 25 Stanley St, is a mature tree with a broad spreading form which is visible from the street. This tree has a critical root zone of 3.5 metres and a primary root zone of 7 metres. The proposed basement car park is proposed at 3.5 metres from the tree. Given that excavation will occur approximately 1 metre outside the line of the wall this will mean excavation would occur within the critical root zone of this tree. It would appear a simple matter to alter the basement wall as the main area of concern

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is where a store room is located. The store room for Unit 4 should be deleted and the store room for Unit 5 shared with Unit 4.

Tree 241 – Angophora costata (Sydney Red Gum) is located in the nature strip outside 25 Stanley St adjacent to the existing driveway. The tree is a mature specimen of 22 metres in height and in good condition. In this proposal the driveway will be relocated approximately 3.8 metres further away from the tree than the existing driveway which is desirable, however, this will require the removal of an existing Camellia hedge. The footings of a proposed masonry fence could damage the root system of this tree.

Tree 358 – Ficus microcarpa 'Hillii' (Hills Weeping Fig) also located in the nature strip but adjacent to the driveway to 23 Stanley St. This tree is a very large specimen in good condition. The driveway will be replaced with a path and the crossing removed which would be beneficial for this tree. Again the footings of the masonry wall could damage the root system of this tree.

Tree 143 – Angophora costata (Sydney Red Gum) located within the front boundary planting at 25 Stanley St, is in good condition and forms part of the green canopy at the front of the site. The proposed development is well away from this tree.

Tree 559 – Harpephyllum caffrum (Kaffir Plum) is a mature tree in good condition located in the adjoining property at the rear of 25 Stanley Street. Excavation and a retaining wall is located within the primary root zone of this tree. The wall needs to be located outside the 4 metre PRZ of this tree which appears easy to do.

Tree 561 – Syncarpia glomulifera (Turpentine) is a mature tree in good condition and is located within the property to the south of 25 Stanley Street. No works are proposed within the primary root zone of the tree.

Tree 446 – Lagunaria patersonia (Norfolk Island Hibiscus) is in good condition and is located in the adjoining property to the NW. Excavation for the dwelling is required, however, the plan appears to show that natural ground level is to be maintained beside the building with steps up to this at each end of the unit. I believe that it is unlikely that anyone – builder or owner - would be happy with the wall of the house being used a retaining wall and as this is an adaptable unit it may be difficult to access around the side of the building.

Tree 558 – Jacaranda mimosifolia (Jacaranda) is a broad spreading tree in good condition. It is located in the property to the rear of 23 Stanley Street. Excavation and retaining walls are proposed within the primary root zone of this tree. The retaining wall needs to be relocated so that it does not encroach into the 4 metre PRZ.

Tree 560 – Jacaranda mimosifolia (Jacaranda) is next to Tree 559, discussed above. The proposed retaining wall encroaches into the tree's PRZ, however, if the wall and excavation is modified in line with my comments for Tree 559 this problem will be addressed.

Of the trees noted as 'consider for retention' Tree 138 – Stenocarpus sinuatus (Firewheel Tree) requires removal for the new driveway, Tree 141 – Celtis Sp would be within 3 metres of Unit 3, Tree 142 – Ulmus procera 'van houttie'. (Golden Elm) can be retained in the front setback, Tree

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145 - Celtis Sp can be retained in the front setback and Tree 405 – Citharexylum spinosum (Fiddlewood) can also be retained in the front setback. There are also numerous Camellias and Palms which could be retained or transplanted and some of these are shown on the landscape plan.

Front fence

A new 1.2 metre high rendered front fence is proposed along Stanley Street, however, the footing of this wall has the potential to damage the root system of some very significant tree. I would prefer to retain the two existing fences, even though they are not the same they are sympathetic to each other. The existing stone wall is a little rustic but combined with the substantial shrubbery along the street it works well. I also think that more of the existing shrub layer should be retained along the street frontage.

Conclusion

The application can be supported if the issues raised above can be addressed with amended plans.

Amended plans have been submitted in response to my concerns regarding trees raised in my memo dated 11 December 2003.

- *The basement has been modified by deleting the store room for Unit 4 as requested to minimise excavation close to Tree 48 – Cedrus deodara (Himalayan Cedar).*
- *The steps and retaining wall adjacent to Unit 1 have been modified so that no excavation would occur within 1.5 metres of Tree 446 – Lagunaria patersonia (Norfolk Island Hibiscus) located in the neighbouring property. This is an improvement, however, I would like to see the retaining wall located off the boundary by another 600mm. This is conditioned.*
- *A note has been added to the plan which highlights the need for hand digging and pier and suspended beam footings for the front wall close to Trees 241 – Angophora costata (Sydney Red Gum) and 358 – Ficus microcarpa 'Hillii' (Hills Weeping Fig).*
- *Garden retaining walls have been relocated away from a number of trees – 559 – Harpephyllum caffrum (Kaffir Plum), 558 – Jacaranda mimosifolia (Jacaranda) and 560 – Jacaranda mimosifolia (Jacaranda) as requested. These walls need to be amended on the landscape plan which is conditioned below.*

The application can be supported. Conditions are included in the recommendation

PROVISIONS OF RELEVANT LEGISLATION

The Environmental Planning & Assessment Amendment Act 1979 Section 79C

1. Environmental Planning Instruments

This application is Local Development under Part 4 of the Environmental Planning & Assessment Act, 1979. It requires development consent under State Environmental Planning Policy No 5.

State Environmental Planning Policy No 5 (SEPP 5)

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Clause 4 of SEPP 5 lists land to which the provisions of SEPP 5 apply. Since the subject land is zoned Residential 2 'C' (primarily for urban purposes), and the zoning allows for the erection of dwelling houses, the provisions of SEPP 5 apply.

Clause 11 states that development may be carried out only with development consent unless another planning instrument allows the development without consent. The proposed development requires the consent of Council.

Clauses 12 and 13 of SEPP 5 require Council to be satisfied that certain development standards and provisions have been complied with. Compliance with the standards and provisions is indicated in the table below.

Clause	Standard	Compliance
Clause 12(1), (2)	Access to shops, banks, other retail and commercial services, community services and recreation facilities and the practice of a general medical practitioner (written evidence required)	Yes. Evidence provided in accessibility report. The two kerb ramps located at the intersection of Stanley Street and Lynbara Avenue require upgrading to AS.1428. A consent can be conditioned.
Clause 12(2A)	Reasonable access to home delivered meals, personal care and home nursing and assistance with housework.	Yes. Details provided in Statement of Environmental Effects.
Clause 12(3)	Availability of facilities and services when housing is ready for occupation.	Yes. As above.
Clause 12(4)	Water and sewer	Yes. Written evidence has been submitted.
Clause 13(1), (2)	Maximum height of 8 metres or less. A building adjacent to a boundary of the site must not be more than 2 storeys in height	Yes. The proposed building will be 2 storeys and not exceed a height of 8m.
Clause 13(1), (3)	Site frontage of at least 15 metres width	Yes. The site has a frontage of 45 metres.

Clause 13A lists development standards specifically relating to access and useability. The standards must be complied with before development consent can be granted. A summary of compliances with the standards is indicated in the table below.

Clause	Standard	Compliance
Clause 13A(2)(a)	100% of dwellings have access to public road or	Yes. Details provided in accessibility report.

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Clause	Standard	Compliance
Wheelchair access	internal road/driveway OR 50% where internal gradient exceeds 1:10	
Clause 13A(2)(b)	10% of dwellings satisfying Clause 13A(2)(a) to have wheelchair access to a public road	Yes. Details provided in accessibility report.
Clause 13A(2)(c)	Wheelchair access to be available to all common areas and facilities associated with the development	Yes. Wheelchair access will be possible to common areas such as pathways, letter - boxes, garbage facilities and the designated visitor space.
Clause 13A(2)(d)	10% of dwellings satisfying clause 13A(2)(a) to have wheelchair access to essential areas in the dwelling (adaptable)	Yes. Unit 1 has been designated as the adaptable unit.
Clause 13A(3)	Street signage	N/A. The site only fronts one road.
Clause 13A(4)	Security Lighting	Yes. The Statement of Environmental Effects provides that this standard is complied with.
Clause 13A(5)	Letterboxes	Yes. The Statement of Environmental Effects provides that this standard is complied with.
Clause 13A(6)	Car parking dimensions regarding size, clearance and garage door.	Yes. The Statement of Environmental Effects provides that this standard is complied with.
Clause 13A(7)	Accessible entry	Yes. The Statement of Environmental Effects provides that this standard is complied with.
Clause 13A(8)	Key access	Yes. The Statement of Environmental Effects provides that this standard is complied with.
Clause 13A(9)	Interior doors standard	Yes. The Statement of Environmental Effects provides that this standard is complied with.
Clause 13A(10)	Living room and dining room	Yes. The Statement of Environmental Effects provides that this standard is complied with.
Clause 13A(11)	Kitchen standards	Yes. The Statement of Environmental Effects provides that this standard is complied with.
Clause 13A(12)	Main bedroom standards	Yes. The Statement of Environmental Effects provides that this standard is complied with.

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Clause	Standard	Compliance
Clause 13A(13) and (14)	Bathroom standards and accessible toilet	Yes. The Statement of Environmental Effects provides that this standard is complied with.
Clause 13A(15)	Access to kitchen, main bedroom, bathroom and toilet	Yes. The Statement of Environmental Effects provides that this standard is complied with.
Clause 13A(16)	Laundry standards	Yes. The Statement of Environmental Effects provides that this standard is complied with.
Clause 13A(17)	Storage standards	Yes. The Statement of Environmental Effects provides that this standard is complied with.
Clause 13A(18)	Door handles	Yes. The Statement of Environmental Effects provides that this standard is complied with.
Clause 13A(19)	Surface finishes	Yes. The Statement of Environmental Effects provides that this standard is complied with.
Clause 13A(20)	Ancillary items	Yes. The Statement of Environmental Effects provides that this standard is complied with.
Clause 13A(21)	Outside Garbage Storage	No. A SEPP 1 objection has been made, see waste management.
Clause 13A(22)	Public housing provision	N/A. The development is being carried out as a private development.

Clause 14 of SEPP 5 lists development standards that cannot be used as grounds for refusal of a development application if compliance is achieved with these standards. A summary of proposals compliances with the standards is indicated in the table below.

Clause	Standard	Proposed	Compliance
Clause 14(a) Building Height	8 metres or less in height	The maximum height of the proposed building from the natural ground level to the upper ceiling of the topmost storey will be less than 8m.	Yes
Clause 14(b) Density and Scale	Floor space ratio of 0.5:1	0.47:1	Yes
Clause 14(c) Landscaped Area	Landscaped area of 35sqm per dwelling (7 x 35m ² = 245m ²)	Total landscaped area of 756.45m ² , ie. 108.06m ² per unit.	Yes
Clause 14(d) Parking	0.5 spaces per bedroom. 19 x 0.5 = 10	14 resident spaces	Yes

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Clause	Standard	Proposed	Compliance
Clause 14(e) Visitor Parking	Not required where development is for less than 8 units.	One (1) space is proposed within the basement.	Yes
Clause 14(f) Landscaped Areas	Area which is not built upon, paved or otherwise sealed having soil of sufficient depth to support the growth of trees and shrubs on an area of width x 15% of length = 32.005x (0.15 x 53.525m average) = 32.005 x 53.525 = 256.96m ² .	Landscaping area suitable for deep soil planting = 756.45m ² . 454.95m ² is located towards the rear of the site.	Yes
Clause 14(g) Private open space	Ground floor units: 15sqm & 3m x 3m	All units consist of a private open space in excess of the minimum area and dimension requirements. The access report indicates that areas, dimensions and thresholds will be 100% accessible. Threshold ramps will be provided in accordance with AS1428.1.	Yes

Clause 24 of SEPP 5 states "the consent must not be granted for development to which this part applies unless the consent authority has taken into account a site analysis prepared by the applicant in accordance with this clause". A site analysis plan has been submitted. This analysis, together with other documentation of the development application, provides all necessary information for assessment purposes under Clause 25 of SEPP 5.

Clause 25 of SEPP 5 requires that consent must not be granted unless Council is satisfied that adequate regard has been given to the following design principles.

a. Neighbourhood amenity and streetscape

The proposed development has adequate regard to neighbourhood amenity and streetscape, and has appropriate residential character by using building form and siting that relates to the site's landform.

The proposal's impact upon the streetscape has been addressed by the comments of Council's Heritage and Urban Design Consultant and his comments are supported. The front elevation of the building has been altered to give it a symmetrical facade in accordance with the consultant's recommendation.

b. Visual and acoustic privacy

Internal privacy for future residents is acceptable due to the location and siting of windows and screening of private open space areas.

The neighbour to the south-east at No 25A Stanley Street, has expressed concern about the loss of privacy from Unit No 5. Whilst the deck located off the family room to Unit 5 is located 700mm above the existing ground level, the existing 1.8 metres high masonry boundary fence, together with existing and proposed dense landscape screen planting to a height of 4-6 metres, results in minimal potential for loss of privacy, particularly as it adjoins the neighbouring double carport and bathroom window's located to the south-west. The development will not impact upon the privacy of the neighbour's private open space as it is located on the other, south-eastern side of the residence. There are no adverse privacy impacts upon other adjoining properties or between the units within the development.

c. Solar access and design for climate

The shadow diagrams indicate that there would not be substantial additional impact on any surrounding residential properties. A minimum of three hours sunlight will be maintained (where already existing) to main living areas and private open spaces of adjoining residential properties during the winter solstice.

The main living rooms and private open space of each unit will enjoy an appropriate level of solar access. The layout of each unit will allow for appropriate cross ventilation.

Given the above, the proposed development will satisfy the solar access requirements of SEPP 5.

d. Stormwater

The submitted concept indicates that stormwater from built-upon areas will be collected in an on-site stormwater detention system and drained to Stanley Street. Council's Development Control Engineer has not raised any objection to the stormwater disposal concept.

Accordingly, the impacts of stormwater runoff on adjoining properties and receiving waters could be appropriately controlled. In this regard, the proposed development is satisfactory with respect to the provisions of SEPP 5.

e. Crime Prevention

Clause 25(e) of SEPP 5 requires,

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‘where possible’ views of the street, the site and approaches to the entry from within each dwelling.

Units 1, 2, 3, & 4 will have a clear view along the street frontage of the property. Unit 5 will have a view of the main pedestrian pathway and courtyard to its frontage. Units 6 and 7 will have a clear view of approaches from the central courtyard area. To allow residents to see who approaches their front door without the need of opening the door, peepholes should be provided to the front door of all units. A consent can be conditioned accordingly. A condition may also be imposed to require doorways/gates along entrance pathways to be lockable. In this regard, the proposed development could be satisfactory with regard to the crime prevention provisions of SEPP 5.

f. Accessibility

Subject to the provision of kerb ramps at the intersection of Stanley Street and Lynbara Avenue to comply with AS1428, there will be convenient, obvious and safe pedestrian and wheelchair access from the site to local facilities and services, including public transport facilities.

As indicated in the access report submitted with the application, on-site pathways will be of a suitable grade and signalised crossings exist on Mona Vale Road and to the St Ives Shopping Village.

The development would provide access for people with a disability on one continuous path of travel to various on-site facilities such as parking, lift, mailbox and other common areas.

With regard to the above, the proposed development would satisfactorily address the access provisions of this of Clause 25.

g. Waste Management

Storage and collection points will be provided within the basement. Council’s DCP 40 requires an internal garbage area as there are 7 units.

The applicant has lodged a SEPP 1 objection to the development standards in Clause 13A(21) of SEPP 5, which requires the provision of an outside garbage storage area that is accessible, as follows:

1. *Is the control to be varied a development standard?*

Clause 13A(21) provides that a consent authority must not consent to a development application unless it complies with the standards as specified in this Clause.

Clause 13A (21) provides,

“Garbage — An outside garbage storage area must be provided in an accessible location.”

The application proposes the provision of a garbage storage area in the basement immediately adjacent to the driveway.

I am of the view that the application as amended satisfies the objectives of the Clause in that the location of a garbage store within the basement is outside the proposed domiciles and is also accessible.

Notwithstanding my position in this matter, I have submitted an objection under SEPP No 1 as requested by Council.

2. *What is the underlying objective or purpose of the development standard?*

The objectives of the garbage standard under Clause 13(19) of SEPP No. 5 are not expressed but are assumed to be:

- a. To ensure good design and a design that is compatible with residential development in the locality;*
- b. To ensure that the garbage storage area is located outside the residential area of the development in a convenient and accessible location*
- c. To avoid multiple garbage collection points in highly visible areas.*
- d. To protect the health and amenity of occupants of the development.*
- e. To be located to provide effective collection of waste receptacles.*

3. *Is compliance with the development standard consistent with the aim of SEPP No 1?*

The aim of SEPP No.1 is to:

Provide flexibility In the application of planning controls operating by virtue of development standards in circumstances where strict compliance with those standards would, in any particular case, be unreasonable or unnecessary or tend to hinder the attainment of the objects specified in Section 5(a)(i) and (ii) of the Act.

In this regard the objects of Section 5(a)(i) and (ii) of the Act are:

- (i) The proper management, development and conservation of natural and artificial resources, including agricultural land, natural areas, forests, minerals, water, cities, towns and villages for the purpose of promoting the social and economic welfare of the community and a better environment;*
- (ii) The promotion and co-ordination of the orderly and economic use and development of land;*

In this regard it is considered that the proposal is consistent with the aim of SEPP No 1.

4. *Why compliance with the Standard is unreasonable and unnecessary in the circumstances?*

- * The proposal meets the objectives of the SEPP as the storage of the bins within the basement will not materially impact upon development on adjoining properties or the street.*
- * The proposed garbage room is provided in the basement level which is accessible by a continuous path of travel via a lift servicing 7 units. The garbage room is in an accessible location.*
- * The location of the garbage storage area is consistent with accepted practice.*
- * The location of the garbage storage area within the basement is accessible by Council 5m long waste collection area with adequate clearance and manoeuvring being provided within the basement.*

5. *Conclusion*

It is submitted that it would be both unreasonable and unnecessary for strict compliance with this standard to be required in this case for the abovementioned reasons. The garbage storage area is located in a convenient and accessible location. Therefore it is respectfully requested that the Council support the variation of the development standard."

Whilst there are no objectives for this standard in SEPP 5, it is considered that its purpose is to ensure the provision of garbage storage occurs in a manner that affords easy access to all residents of the development. The proposed location as shown does so and also allows access without leaving the building, thereby enabling easier access for potentially frail or disabled persons without exposure to the weather in inclement conditions.

As such, the SEPP 1 objection is well founded as is supported as it has demonstrated that street compliance application of the standard is unreasonable and unnecessary in this instance.

State Environmental Planning Policy No 55 - Remediation of Land (SEPP 55)

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

Sydney Regional Environmental Plan No 20 - Hawkesbury-Nepean River

The site is within the catchment of the Hawkesbury River and, as such, is subject to the provisions of this environmental planning instrument. The aim of the SREP is to

“protect the environment of the Hawkesbury-Nepean River system by ensuring that the impacts of future land uses are considered in a regional context.”

The SREP requires consideration of a number of matters such as water quality, water quantity, flora and fauna, wetlands and heritage etc.

The proposed development is considered to meet the general strategies of the SREP, however Clause 6 (4) sets out strategies for water quantity whereby the reuse of water is encouraged where possible. Accordingly, rainwater tanks or similar should be incorporated in the proposed development to enable the reuse of stormwater for irrigation purposes. Appropriate conditions have been imposed should the application be approved, see Condition No 88.

Ku-ring-gai Planning Scheme Ordinance (KPSO)

SEPP 5 specifically sets aside any planning controls of the KPSO that would prevent a development compliant with the provisions of the SEPP.

Schedule 9 of the KPSO contains general issues and specific objectives of the Ordinance in relation to residential zones, including the Residential 2(c) zone. These aims and objectives would apply to the development to the extent that they are not inconsistent with the provisions of SEPP 5.

The aims require development to maintain and, where appropriate, improve the existing amenity and environmental character of residential zones and permit new residential development only where it is compatible with the existing environmental character of the locality and has a sympathetic and harmonious relationship with adjoining development.

The development is sympathetic and harmonious with adjoining development in relation to architectural design, effective bulk and setback. The proposal maintains the existing amenity and residential character of the locality to an appropriate degree and has sufficient regard to the privacy of neighbours and set backs to side and rear site boundaries.

The relevant objectives require development to maintain reasonable solar access, minimise loss of privacy, encourage the replacement of tree cover, maintain a reasonable portion of soft landscaping, be of appropriate size, bulk and scale, be of appropriate architectural character and provide for appropriate vehicular egress.

The proposal is considered to be appropriate in relation to the objectives as has been discussed throughout the report.

Development Control Code 1/2003 - Housing for Older People or People with a Disability

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Council's Code includes reference to the statutory development standards of SEPP 5 in relation to height, density, landscaped area and parking. The Code also provides supplementary guidelines considered by Council to be more appropriate and specific to the Ku-ring-gai local government area. However, where the standards of the Code are inconsistent with the standards of SEPP 5, the provisions of SEPP 5 prevail to the extent of the inconsistency.

The following table presents an analysis of the development against the provisions of Council's Code:

Provision	Proposed	Compliance
Zoning	Residential "C"	Yes
400m to local shops	Site is located within 400m St Ives Shopping Village. Bus facilities are located 150m from the site that would provide convenient access to the facilities.	Yes
250m to public transport	Bus stops are located within 250m.	Yes
Noise attenuation	The building and private open spaces will be well setback from Stanley Street.	Yes
Site analysis required	Matter addressed in SEPP 5 assessment	Yes
SEPP 5 development standards	Matter addressed in SEPP 5 assessment	Yes
Sympathetic design	Matter addressed in SEPP 5 assessment	Yes
Buildings to address street	Matter addressed in SEPP 5 assessment	Yes
Minimise visual impact of driveway	The development consists of a new driveway that will lead to the basement car park. The existing driveway will be removed and verge area re-instated. Vegetation will be provided to each side of the new driveway, to soften its visual impact on the streetscape.	Yes
No bland building facades	No excessively bland building facades are proposed	Yes
Emphasis entry	The entrances to the building will be emphasised by the archways proposed along the frontage of the site and main pathways. Each unit will be provided with a clearly defined/numbered entry.	Yes
Match setbacks	The front setbacks have been designed to be sympathetic to the setbacks of surrounding buildings.	Yes
Front wall to Stanley Street	The existing front fencing will be removed and replaced with a 900mm high masonry fence.	Yes

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Provision	Proposed	Compliance
Level private open spaces	Each dwelling will consist of a private open space that will be easily accessible from living areas and comply with the access provisions of SEPP 5.	Yes
1.8 metre courtyard fences	A condition is recommended to ensure courtyard walls do not exceed a height of 1.8m from the ground level.	Yes
Living areas linked to private open space	Private open spaces are directly linked to main internal living areas of units.	Yes
Common open space	Each unit will be provided with an ample amount of private open space for the entertainment of visitors and friends. A common open space in the form of a courtyard will be provided.	Yes
Landscaping to enhance and screen	Council's Landscape Development Officer does support the proposal.	Yes
Significant trees	Removal of significant trees. This matter is also addressed in the section of this report titled "Consultation within Council".	Yes
Car parking to meet demand	The numbers of car parking spaces proposed meet the requirements of SEPP 5.	Yes
Energy efficiency	Dwellings and private open space are well orientated to enable adequate ambient light and sunlight penetration.	Yes
Privacy	This matter has been addressed within the SEPP 5 assessment.	Yes
Lighting	This matter has been addressed in the SEPP 5 assessment.	Yes
Waste collection	This matter has been addressed by in the SEPP 5 assessment.	Yes
Safety and Security	This matter has been addressed by in the SEPP 5 assessment.	Yes
Letterboxes, TV antenna, services, house numbers	Letterboxes will be provided along the frontage of the site, next to the new driveway. A condition is recommended to ensure they are lockable. A condition is also recommended to require the provision of one master TV antenna, underground power lines to the satisfaction of Energy Australia, telephone lines to the satisfaction of Telstra, and numbering of units and the	Yes

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Provision	Proposed	Compliance
	building.	
Waiting seat / bus shelter	A seat is provided in the courtyard.	Yes
Covered entry porch	Covered entry areas will be provided to each unit.	Yes
Security Screen	A condition is recommended to ensure a security fly-screen door is provided to the main entry door of each unit.	Yes
Internal space location, wall length, hobby space and eating areas	All dwellings are of generous size to accommodate a range of residential activities.	Yes
Bedroom design	All dwellings are provided with a large bedroom with access to a bathroom.	Yes
10% adaptable housing	This matter is addressed in the SEPP 5 assessment.	Yes
Support services	Support services are available to the proposed development depending on the needs of the likely occupants.	Yes

The above table indicates that the proposed development adequately address the requirements of Council's Code (subject to conditions). Approval of the application on this basis is substantiated and accordingly is recommended for approval, subject to conditions.

Development Control Plan No 31 - Access (DCP No 31)

The proposed development is satisfactory with respect to the prevailing access provisions of SEPP 5. The access provisions have been discussed in the above section entitled '*State Environmental Planning Policy No. 5*'.

Development Control Plan No 40 - Waste Management (DCP 40)

DCP 40 requires an internal collection area for developments consisting of six or more units. Appropriate garbage storage and collection areas are proposed within the basement car park. These will adequately cater for the waste requirements of the proposed development. Notwithstanding the compliance with DCP 40, the proposal does not satisfy the SEPP 5 requirement for an outside garbage area, however the SEPP 1 objection is supported as mentioned earlier in this report.

Development Control Plan No 43 - Car Parking (DCP 43)

SEPP 5 overrides Council's car parking DCP in terms of dimensions and numbers of car spaces. The proposed development will provide for 14 resident car spaces and 1 visitor space, which complies with the requirements of SEPP 5. Accordingly, the proposed development is satisfactory in terms of the statutory requirements.

2. Likely Impacts

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The likely impacts of the development have been assessed throughout this report and are considered to be satisfactory.

3. Suitability of The Site

The site is zoned Residential "C" and the proposed development is permissible with consent under the provisions of SEPP 5. The site is not environmentally sensitive. The site is not subject to natural hazards such as flooding, bushfire, land contamination, tidal inundation, slip, mass movement, or subsidence.

4. Any Submissions

The submission received in response to the proposed development has been discussed previously in this report. The issues raised have been addressed within the "Consultation with Community" section of this report.

5. Public Interest

The aims of SEPP 5 include the provision of housing that will increase the supply and diversity of housing that meets the needs of older people or people with a disability, make efficient use of existing infrastructure and be of a good design. The proposed development satisfactorily addresses these aims and, in this regard, is considered to be in the public interest.

Any other Relevant Matters Considerations Not Already Addressed

The development requires the payment of the applicable Section 94 Contribution rate should the application be approved.

CONCLUSION

The proposed development is well designed, appropriately located on the site and will afford a satisfactory level of amenity for neighbours. The proposed development allows for the provision of an appropriate landscape setting.

The development will maintain a reasonable degree of privacy for adjoining properties, have minimal impact upon existing trees and will have sufficient and appropriate deep soil planting.

The proposal is consistent with the requirements and objectives of SEPP 5 and the KPSO and accordingly is recommended for approval.

RECOMMENDATION

That Development Application No 638/03 for the demolition of existing structures and construction of a SEPP 5 development consisting of seven (7) units and basement car parking for Lot A and 1 in DP's 320628 and 213105, being 23-25 Stanley Street, St Ives be approved for a period of 2 years, subject to the following conditions:

GENERAL CONDITIONS

1. The development to be in accordance with Development Application No 638/03 and Development Application plans prepared by Lindsay Little and Associates Pty Ltd, reference number 2804/03/4/7 dated 21 November 2003 and lodged with Council on 15 December 2003 and 2804/03/1/7, 2/7, 3/7, 5/7, 6/7 and 7/7, dated 11 February 2004 and lodged with Council on 12 February 2004.
2. All building works shall comply with the Building Code of Australia.
3. The submission of the approved plans to Sydney Water, before any work is commenced to ensure that the proposed structure meets that Authority's By-Laws. Failure to submit these plans before commencing work will render the owner liable to a penalty and may result in the demolition of work.
4. The works set forth in the plans and specifications and approved under this consent, once commenced, shall be completed within two (2) years from the date of commencement.
5. The approved building shall not be occupied unless the development has been completed in accordance with all conditions of consent and the approved plans and a Occupation Certificate has been issued.
6. The opening of any footway, roadway, road shoulder or any part of the road reserve shall not be carried out without a Road Opening Permit being obtained from the Council (upon payment of the required fee) beforehand.
7. 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.
8. 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.
9. 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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10. 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.
11. A sign shall be erected in a prominent position on the site which states the name and contact details of the Principal Certifying Authority.
12. All excavations shall be properly guarded and protected with hoardings or fencing to prevent them from being dangerous to life and property.
13. Any excavation of rock involving hydraulic or compressed air rock hammers or other excavation equipment shall comply with the requirements of Council's Code for the Control and Regulation of Noise on Building Sites.
14. No rock breaking or other machinery for the excavation, drilling or removal of rock shall be used on the site without the prior approval of the Principal Certifying Authority. Should rock breaking or associated machinery be required, the following details are to be submitted to the Principal Certifying Authority for consideration:
 - a. The type and size of machinery proposed.
 - b. The routes of all trucks to convey material to and from the site.
 - c. A report by a Geotechnical Engineer detailing the measures recommended in undertaking the work so as to prevent any damage to any adjoining or nearby buildings.
15. The applicant is advised that the Construction Certificate plans and specifications must comply with the provisions of the Building Code of Australia.
16. 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.
17. 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.

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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.

18. 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.
19. The fence and footings shall be constructed entirely within the boundaries of the property.
20. The demolition is to be carried out in accordance with the guidelines contained in Australian Standard 2601-1991: The Demolition of Structures.
21. Access to demolition sites shall be protected as directed by the Principal Certifying Authority by the use of suitable fences or hoardings.
22. Where a new development is not commencing immediately following demolition, the demolition shall be limited to the extent of the footprint of the building/s on the site and no excavation shall be carried out.
23. Demolition work, including removal of material or debris from the site, on any building in a residential area shall only be carried out during the following hours: Mondays to Fridays inclusive: 7.00am to 5.30pm. Saturdays: 8.00am to 12.00 noon. Sundays and Public Holidays: Not Permitted.
24. A person taking down or demolishing or causing to be taken down or demolished any building or part thereof shall, upon identifying or suspecting that asbestos is present in the building, immediately notify the Workcover Authority. The Authority is the controlling body for the safe removal, handling and disposal of asbestos. The Authority supervises and monitors contractors engaged in asbestos removal.

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

25. Erosion control measures shall be provided on demolition sites to prevent the siltation of watercourses and drainage systems.
26. Dust control measures shall be taken on all demolition sites so as to avoid a nuisance to adjoining properties and harm to the environment.
 - a. A person taking down or demolishing or causing to be taken down or demolished any building or portion of any building shall:
 - i. cause the windows or other openings in the external walls to be close boarded or otherwise covered;

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- 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.
27. Soil on vacant sites is to be stabilised as soon as possible to prevent erosion and the site shall be kept clear of excess vegetation.
28. A temporary construction exit and sediment trap to reduce the transport of sediment from the site onto public roads shall be provided before demolition commences.
29. 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.
30. All combustible material shall be removed from the site on a daily basis. Material shall not be burnt on the site.
31. 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.
32. Trees and vegetation on a site shall not be disturbed except with the approval of the Council.
33. Fire hoses are to be maintained on site during the course of demolition.
34. Adequate precautions shall be taken to ensure the protection of adjoining premises and persons therein from damage and injury during the process of demolition.
35. Buildings built prior to the 1970's may contain lead based paint. Lead dust is a hazardous substance. You are advised to follow the attached WorkCover guidelines to prevent personal and environmental contamination.
36. The applicant or builder/developer is responsible for the cost of making good any damage that may be caused to any Council property as a result of work associated with the demolition.
37. A sign must be erected in a prominent position on any work site on which work involved in the erection or demolition of a building is being carried out:
- a. stating that unauthorised entry to the work site is prohibited, and

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- b. showing the name of the person in charge of the work site and a telephone number at which that person may be contacted outside working hours.

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

This clause does not apply to:

- a. building work carried out inside an existing building, or
 - b. building work carried out on premises that are to be occupied continuously (both during and outside working hours) while the work is being carried out.
38. All demolition materials of value for re-use either on-site or elsewhere, shall be separated and made available for re-cycling.
39. 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.
40. The development is to remain as Housing for Aged or Disabled Persons within the meaning of State Environmental Planning Policy No 5 at all times.
41. All advertising, signage, marketing or promotion of the sale of the dwellings in this development shall make clear reference to the fact that this is a SEPP5 development and that at least one occupier shall be aged 55 years or over or have a disability:
42. The burning of undergrowth, foliage, building refuse and like matter on the site is prohibited.
43. To preserve and enhance the natural environment, all soil erosion and sediment control structures shall be inspected following each storm event and any necessary maintenance work shall be undertaken to ensure their continued proper operation. Sediment shall be removed from the soil erosion and sediment control structures when no more than forty percent (40%) capacity has been reached. These structures shall continue in proper operation until all development activities have been completed and the site fully stabilised.
44. Sites shall not be re-shaped, re-contoured, excavated nor the levels on any part of the site altered without the Consent of the Council being obtained beforehand.
45. To prevent pollution, all vehicles making a delivery to or from the site are to be covered to prevent loose materials, dust etc falling from the vehicles.
46. 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

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from the Human Rights and Equal Opportunity Commission (phone (02) 9284 9600) in respect of your application.

47. Courtyard fencing is to have a maximum height of 1.8metres.
48. the two (2) kerb ramps at the intersection of Stanley Street and Lynbara Avenue being upgraded to comply with AS1428, to Council's satisfaction.
49. A Tree Preservation Order exists within the Ku-ring-gai Council area whereby the removal, lopping or destruction of any tree exceeding 5.0 metres in height or 4.0 metres in canopy spread (except where exempt as defined under Council's Tree Preservation Order) without prior written consent of Council is prohibited.

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

50. Transplanting of the Palms and Camellias nominated on the landscape plan shall be directly supervised by an experienced Arborist/Horticulturist with a minimum qualification of the Horticulture Certificate or Tree Surgery Certificate. Once relocated these plants shall be fenced off and temporarily irrigated under the supervision of the Arborist/ Horticulturist.
51. Tree roots between 10mm and 50mm diameter, severed during excavation, shall be cut cleanly by hand and the tree subsequently treated with a root growth hormone and wetting agent, by an experienced Arborist/Horticulturist with a minimum qualification of the Horticulture Certificate or Tree Surgery Certificate.
52. No mechanical excavation of the proposed structure shall be undertaken within the specified radius of the trunk/s of the following tree/s until root pruning by hand along the perimeter line of such works is completed:

Tree/Location	Radius From Trunk
Tree 48 – <i>Cedrus deodara</i> (Himalayan Cedar) SE of Unit 4	7m

Tree 446 – <i>Lagunaria patersonia</i> (Norfolk Island Hibiscus) Adjoining property north of Unit 1	2.5m
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53. All excavation carried out within the specified radius of the trunk/s of the following tree/s shall be hand dug to ensure that no roots of 50mm or greater are severed or injured:

Tree/Location	Radius From Trunk
Tree 241 – <i>Angophora costata</i> (Sydney Red Gum) Nature strip adjacent to existing driveway to No 25	8m

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Tree 358 – *Ficus microcarpa* 'Hillii' (Hills Weeping Fig)

Nature strip adjacent to existing driveway to No 23 8m

54. 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.
55. On completion of the landscape works, a Landscape Architect or qualified Landscape Designer shall submit a report certifying correct installation, faithful to the landscape plan to the Principal Certifying Authority with a copy to Council, prior to issue of final Certificate of Compliance.
56. For stormwater control a 200mm wide grated channel/trench drain with heavy duty removable galvanised grates is to be provided at the base of the ramped driveway and connected to the stormwater drainage system.
57. For stormwater control all balconies and paved areas are to be drained to the main drainage system.
58. Stormwater runoff from all hard surfaces, or landscaped areas which are not at natural ground level, shall be piped to the street drainage system. Drainage line connections to the kerb shall conform and comply with the detailed requirements contained within Council's Plan No82/024 ("Connections of Drainage Lines to Kerb and R.C. Pipe"). Drainage crossings of the footway area shall be a single 100mm diameter sewer grade uPVC pipe with kerb adaptor, where the total design flows from the property are within the capacity of such a pipe and a minimum cover of 300mm can be provided, otherwise suitably sized galvanised RHS shall be used. To ensure compliance with this condition, a Certificate from the installer is to be submitted to the Principal Certifying Authority prior to issue of the Final Compliance Certificate.
59. For stormwater control, an On-site Stormwater Detention System is to be provided in accordance with Council's Stormwater Management Manual and generally in accordance with the concept On-Site Detention design by AFCE Consulting, drawings D1 and D2, project 333761 dated July 2003. An overflow is to be incorporated that will direct any excess flow to the downstream drainage system and subsoil drainage is to be provided from the underside of the sediment control sump to the outlet line or other approved location. The system is to be cleaned regularly and maintained to the satisfaction of Council.

NOTE 1: The on-site stormwater detention system and property drainage system is not to require excavation or fill underneath the canopy areas of any trees to be retained unless as approved by a qualified arborist's certification that such excavation will not affect the longevity of the subject tree(s).

NOTE 2: If the applicant wishes to vary the prescribed storage and outflow volumes contained in Council's Stormwater Management Manual, a detailed analysis must be provided following the guidelines set out in Council's requirements for on-site

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detention with full computations accompanying the submission including a flood routing analysis.

NOTE 3: All roof, driveway and other hard-surface runoff water is to be intercepted and directed to the on-site stormwater detention system. If some areas of hard-surface are unable to be directed to the detention system an adjustment to the rate of discharge is to be made to attain the required site discharge.

NOTE 4: The standard Council On-site Stormwater Detention Calculation Sheet is to be completed and included on design drawings.

60. 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 minimise and/or 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, with all silt being removed from the site, or to an approved location within the site.
61. The relocation or adjustment of any utility service facilities are to be carried out by the Applicant in accordance with the requirements of the utility authority at no cost to Council.
62. The public footways and roadways adjacent to the site are to be maintained in a safe condition, at all times, during the course of the works. A safe pedestrian circulation route a minimum of 1.5m wide and with a pavement free of trip hazards must be maintained at all times on or adjacent to the public footways fronting the construction site. Where the footpath is damaged, repair works must be carried when directed by Council officers. Where circulation is diverted on to the roadway clear directional signage and protective barricades must be installed in accordance with Aust 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.
63. To prevent surface stormwater from entering the building, the finished habitable ground floor level(s) of the building shall be a minimum of 150mm above adjacent finished ground level(s). The entire outside perimeter of the building must have overland flow escape routes which will protect all finished floor levels from flooding during times of complete subsurface drainage blockage.
64. 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 AS 2890.1 – "Off-Street car parking" and the provisions of SEPP 5. The driveway and circulation aisles must accommodate two-way traffic.
65. Disposal of site water (includes groundwater, seepage, dewatering and stormwater trapped in excavations) to Council's stormwater system is not permitted. The applicant is advised to liaise with Sydney Water regarding a Trade Waste Agreement.

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66. A contractor with specialist excavation experience must undertake excavations the on the site. A suitably qualified and practising geotechnical engineer must supervise the excavation procedure.
67. In order to allow unrestricted access by Council's waste collection vehicles to the basement carpark garbage storage area, no doors or gates are to be provided blocking access in the access driveway to this area.

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

68. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained. 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.
69. The Long Service Levy is to be paid to Council in accordance with the provisions of Section 34 of the Building and Construction Industry Payments Act 1986 prior to the issue of the Construction Certificate.
70. It is a condition of consent that the applicant, builder or developer or person who does the work on this residential building project arrange the Builders Indemnity Insurance and submit the Certificate of Insurance in accordance with the requirements of Part 6 of the *Home Building Act 1989* to the Council or other Principal Certifying Authority for endorsement of the plans accompanying the Construction Certificate. It is the responsibility of the applicant, builder or developer to arrange the Builder's Indemnity Insurance for residential building work over the value of \$12,000 and to satisfy the Council or other Principal Certifying Authority by the presentation of the necessary Certificate of Insurance so as to comply with the applicable requirements of Part 6 of the *Home Building Act 1989*. The requirements for the Builder's Indemnity Insurance does not apply to commercial or industrial building work or for residential work less than \$12,000, nor to work undertaken by persons holding an Owner/Builder's Permit issued by the Department of Fair Trading (unless the owner/builder's property is sold within 7 years of the commencement of the work).
71. The Infrastructure Restorations Fee calculated in accordance with the Council's adopted schedule of Fees and Charges is to be paid to the Council prior to any earthworks or construction commencing. The applicant or builder/developer will be held responsible for and liable for the cost any damage caused to any Council property or for the removal of any waste bin, building materials, sediment, silt, or any other article as a consequence of doing or not doing anything to which this consent relates. "Council Property" includes footway, footpath paving, kerbing, guttering, crossings, street furniture, seats, litter bins, trees, shrubs, lawns mounds, bushland, and similar structures or features on road reserves or any adjacent public place. Council will undertake minor restoration work as a consequence of the work at

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this site in consideration of the "Infrastructure Restorations Fee" lodged with the Council prior to the release of the Construction Certificate. This undertaking by the Council does not absolve the applicant or Builder/developer of responsibility for ensuring that work or activity at this site does not jeopardise the safety or public using adjacent public areas or of making good or maintaining "Council property" (as defined) during the course of this project.

72. Prior to commencing any construction or subdivision work, the following provisions of the Environmental Planning & Assessment Act, 1979 (the 'Act') are to be complied with:
 - a. 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.
73. A contribution is to be paid for the provision, extension or augmentation of community facilities, recreation facilities, open space and administration that will, or are likely to be, required as a consequence of development in the area.

TOTAL CONTRIBUTION FOR THIS DEVELOPMENT OF FIVE (5) ADDITIONAL DWELLINGS IS CURRENTLY \$60,591.50. The amount of the payment shall be in accordance with the Section 94 charges as at the date of payment. The charges may vary at the time of payment in accordance with Council's Section 94 Contributions Plan to reflect changes in land values, construction costs and the consumer price index.

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

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

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

74. Written evidence being submitted to Council that the two lots have been consolidated into one (1) lot.
75. The garbage storage room is to be designed in accordance with Council's DCP 40 and have sufficient space for the quality of waste generated and to promote source separation of materials. Details being submitted and approved prior to the release of the Construction Certificate.
76. An amended plan and specification of the proposed landscape works for the site shall be submitted to Council and approved prior to the release of the Construction Certificate. The plan shall be in accordance with landscape drawing No 71/03 prepared by Sally Bourne Landscapes and dated 10 August 2003 except as amended as follows:
- The garden retaining walls at the rear of Unit 2 shall be relocated 1.5 metres to east so that no excavation occurs within 4 metres of Tree 558 located in the adjoining property at the rear.
 - The garden retaining walls at the rear of Unit 6 shall be relocated 1 metre to the east so that no excavation occurs within 4 metres of Tree 559 located in the adjoining property to the rear.
 - The retaining wall along the north west boundary adjacent to Unit 1 shall be relocated to be 1.5 metres away from Tree 446 in the adjoining property and 600mm inside the NW boundary to maintain natural ground level around the tree and along the boundary.
 - The *Syzygium luehmannii* (Small-leaved Lillypilly) street trees proposed adjacent to Tree 241 and Tree 358 shall be deleted.
 - Tree 405.1 – *Camellia japonica* (Japanese Camellia) shall be retained and shown on the plan.
 - An additional small tree (to 7 metres height) shall be planted in the front garden in front of Unit 1

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

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

78. A CASH BOND/BANK GUARANTEE of \$10,000 shall be lodged with Council as a Landscape Establishment Bond prior to the release of the Construction Certificate to ensure that the landscape works are installed and maintained in accordance with the approved landscape plan or other landscape conditions.

Fifty percent (50%) of the this bond will be refunded upon issue of the final Certificate of Compliance, where landscape works as approved have been satisfactorily installed. The

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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.

79. A CASH BOND/BANK GUARANTEE of \$18,000 shall be lodged with Council prior to the release of the Construction Certificate to ensure that the following trees are maintained in the same condition as found prior to commencement site development work.

The bond will be returned following issue of the final Certificate of Compliance, provided the trees are undamaged.

In the event that any specified trees are found damaged, dying or dead as a result of any negligence by the applicant or its agent, or as a result of the construction works at any time during the construction period, Council will have the option to demand the whole or part therefore of the bond.

Tree/Location	
Tree 48 – <i>Cedrus deodara</i> (Himalayan Cedar)/ SE of Unit 4	\$5000
Tree 241 – <i>Angophora costata</i> (Sydney Red Gum)/	
Nature strip adjacent to existing driveway to 25 Stanley St	\$5000
Tree 358 – <i>Ficus microcarpa</i> 'Hillii' (Hills Weeping Fig)/	
Nature strip adjacent to existing driveway to 23 Stanley St	\$5000
Tree 143 – <i>Angophora costata</i> (Sydney Red Gum)/	
close to street boundary of 25 Stanley St	\$3000

80. 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.

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

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

Tree/Location	Radius in Metres
Tree 241 – <i>Angophora costata</i> (Sydney Red Gum)	

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Nature strip adjacent to existing driveway to No 25	8m
Tree 358 – <i>Ficus microcarpa</i> 'Hillii' (Hills Weeping Fig)	
Nature strip adjacent to existing driveway to No 23	8m
Tree 143 – <i>Angophora costata</i> (Sydney Red Gum)	
close to street boundary of 25 Stanley St	4m

82. A Telstra pit lies in the path of the proposed new driveway crossing. As Telstra has requirements concerning access to services that it provides the Applicant is to confer with Telstra regarding the existing Telstra pit in the footpath area. The requirements of Telstra are to be obtained prior to the issue of the Construction Certificate and a copy of Telstra's requirements are to be provided to the Principal Certifying Authority (PCA) prior to the issue of the Construction Certificate. The requirements of Telstra must be met prior to issue of the Final Compliance Certificate/occupation.
83. DRIVEWAYS AND FOOTPATHS: Approval of this Development Application is for works wholly within the property and 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.

Footpath and driveway levels at the property boundary/road alignment are to be obtained from Council prior to release of the Construction Certificate. All footpaths and driveways are to be constructed strictly in accordance with Council's specifications "Construction of Gutter Crossings and Footpath Crossings". This is issued with alignment levels after completing the necessary application form at Customer Services and payment of the appropriate fee.

The grading of such footpaths or driveways outside the property are to 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 this may be affected by the alignment levels fixed by Council.

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 (if applicable) of the proposed driveway at the boundary alignment. Failure to submit this information may delay processing.

84. Submission, for approval by the Principal Certifying Authority (PCA) prior to issue of the Construction Certificate, of a Soil and Erosion Control Plan prepared in accordance with the NSW Department of Housing document "Managing Urban Stormwater – Soils and Construction" (1998) by a suitably qualified and experienced engineer or surveyor. Such controls should include but not be limited to appropriately sized sediment basins, diversion systems, appropriate controls for each stage of works identified and barrier fencing which

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maximises and protects areas which are not to be disturbed. The plan must also specify inspection and maintenance regimes and responsibilities and rehabilitation measures.

85. Provision to Council, prior to the issue of a Construction Certificate, of a \$10,000.00 bond. This bond is to cover the restoration by Council of any damage to Council's infrastructure along the site frontage or within close proximity to the subject development, or for any incomplete works, as a result of construction works relating to the subject development. The bond shall be refundable following completion of all works relating to the proposed development, or at the end of any maintenance period stipulated by consent conditions, upon approval by Council's Development Engineer. Council shall have full authority to make use of the bond for such restoration works as deemed necessary by Council in the following circumstances:
- a. Where the damage constitutes a hazard in which case Council may make use of the bond immediately.
 - b. The damage has not been repaired, or incomplete works have not been completed, by the Applicant within 48 hours of the issue by Council in writing of instructions to undertake such repairs or works.
86. Submission of construction details and certification by a qualified civil/traffic engineer, for approval by the Principal Certifying Authority (PCA) **prior** to issue of the Construction Certificate, that the parking provisions provided in common areas and within private parking areas comply with:
- SEPP 5 parking design requirements (as amended December 2000), and
 - Australian Standard 2890.1 – 1993 "Off-street car parking", and
 - The 2.5 metre headroom requirement of SEPP 5, and the 2.44 m clearance under DCP40 for waste collection trucks.
- Note 1: This is to specifically include certification that headroom requirements are met beneath all suspended service lines in the basement carpark, including stormwater and sewer lines.
- Note 2: All driveway access widths, grades, transitions, circulation aisle widths, sight distances, signage, clearances are to comply with these requirements.
87. Provision of suitable oil separator units in the drainage systems of basement carparking areas which are designed to remove oils and sediment from any water runoff from these areas prior to discharge to the stormwater system. Details are to be prepared by a suitably qualified and experienced civil/environmental engineer for approval prior to issue of the Construction Certificate.
88. Provision of on-site stormwater retention trenches and/or rainwater tanks which are to be designed to have a void-space and/or tank-space available volume which is sufficient to capture and retain the first 10mm of rainfall from the total subject property after which the trenches/tanks are to be designed to bypass and divert to the main drainage system. Appropriate sediment and litter arrestor pits/provisions are to be provided upstream from

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these trenches/tanks. Any rainwater tanks are to be located so that they may be readily used for landscaping watering purposes. Design drawings are to be prepared by a suitably qualified and experienced civil/hydraulic engineer and submitted for approval by the Principal Certifying Authority (PCA) prior to issue of the Construction Certificate.

- NOTE 1: Retention trenches may be achieved by the use of a separate low-level outlets from pits located on the main drainage system.
- NOTE 2: Where practicable, runoff from driveway and landscaped areas is to be directed to retention trenches in preference to roof runoff.
- NOTE 3: Trenches shall be 700mm wide x 700mm deep and fitted with half round PVC (450mm radius) dome sections backfilled with crushed or round river gravel to within 150mm of surface level, surrounded with suitable geofabric and finished with topsoil.
- NOTE 4: Trenches are to be at least 5 metres from private property boundaries and 3 metres from the footings of any structure.
- NOTE 5: A suitably designed litter and coarse sediment 450mm square grated arrestor pit is to be provided immediately upstream of trenches.
- NOTE 6: Trenches are not to require excavation underneath the canopy areas of any trees to be retained unless as approved by a qualified arborist's certification that such excavation will not affect the longevity of the subject tree(s).
- NOTE 7: Maximum capacity of an individual rainwater tank to be 3000 litres.
- NOTE 8: If abutting a wall of the dwelling, rainwater tanks must be below the eaves line.
- NOTE 9: Rainwater tanks must not be located on the front facade of a dwelling.
- NOTE 10: If rainwater tanks are to be attached to a structure then a structural engineer is to certify the adequacy of the design of the structure to carry the tank.
- NOTE 11: Maximum height of a rainwater tank is 1.8 metres above natural ground level where installed along the side boundary setback of a dwelling.
- NOTE 12: Rainwater tanks to be commercially manufactured tanks designed for the use of water supply and to be installed in accordance with manufacturers specifications.
- NOTE 13: Rainwater tanks to be located above an available landscaped area so that the tank may be readily used for watering purposes.
- NOTE 14: Rainwater tanks to be fitted with a standard garden tap or similar which is to be clearly marked as not to be used for drinking purposes.

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NOTE 15: Rainwater tanks to be fitted with measures to prevent mosquito breeding.

89. The property drainage system (including but not limited to gutters, downpipes, pits, joints, flushing facilities and all ancillary plumbing) shall be designed and based upon a 235mm/hour rainfall intensity for a duration of five (5) minutes (1:50 year storm recurrence) for impervious surfaces. Design drawings and calculations are to be prepared by a suitably qualified and experienced civil/hydraulic engineer in accordance with Council's Stormwater Management Manual and the national Plumbing and Drainage Code (AS3500). These must be submitted to and approved by the Principal Certifying Authority (PCA) prior to issue of the Construction Certificate.

NOTE 1: The property drainage system is not to require excavation or fill underneath the canopy areas of any trees to be retained unless as approved by a qualified arborist's certification that such excavation will not affect the longevity of the subject tree(s).

NOTE 2: If the proposed drainage system involves piping underneath or within the building then the designer is to certify that the design is in accordance with AS3500.3.2:1998 and the BCA.

NOTE 3: All enclosed floor areas, including habitable and garage floor levels, are to be safeguarded from outside stormwater runoff ingress by suitable differences in finished levels, gradings and provision of stormwater collection devices.

90. Full construction drawings of the proposed method of achieving the requirements for on-site stormwater detention (OSD), and supporting calculations, are to be prepared by a suitably qualified and experienced consulting engineer. Details must be submitted to, and approved by, the Principal Certifying Authority prior to issue of the Construction Certificate.
91. Provision of a basement stormwater pump-out system for the driveway ramp runoff and subsurface drainage. The system is to comprise both duty and back-up pumps and be designed for the 100 year runoff and have an emergency alarm system. The system is to include a holding well which has a storage capacity equivalent to the runoff volume from a 2 hour 100 year ARI storm event so that the basement is safeguarded from flooding during power failure for such a storm over such a period. Design drawings which include holding well volume calculations, inflow and outflow calculations, pump specification and duty curves are to be prepared by a suitably qualified and experienced hydraulic engineer and submitted for approval by the Principal Certifying Authority (PCA) **prior** to issue of the Construction Certificate.

CONDITIONS TO BE COMPLIED WITH PRIOR TO WORK COMMENCING

92. External finishes and colours are to be sympathetic to the surrounding environment. Samples of materials and finishes are to be submitted to and approved by Council prior to the commencement of work.

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93. To reduce or eliminate the transport of sediment from the construction site onto public roads, a temporary construction exit, together with necessary associated temporary fencing, shall be established prior to commencement of any work on the site and shall be maintained throughout the duration and progress of construction.
94. To preserve and enhance the natural environment, a geofabric filter fence shall be installed along contour immediately downslope of construction and disturbed areas prior to any earthworks or construction commencing. Both ends shall be turned uphill by 1.0 metre. Approved geofabric, such as CSR - Humes "Propex" Terram 1000, Polyfelt TS500, Bidim U24 or Terratrack 2415 or equivalent is to be stretched between posts placed at 2.0 to 3.0 metre centres. The base of the fabric must be buried at least 200mm in the ground on the upslope side. Geofabric material shall be replaced at intervals not exceeding 18 months, or as directed by the Principal Certifying Authority.

The geofabric filter fence shall be maintained in an operational condition until the development activities have been completed and the site fully stabilised. Sediment shall be removed from the structure when 40% capacity has been reached.

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

Tree/Location

Tree 241 – *Angophora costata* (Sydney Red Gum)

Nature strip adjacent to existing driveway to No 25 Stanley St

Tree 358 – *Ficus microcarpa 'Hillii'* (Hills Weeping Fig)

Nature strip adjacent to existing driveway to No 23 Stanley St

96. No demolition or building work shall commence until the area beneath the canopy of the following tree excluding that area of the proposed building shall be fenced off for the specified radius from the trunk to prevent any activities, storage or the disposal of materials within the fenced area. Where the building breaches the protection zone the fence shall be located 1.5 metres outside the line of the building and the area between the fence and the building shall be mulched to a depth of 75mm. The fence/s shall be maintained intact until the completion of all demolition/building work on site:

Tree/Location

Tree 48 – *Cedrus deodara* (Himalayan Cedar)/
SE of Unit 4

Radius From Trunk

6 metres

97. To preserve the following tree/s, no work shall commence until the area beneath the canopy of the following tree/s is fenced off at the specified radius from the trunk to prevent any

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activities, storage or the disposal of materials within the fenced area. The fence/s shall be maintained intact until the completion of all demolition/building work on site.

Tree/Location	Radius in Metres
Tree 145 – <i>Celtis Sp</i>	2.5m
Tree 143 - <i>Angophora costata</i> (Sydney Red Gum)	4m
Tree 142 – <i>Ulmus procera Van Houtie</i> (Elm)	2.5m
Tree 405.1 – <i>Camellia japonica</i> (Japanese Camellia)	2m
Located in a group near the street boundary – fence together using the existing front wall as part of the fence	
Tree 405 – <i>Citharexylum spinosum</i> (Fiddlewood)	3.5m

98. The tree protection fence shall be constructed of galvanised pipe at 2.4 metre spacings and connected by securely attached chain mesh fencing to a minimum height of 1.8 metres prior to work commencing.
99. Upon completion of the installation of the required tree protection measures you are required to contact Council on telephone 9424 0888 or facsimile 9418 1117 to arrange an inspection of the site, in this regard a minimum of 24 hours notice is required. Following the carrying out of a satisfactory inspection and subject to the payment of all relevant monies and compliance with any other conditions of approval, work may commence.
100. The Applicant shall produce a Traffic Control Plan, in general 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), addressing all of the following matters:

Heavy Vehicle Routes

- a. Details of the proposed route of heavy vehicles servicing the site. Light traffic roads and those subject to a load limit are to be avoided.

Safe Ingress and Egress

- a. How the site will be safely accessed by all vehicles servicing the site including provision for forward ingress and egress and details of traffic control for the site, including provision of a flagperson to control vehicle movements to and from the site.
- b. How safe egress for vehicles will be managed where forward egress is not possible.
- c. How pedestrians will be safely managed across the frontage of the site.

Parking Control

- a. The provision of on-site parking for employee, tradesperson and construction vehicles.
- b. Establishment of a No-Parking zone for the full site frontage prohibiting on-street parking in this location.

Stages

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- a. The Plan must recognise the different stages of the work, including site establishment, bulk excavation, concrete pours and tradesperson and landscaper access, and specify the traffic management requirements of each stage.

NOTE 1: The Traffic Control Plan shall be submitted to and approved by Council, attention Development Engineer, prior to the issue of the Construction Certificate and prior to any work on site. The Plan shall be prepared by a suitably qualified and experienced traffic consultant and be certified by this person as being in accordance with the requirements of the abovementioned documents and the requirements of this condition. Evidence of RTA concurrence, as required above, is to be lodged concurrently with Council.

NOTE 2: The traffic management measures contained in the approved plan shall be implemented in accordance with the plan prior to the commencement of any works on-site including excavation.

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

101. Prior to the release of any occupation certificate, a compliance certificate must be obtained from an accredited certifier, certifying that the building works for the building to be occupied comply with the plans and specifications approved by this development consent; and any construction certificate associated with this consent for the buildings to be occupied. If the PCA is not the Council, then this compliance certificate must be submitted to the Council at the same time as the occupation certificate is submitted to the Council in accordance with Clause 151(2) of the E P & A Act regulations.
102. To ensure compliance with the consent, a final report from a Registered Surveyor shall be submitted to Council confirming floor/ceiling levels and boundary setbacks prior to occupation.
103. Prior to issue of the Final Compliance Certificate, signage must be installed at the car park entry to warn pedestrians of vehicles exiting the car park. Further signage must be installed near the car park exit to warn egressing drivers to beware of pedestrians passing the driveway.
104. A contractor with specialist excavation experience must undertake excavations on the site. A suitably qualified and practising geotechnical engineer must supervise the excavation procedure. At the completion of the works and Prior to issue of the Final Compliance Certificate/Occupation, this engineer is to provide certification to the Principal Certifying Authority (PCA) that excavation and construction of the basement level, including temporary and permanent shoring and retention measures, have been carried out :-
 - a) According the relevant Australian Standards and guidelines, and
 - b) In a manner that ensures that the structural amenity of adjoining structures and property is fully maintained.

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105. The Section 73 Certificate must be submitted to the Principal Certifying Authority prior to occupation of the development/ release of the plan of subdivision.
106. Submission of certification to the Principal Certifying Authority from a suitably qualified and experienced civil/traffic engineer prior to occupation, that:
- a) The car park space dimensions and vehicular headroom requirements of SEPP 5 (as amended December 2000) and AS2890.1 are met for all parking spaces and areas, and
 - b) Council's requirements under DCP 40 for waste collection vehicles (height 2.44m) are met in the basement carpark, especially at the basement entrance and exit thresholds. This is to specifically include certification that necessary headroom requirements are met beneath all suspended service lines in the relevant areas of the basement carpark, including stormwater and sewer lines, and
 - c) All driveways and circulation aisle widths, grades, meet the requirements of AS2890.1. and the relevant conditions of consent.
 - d) The standard Council waste collection truck can enter the basement carpark, access the waste collection bay and egress the basement carpark with the use of one reverse movement only.
107. The creation of a Restriction-on-Use under the Conveyancing Act, prior to Occupation, 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 State Environmental Planning Policy No 5 (as amended December 2000).
 - 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.
108. Construction of the property stormwater drainage system, including pollution control measures, is to be supervised and upon completion certified by a suitably qualified and experienced hydraulic engineer, prior to Occupation, that:
- a. The works were carried out and completed in accordance with the approved plans.
 - b. All enclosed floor areas, including habitable and garage floor levels, are safeguarded from outside stormwater runoff ingress by suitable differences in finished levels, gradings and provision of stormwater collection devices.
- A Works-as-Executed drawing of the entire property stormwater drainage system, prepared by a registered surveyor, is also to be submitted and approved by the Certifier prior to Occupation.
109. Construction of the On-site Stormwater Detention System is to be supervised and upon completion a Certificate and Works-as-Executed (WAE) plan is to be submitted to the Principal Certifying Authority for approval prior to occupation or issue of an Occupation Certificate. Certification is to be provided by a suitably qualified engineer and the WAE is to be prepared by a registered surveyor. The certifying engineer and surveyor is to also complete and submit Council's standard On-site Stormwater Detention Certification sheet.

The Certificate is to be with respect to compliance with:

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- Compatibility of the drainage system with the approved plans
- The soundness of the structure.
- The adequacy of the outlet control mechanism to achieve the discharge as specified.
- The capacity of the detention storage as specified.
- The size of the orifice or pipe control fitted.
- The maximum depth of storage over the outlet control.
- The adequate provision of a debris screen.
- The inclusion of weepholes in the base of the outlet control pit.
- The provision of an emergency overflow path.
- All enclosed floor areas, including habitable and garage floor levels, being safeguarded from outside stormwater runoff ingress by suitable differences in finished levels, gradings and provision of stormwater collection devices.

The Works-as-Executed drawing(s) are to include all relevant levels including:

- invert levels
- surface or pavement levels
- floor levels including adjacent property floor levels
- maximum water surface level to be achieved in the storage zone
- dimensions of basin(s), tank(s), pit(s), etc.
- location(s) of basin(s), tank(s) and distances from buildings, boundaries, and easements, etc.
- storage volume(s) provided and supporting calculations
- size of orifice(s)

110. The basement stormwater pump-out system is to be regularly inspected and maintained by suitably qualified personnel. Prior to the issue of an occupation certificate, the Applicant shall submit written evidence to the Principal Certifying Authority that a contract has been let to this effect.
111. The creation of a Positive Covenant and Restriction on the Use of Land under the Conveyancing Act 1919, burdening the property with the requirement to maintain the on-site stormwater detention and pollution control system on the property prior to occupation or the issue of an occupation certificate. 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" and to the satisfaction of Council. For existing Titles, the Positive Covenant and the Restriction on the use of Land is to be created through an application to the Land Titles Office in the form of a request using forms 13PC and 13RPA.
112. In order to maintain Council's database of as-constructed on-site stormwater detention systems, if the Principal Certifying Authority is not Council then a copy of the approved stormwater detention design, the works-as-executed drawings and the Engineer's certification of the as-constructed system is to be provided to Council, attention Development Engineer, prior to occupation, the issue of the Occupation Certificate or the issue of a subdivision certificate.

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113. The following works must be undertaken in full, at the Applicants cost, prior to issue of the Final Compliance Certificate/issue of any subdivision certificate, and prior to release of the infrastructure bond:
- Construction of a fully new concrete driveway crossing and layback (levels and specifications must be obtained from Council prior to issue of the Construction Certificate).
 - Removal of all redundant driveways and laybacks, and partial sections thereof, fronting the development site, and reinstatement to match existing adjacent infrastructure. The maximum crossfall on the pedestrian footpath is to be 3% where redundant driveways are removed.
 - Full repair of all damaged areas of public infrastructure, caused as a result of the subject development to the satisfaction of Council's Development Engineer.
114. An easement for waste collection is to be provided to permit legal access for Council, and Council's contractors, and their vehicles over the subject property for the purpose of collecting waste from the property. The terms of the easement are to indemnify Council, and Council's contractors, against damages to private land or property whilst in the course of carrying out waste collection services. The terms of the easement are to be generally in accordance with Council's draft terms for an easement for waste collection.
115. The landscape works shall be completed prior to release of the Certificate of Occupation and maintained in a satisfactory condition at all times.

BUILDING CONDITIONS

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

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117. Any mechanical ventilation installed in a dwelling shall comply with the requirements of Part 3.8.5.0 of the Building Code of Australia Housing Provisions. Documentary evidence of compliance is to be obtained from a suitably qualified person and submitted to the Principal Certifying Authority prior to the issue of an Occupation Certificate.
118. The building works are to be inspected during construction by the Council, an accredited certifier or other suitably qualified person/s (as applicable) and a Compliance Certificate shall be issued prior to proceeding to the subsequent stages of construction, encompassing not less than the following stages:
- a. All sediment and erosion control and tree protection measures and installations in place on the site prior to the commencement of any earthworks, excavations or other work.
 - b. Any pier holes and/or foundation material.
 - c. Any steel reinforcement prior to placement of concrete. This includes all reinforcement of floors, slabs, trenches, columns, beams and stairs (if components of this structure).
 - d. Any structural components (i.e. timber framework, structural steelwork or the like) before fixing any lining or covering.
 - e. Any stormwater drainage works prior to covering.
 - f. The completed landscape works in accordance with the approved plans.
 - g. The completed structure prior to occupation.

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

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

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

119. To ensure compliance with this determination the building shall be set out by a Registered Surveyor and the Survey Report shall be lodged with the Principal Certifying Authority prior to the external wall construction proceeding above floor level.
120. To ensure compliance with this determination a Registered Surveyor's Report confirming reduced levels as shown on the approved plans with particular regard to the future finished level of the ground floor shall be submitted to the Principal Certifying Authority on completion of that floor.
121. All structural timber members subject to weather exposure shall have a durability class rating of 2 or better in accordance with Australian Standard 1684.2-1999 (National Timber Framing Code), or be preservative treated in accordance with Australian Standard 1604-1980 (Preservative Treatment for Sawn Timbers, Veneers and Plywood).
122. For the purpose of safety and convenience a balustrade of 1.0 metre minimum height shall be provided to any landing, verandah, balcony or stairway of a height exceeding 1.0 metre above

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finished ground level. The design may consist of vertical or horizontal bars but shall not have any opening exceeding 125mm. For floors more than 4.0 metres above the ground, any horizontal elements within the balustrade or other barrier between 150mm and 760mm above the floor must not facilitate climbing.

123. For the purpose of safe ingress and egress the stairs are to be constructed within the following dimensions:

Risers:	Maximum 190mm	Minimum 115mm
Going (Treads):	Maximum 355mm	Minimum 240mm

Note: Dimensions must also comply with limitations of two (2) Risers and one (1) going equalling a maximum 700mm or minimum 550mm. The Risers and Goings shall be uniform throughout the length of the stairway.

124. For fire safety an automatic fire detection and alarm system shall be installed throughout the dwelling in accordance with the following requirements:

- a. A smoke alarm system complying with Part 3.7.2 of the Building Code of Australia Housing Provisions; or
- b. Smoke alarms which:
 - i. comply with Australian Standard 3786 or listed in the Scientific Services Laboratory Register of Accredited Products (all accredited products should have scribed on them the appropriate accreditation notation); and
 - ii. are connected to the mains and have a standby power supply; and
 - iii. are installed in suitable locations on or near the ceiling and as prescribed under Part 3.7.2 of the Building Code of Australia Housing Provisions.

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

125. Termite protection which will provide whole of building protection in accordance with Australian Standard 3660 - *"Protection of Buildings from Subterranean Termites"* is to be provided.

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

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

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

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126. The following are required details and must be submitted to the Council on completion of the works. Any matter listed below must have a Certificate attached from a suitably qualified person to the effect that the design or matter complies with the relevant design Standard or Code which the Certificate must identify.
- a. Wet area waterproofing details complying with the Building Code of Australia.
 - b. Mechanical ventilation details complying with Australian Standard 1684 Mechanical Ventilation & Airconditioning.
 - c. Glazing details complying with AS 1288-1989 Glass in Buildings and Installation Code.
 - d. Stormwater disposal details complying with Council's Stormwater Management Manual and/or other conditions of this consent.
 - e. A Registered Surveyor's Reports confirming approved floor levels for all floors.
127. The development is to meet the requirements of Clause 13A(2) – (20) (inclusive) of State Environmental Planning Policy No 5. A compliance certificate is to be submitted from a suitably qualified person to the effect that the development complies with the relevant design standard.

G Bolton
Team Leader, St Ives Ward

M Miocic
Director
Environment & Regulatory Services

Attachments: **Site Location Plan**
 Site Analysis Plan
 Elevations
 Landscape Plan
 Shadow Diagram

64 TO 66 PACIFIC HIGHWAY, ROSEVILLE - DEMOLITION OF EXISTING COMMERCIAL BUILDING (NO 66) AND ADDITIONS AND ALTERATIONS TO A CLUB BUILDING - SUPPLEMENTARY REPORT

EXECUTIVE SUMMARY

PURPOSE OF REPORT:	To respond to the issues raised by Council at its Ordinary Meeting of the 9 September 2003 and seek Council's determination of the development application.
BACKGROUND:	<p>On 9 September 2003, Council, at its Ordinary Meeting, resolved to defer consideration of the DA subject to:</p> <ol style="list-style-type: none">1. Consideration by Council of options for expansion of the car park in Larkin Lane and/or Six Mile Lane.2. The drafting of conditions of consent that limit the number of club patrons in proportion to the capacity to provide the required number of car spaces. The conditions are to take into account the closeness of the club to the railway line and provide credit for any future demonstrated consistent travel mode shift by patrons and staff from private car usage.
COMMENTS:	<p>Responses to the issues raised at this meeting are contained within the contents of this report.</p> <p>Given the inability to provide for suitable parking to meet the expected requirements of the Club and its patrons, the likely impacts are considered to be unacceptable.</p>
RECOMMENDATION:	Refusal

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PURPOSE OF REPORT

To respond to the issues raised by Council at its Ordinary Meeting of the 9 September 2003 and seek Council's determination of the development application.

BACKGROUND AND COMMENTS

On 9 September 2003, Council considered an assessment report and recommendation from its officers in respect of a DA proposing:

- The consolidation of two lots
- The demolition of No. 66 Pacific Highway
- An extension of the club building into the area of No. 66 Pacific Highway
- The relocation of the existing loading/service to the rear of the extension
- Internal alterations to provide for an enlarged public dining and bar areas, gaming area, and ancillary rooms
- The addition of an "alfresco" outdoor dining area facing Memorial Park

No additional car parking is proposed as part of this development, and the existing facade and entrance from Pacific Highway is maintained.

The officers report recommended refusal of the DA for the following reasons:

1. *Pursuant to Section 79C (1)(a)(i) of the Environmental Planning & Assessment Act 1979, the proposal conflicts with the Ku-ring-gai Planning Scheme Ordinance Clause 30 g in that sufficient off-street parking to meet the demands generated by the development has not been provided.*
2. *The proposal is inconsistent with the form of development envisaged under Council's Development Control Plan No. 14- Business Zones and Development Control Plan No 43-Car parking.*
3. *The proposed development will result in an overdevelopment of the site.*

Having considered the officer's report Council resolved to defer consideration of the DA subject to:

- 1) **Consideration by Council of options for expansion of the car park in Larkin Lane and/or Six Mile Lane.**

Expansion of Larkin Lane Car Park

Council resolved on 9th September 2003 to investigate the expansion of the Larkin Lane car park and further investigation was carried out by Council's Technical Services Section for various options for the RSL Club to contribute to providing additional car parking.

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Six options were considered to determine if the additional 28 parking spaces nominated by the RSL Club's traffic report could be incorporated in to the Council car park.

Option 1. Reconfigure existing car park

The current 45° angle parking provides the maximum number of spaces within the space available. Changing to 30° angle parking reduces the number of spaces. With 60° or 90° parking the aisle widths become too narrow to permit safe vehicle manoeuvring. Consequently, this option is not practical.

Option 2. Parallel parking on western boundary of Larkin Lane car park.

The 9.15m wide strip along the western boundary of the car park is a public road (Larkin Lane) and under the Roads Act, adjoining owners are entitled to access.

This edge of the car park falls away steeply towards the property boundary line but could be retained at the boundary and filled. This would allow parallel parking for ten vehicles between private property driveways.

Option 3. Widen eastern boundary of Larkin Lane car park for angle parking

Obtaining a 6.15 metres wide strip from the rear of properties facing the Pacific Highway would provide another 34 spaces with 90° angle parking on the new boundary. However, these properties currently provide up to 60 off street parking places, including garages and stack parking. They do not have legal access from the car park but have had the use of it for many years. On the day of inspection 30 of these spaces were in use, with most vehicles being parked within the proposed 6.15 metres widening area.

This option would deprive these properties of on-site parking because they have no vehicular entry from the highway nor the rear if vehicles were parked in these spaces.. Vehicles currently parked on private property would have to relocate to the widened car park.

This option is not recommended because there would be a net decrease in the number of spaces available.

Option 4. Widen eastern boundary of Larkin Lane car park for parallel parking

Obtaining a 600mm wide strip from the rear of properties facing the Pacific Highway would provide another 17 spaces with parallel parking on the new boundary. However, as in Option 2, vehicular access to properties facing the Pacific Highway would be denied.

This option is not recommended because it would also result in a net decrease in the number of spaces available.

Option 5. Purchase two properties adjoining RSL

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The acquisition of the two properties adjoining the RSL (68 & 70 Pacific Highway) would only provide an additional fifteen spaces.

This option is not recommended because the number of spaces made available is considerably less than the 28 recommended by the RSL Club's consultant and the cost of providing this facility is considered to be too high.

Option 6. Purchase three properties adjoining RSL

The acquisition of the three properties adjoining the RSL (68, 70 & 72 Pacific Highway) would provide an additional 30 spaces. This approximates the number required, however, the cost associated with this provision is considered to be too high and the process is likely to require compulsory acquisition.

Sixth Mile Lane

The provision of parking in Sixth Mile Lane is not considered feasible.

Sixth Mile Lane is zoned 'No Stopping' for its full length on both sides. Properties fronting the Pacific Highway have provided a total of 41 off street parking places, including garages and stack parking.

Parking for five vehicles could be provided in the southern end of the lane opposite the rear of Nos 98A to 104 Pacific Highway. However, because the lane is so narrow, vehicular access would be blocked to these six properties which currently provide on site parking for up to 25 cars. At the time of inspection, there were ten vehicles parked. Blocking access to these properties would result in a net increase in parking in the Larkin Lane Car Park.

The balance of the northern end of the lane is too narrow to allow parking because it is not wide enough for two cars.

The only option providing the desired number of spaces is Option 6 - the purchase of Nos 68 to 72 Pacific Highway.

The total area of these three properties is 780 square metres. The current unimproved value is approximately \$1,000 per square metre, making the total unimproved value \$780,000. The current improved value is estimated to be \$3 million.

It is not possible to levy the RSL Club for additional car parking in lieu of on site parking because the existing Section 94 Plan for Roseville is already oversubscribed.

Consequently, if Council were to proceed with this option it would need to prepare a new site-specific Section 94 plan to include the future car park so that contributions could be sought.

There would be no need to rezone the properties for car parking as this is permissible under the current commercial zoning.

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If Council is to further consider this proposal it would need to indicate its intentions to the current property owners and negotiate to purchase the properties. If negotiations could not reach settlement then Council would need to proceed to compulsory acquisition.

Attached are copies of the various sketch plans for each of the options for extending the public car park. These options were discussed with the Management of the RSL on site. Also **attached** is a copy of the letter received from the RSL Club agreeing to a financial contribution for the construction of additional car parking spaces at the rear of the residential properties as shown on sketch plan for Option 2 above.

- 2) **The drafting of conditions of consent that limit the number of club patrons in proportion to the capacity to provide the required number of car spaces. The conditions are to take into account the closeness of the club to the railway line and provide credit for any future demonstrated consistent travel mode shift by patrons and staff from private car usage.**

There is the potential to provide an additional ten (10) car spaces in the car park, as suggested by a concept plan assessment as recommended above (Option 2). Ten (10) additional car spaces would equate to 20 additional patrons, as the modal split to cars is about 50% of all patrons. This would satisfy the consultants considered estimate of the number of additional spaces required. However, it is clear even from the consultants report that the number of additional patrons attracted to the refurbished site, and hence parking demand, is difficult to estimate, and could be up to 29 additional spaces, due to 62% increase in gross floor area (which equates to additional 58 patrons) - something that cannot be provided within the existing Larkin Lane car park. Therefore, the suggestion that patronage could be limited by the capacity to provide additional car parking would not be possible because the improved club could potentially have the capacity to accept 58 additional patrons, but not be able to satisfy the parking needs of 29 additional cars.

Notwithstanding, the inability to address this specific request, draft conditions of approval have been prepared, and are attached, should Council seek to approve the application on this basis.

SUMMARY

It is well established planning practice that, despite the vagaries of individual circumstances, additional parking demands are best quantified as a consequence of additional floor area. As a result, it is reasonable to assume that increased commercial floor area will lead to increased trade volumes and hence further demand upon a Council provided facility (ie public car parking). It appears illogical to sustain an argument that substantial additions will not at some stage be aimed at increasing trade.

It is proposed to almost double the floor area of the club from 586 square metres to 950 square metres (62% increase).

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The applicant has not provided conclusive survey data or comparable data to support their argument that the additional area will not lead to increased patronage. Under certain restrictive usage any increase in any commercial property could be similarly argued to not result in additional parking demands. This assumption, however, cannot be reasonably guaranteed. It is unlikely that any condition limiting patronage could ever be effectively implemented, similarly conditions specifying proposed limitations over events or “attractions” cannot be expected to be effectively enforced.

The applicant’s traffic consultant recommends that, based on current patron per square metre figures, parking demands will increase by 28 vehicles (page 7 of Christopher Hallam Traffic Statement). Based on Council’s Traffic Engineer’s assessment, this figure is a conservative estimate. Based on increases in area of typical characteristics of a club, the requirement could be in the range of 17 to 58 additional parking spaces. Typically, parking provision in these Council areas tends towards greater provision rather than less. This aspect of the proposal has been previously addressed in detail by Council’s Traffic Engineer.

There seems to be no justifiable planning grounds upon which to argue that this shortfall should be reduced or set aside because:

- 50% of Club patrons arrive by car and existing car parks and street parking is full or close to capacity even after normal business hours due to competition, possibly from cinema patrons
- the club is not a heritage item nor is there any relevant clause of the KPSO which may purport to offer special dispensation for the subject development
- there is no known Council resolution or policy that seeks to provide support to continued growth of the RSL club

Also, the evening sessions of the Roseville cinema coincide with peak evening times of the club. Therefore, the club will be competing with the cinema and other activities in the area, such as cafes, for parking in the Larkin Lane car park and surrounding streets.

On these grounds and as the development does not provide adequate off street car parking, it is recommended that the application be refused.

RECOMMENDATION

That Development Application DA1366/02 for demolition of a commercial building, alterations and additions to the RSL Club, and site consolidation at Lot 2 DP 505371 and Lot 1 DP 202 148, being Nos 64 to 66 Pacific Highway, Roseville, be refused for the following reasons:

1. Pursuant to Section 79C (1)(a)(i) of the Environmental Planning & Assessment Act 1979, the proposal conflicts with the Ku-ring-gai Planning Scheme Ordinance Clause 30g in that sufficient off-street parking to meet the demands generated by the development has not been provided.

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2. The proposal is inconsistent with the form of development envisaged under Council's Development Control Plan No 14- Business Zones and Development Control Plan No 43 - Car parking.
3. The proposed development will result in an overdevelopment of the site.

R Kinninmont
Team Leader, Roseville Ward

M Miocic
Director
Environment & Regulatory Services

Attachments: **Previous report considered by Council on 9 September 2003**
 Sketch plans for car parking options
 Letter received from the RSL Club, dated 16 January 2004
 Draft conditions of consent

DEVELOPMENT APPLICATION

SUMMARY SHEET

REPORT TITLE:	265 TO 267 PACIFIC HIGHWAY, LINDFIELD - YOUTH DEVELOPMENT SERVICE AT THE LINDFIELD LIBRARY
WARD:	Roseville
DEVELOPMENT APPLICATION N^o:	DA1100/03
SUBJECT LAND:	265 to 267 Pacific Highway, Lindfield
APPLICANT:	Lindfield Rotary Club
OWNER:	Ku-ring-gai Council
DESIGNER:	G & A Draftline
PRESENT USE:	Disused
ZONING:	Zone 5 Special Uses (A)
HERITAGE:	No
PERMISSIBLE UNDER:	Ku-ring-gai Planning Scheme Ordinance
COUNCIL'S POLICIES APPLICABLE:	DCP 43 – Car parking
COMPLIANCE WITH CODES/POLICIES:	Yes
GOVERNMENT POLICIES APPLICABLE:	Nil
COMPLIANCE WITH GOVERNMENT POLICIES:	N/A
DATE LODGED:	1 September 2003
40 DAY PERIOD EXPIRED:	10 October 2003
PROPOSAL:	Youth Development Service at the Lindfield Library
RECOMMENDATION:	Consent , subject to conditions

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DEVELOPMENT APPLICATION N^o	1100/03
PREMISES:	265-267 PACIFIC HIGHWAY, LINDFIELD
PROPOSAL:	YOUTH DEVELOPMENT SERVICE AT THE LINDFIELD LIBRARY
APPLICANT:	LINDFIELD ROTARY CLUB
OWNER:	KU-RING-GAI COUNCIL
DESIGNER	G & A DRAFTLINE

PURPOSE FOR REPORT

To determine a development application for the establishment of a Youth Development Service.

EXECUTIVE SUMMARY

- Refurbishment of part of the rear of the library building for use as a youth counselling service.
- Total of three (3) objections received.
- Recommended for approval subject to conditions

HISTORY

Lindfield Rotary's Ku-ring-gai Youth Development Service (KYDS) Business Plan was placed on exhibition between Friday 21 December 2001 and Friday 8 March 2002, inviting public comment.

At the public hearing, conducted on the draft Plan of Management for the Lindfield Library site on 20 February 2002, a number of issues were raised in relation to the proposed establishment of the Ku-ring-gai Youth Development Service.

During this period, a number of submissions were received from residents, community organisations and local groups. A summary of the identified social impacts is listed below:

- Incompatibility with existing uses, thus disadvantaging existing users of the site.
- Potential increase in anti-social behaviour by young people in and around the site.
- Potential increase in crime and fear for public safety.
- Potential reduction in the participation of community life and cooperation, as groups and individuals refrain from using the site.
- Perception in the community that development of the service poses a health and social risk.
- Community severance due to the physical separation and alienation of public space.
- Potential for the focus of the service to change and increase levels of usage.

The key positive social impacts identified during the exhibition period included:

- Addresses the needs of young people and families in the community with wider social benefits.
- Potential reduction in anti-social behaviour as young people are assisted during difficult periods in their lives.

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- Potential increase in social cohesion by creating a more caring and inclusive community.

These issues were presented to Council and on 5 November 2002 it was resolved that:

That Council consent to the request by Lindfield Rotary for use of the rear section of the Lindfield Library to establish a Youth Development Service with a number of conditions to allay resident and community group concerns regarding safety and security. These conditions should include:

- *The establishment of a Management Committee with membership to include Council, site residents and community representatives*
- *Designating the operating hours and days*
- *Designating the number of clients able to access the service on any one day*
- *Professional supervision of service at all times*
- *Implementation of the Chatswood Police Crime Prevention Through Environmental Design Evaluation*
- *Establishment of a Lindfield Library Site User Group Committee*
- *Increase the level of security patrols during evening and weekends*
- *Establishment of monitoring systems to address impacts as they arise*

It was suggested that the detail of the above conditions would be best determined at the development application stage, hence this report.

THE SITE

Zoning:	Zone 5 Special Uses (A)
Lot Number:	Lot 8 DP 660564 and Lots 1, 2 & 3 DP212617
Area:	5848m ²
Side of Street:	Eastern
Heritage Affected:	No
Required Setback:	Existing
Integrated Development:	No
Bush Fire Prone Land:	No
Endangered Species:	No
Urban Bushland:	No
Contaminated Land:	No

SITE DESCRIPTION

The Lindfield Library site is situated on the eastern side of the Pacific Highway between Strickland Avenue and Beaconsfield Parade. The railway line constitutes the eastern boundary and a car sales showroom adjoins it to the north. A residential flat building is situated south of the property.

The land is relatively flat at street level but falls considerably towards the eastern boundary (rear).

The site includes the Lindfield Branch Library, fourteen aged self contained residential units (Kuring-gai Old People's Welfare Association Ltd - KOPWA), the Lindfield Seniors Centre, the

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Lindfield Seniors Resource Centre, two synthetic tennis courts and associated netting, landscaped areas, car parking for ten cars and toilet facilities.

THE PROPOSAL

Is a new front fence part of the proposed development? Yes
Is a new swimming pool part of the proposed development? No

The application seeks Council consent for the refurbishment of part of the Lindfield Library, and the operation of a youth development service in premises which were previously occupied by the Girl Guides.

The proposed service will occupy approximately 84m² of the lower ground floor of the existing Library building. The area which is currently disused will be refurbished and the configuration will include reception, counselling, store, group therapy and administration rooms. The proposed refurbishment will make the toilet accessible to people with a disability. (see Condition No 15)

The access to the facility will be from the north-west side of the Library building and will be fenced with a gate and clearly signposted. The area leading to the proposed entrance door will be appropriately landscaped.

Vehicular access to the proposed facility will be from the existing entrance to the car park from the Pacific Highway.

No existing vegetation or other structures are affected by the proposal.

Staff

The KYDS will initially have only one full time employee - the Youth Development Officer. A part time youth worker will support the Youth Development Officer in accordance with demand. (See Condition No 19)

Operating hours

The proposed operating hours for the KYDS are from 10.30am to 5.30pm Monday to Friday. It is anticipated that staff and management committee members will be using the facility outside these hours including weekends for administration work and committee meetings. (See Condition No 18)

Attendance pattern and target group

In the initial year of operation the pattern of attendance at the service is likely to reflect a strong demand from various target groups. These groups comprise:

- Youth in general who have been looking forward to supervised activities with low counselling demands - less regular attendance based around after-school activities but in larger numbers.

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(such as those already congregating in the general area of the Lindfield Library - but without supervision).

- Youth and families who are in urgent need of extensive counselling and support and assistance with referrals to other professionals including home visitation - regular attendance but smaller numbers and often drop-ins and crisis prevention.
- Individuals, volunteers, local community leaders, representatives from government services and community based organisations etc. who have an interest in the new service - essential that time is available to nurture these services.

Site access and parking

Many of the clients who come to the KYDS would prefer quiet and anonymous access to the service and this should be a consideration in site development.

The KYDS project is aimed at youth-in-need mainly below 18 years of age (hence one of the criteria is that it must have easy public transport access). It is not expected that visitors would have cars or necessarily need to be driven to the site except where they may be coming to counselling with an adult. It is likely that the permanent counsellor may travel by car.

Waiting area

It is not envisaged that there will be a need for an external waiting area as this will be provided within the facility.

Outdoor needs

An outdoor area will be provided where some of the visitors may socialise within supervised service hours. It is proposed that the area adjacent to the new access door be used for this purpose as it allows for supervision as well as offering a degree of privacy for the users.

Noise and other issues

The nature of the activities being conducted, the daytime hours during which the facility is open and the fact that all activities will be supervised should limit noise to the level of normal meetings or functions.

CONSULTATION - COMMUNITY

In accordance with Council's policy, approximately 260 adjoining owners/occupiers were given notice of the application and notices were published in the North Shore Times on 1 and 8 October 2003.

Ku-ring-gai Old People's Welfare Association Ltd (KOPWA Ltd) - 16 Trafalgar Avenue, Roseville
L Williams - 10 Westbourne Road, Lindfield

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Schubert Planning (for K M Crow of 3/258 Pacific Highway) - PO Box 580, Forestville

The following concerns were raised in the submissions:

***The proposal is inappropriate and incompatible with the existing uses on-site.
Increased vandalism, harassment and amenity concerns.***

It is believed that the physical separation offered by the existing building configuration, the location of the proposed access point and additional fencing and screen planting will address these concerns. In addition, the NSW Police Service Crime Prevention through Environmental Design Evaluation recommended design conditions which are included in this report. (See Conditions No 20-29)

The hours of operation are limited to weekdays only between 10.30 am and 5.30 pm which are similar to that of the library. The facility will be secured and no access will be possible to the northern side of the library after normal office hours.

Possible future expansion and the long term management of the service. In particular, issues such as supervision and number of visitors were raised.

These issues are addressed by appropriate conditions of consent which limit the number of visitors to a maximum of 10 at any one time and will require professional supervision at all times. The establishment of a Lindfield Library Site User Group Committee will ensure that the day to day operation of the facility is monitored and would enable management issues to be addressed in a timely manner. (See Condition No 17)

Insufficient car parking , access to and egress from the Pacific Highway.

Council's Development Engineer raised no objection to the proposal. The additional traffic generated and increased parking demand are considered negligible. Egress to the Pacific Highway in a forward direction is possible as turning areas are located adjacent to the library building and the resource centre.

CONSULTATION - WITHIN COUNCIL

Development Control Engineer

The Development Engineer had no objection to the application and did not recommend any conditions.

Landscape Development Officer

A landscape plan shall be submitted to Council to ensure appropriate landscaping and screen planting according to the recommendations of the NSW Police Service (See Condition No 38).

Director - Community Services

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Ku-ring-gai Youth Development Service

The Ku-ring-gai Youth Development Service (KYDS) will compliment other youth services currently operating in the Ku-ring-gai area using a model that is accessible to young people, and user friendly.

The way young people deal with issues affecting them varies according to family, social background, and cultural interests. Young people are likely to deal with difficult situations in unhealthy ways if there is no immediate support to help them work through their issues.

The proximity of a service close to public transport and shopping district is an important consideration when establishing a youth service. Accessibility is a major issue for young people. A lot of young people may wish to access the service in a confidential manner and for them to access it on their own is essential for confidence and developing trust with the service.

Crucial to how young people deal with issues impacting on their lives is the support they receive within the community, family, friends and school. In most cases young people aren't always able to talk issues through with their family and find it easier to talk to an independent councillor or youth worker. Often young people will not always show signs of difficulty in dealing with issues until it becomes too late. Early intervention is essential in preventing more serious problems in later years.

Young People and Public Space

The provision of a youth service in a public space such as Lindfield Library site will see young people in and around the Library and its surrounds. The young people accessing KYDS are more likely to be clients of the service having already been referred, have made previous contact or are inquiring with the aim of seeing a counsellor.

Allowing young people to access youth friendly services in public space is essential to developing their confidence and to feel a sense of trust within the community. The issue of young people and public space is crucial to their identity and role within the community. The impact young people will have on the public space surrounding the site needs to be balanced with the positive outcomes likely to be derived from the provision and availability of professional counselling services.

The establishment of defining features such as gates and boundaries are important to establish clear usage points, however it is desirable that the service isn't set up with obvious fencing or brick walls that would alienate young people using the service. Any method of fencing needs to compliment the existing facilities and avoid dominating on the area visually.

Anti Social Behaviour

The establishment of the KYDS on the Lindfield Library site is not anticipated to increase levels of anti social behaviour. Indeed it is more likely to reduce current social problems, as it will serve as a place to redirect young people's interests. The proposed management and safety measures for the site should further deter anti social behaviour. The operating hours of KYDS increases normal surveillance of the area, is not conducive to recreational activities and limits the opportunities for disturbance. The proposed operating hours of KYDS are 10:30am to 5:30pm Monday to Friday.

Community Awareness of Issues Facing Young People

The absence of a community based counselling service for young people in the area, doesn't mean that issues facing young people across Sydney are not impacting on young people living in Ku-ring-

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gai. The establishment of KYDS will increase the awareness among the Ku-ring-gai community about issues facing young people and provide opportunities for the community to be involved in the management and resolution of such issues. KYDS should be encouraged to inform people, particularly older members of the community that young people in need are not necessarily a threat or disturbance to the general well being of the community. KYDS should also highlight the need for a community approach to dealing with youth issues and how important it is that these issues be recognised and not ignored.

Appropriate conditions have been recommended. (See Conditions No's 20-29)

CONSULTATION - EXTERNAL TO COUNCIL

NSW Police Service

The following comments and design suggestions were made by the NSW Police Service (North Shore Local Area Command - Chatswood Police Station):

Crime Prevention through Environmental Design (CPTED) is a situational crime prevention strategy that focuses on the design, planning and structure of cities and neighbourhoods. It aims to reduce opportunities for crime by employing design and place management principles that minimise the likelihood of essential crime ingredients from intersecting in time and space.

This assessment aims to marry together the 'Site Context' (the likelihood and consequence of criminal activity in the general area) with the "Site Opportunity" (rating of crime opportunity at the assessed site, taking into account design factors). The result of this analysis provides a statistically reliable assessment of the risks associated with a development, and allow for the formulation of "treatment options" aimed to mitigate some of these identified concerns.

The CPTED assessment of the site of your proposed youth facility showed that there is a "moderate crime risk" associated with the development (in the absence of any treatment options). For such a level of risk, the principles of CPTED recommend a combination of natural and low level treatment options.

- *Natural treatment options refer to "clear site design, territorial definition and designation (purpose). Natural surveillance, strategically located windows, doors and other vantage points. Open building and landscaping sightlines. Natural access control measures including symbolic and real boundaries. Clearly defined vehicle/pedestrian routes and channelling systems".*
- *Low level options include "organised guardianship, ie strategic placement of employee work spaces, timing and use of managed activity, activity place management, routine environmental maintenance. Good quality access control.*

Identified issues and treatment options

Conflicting site designation

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A possible issue arising in this location with conflicting site designation arising from the contrast in user groups within the site. The establishment of a “youth” facility of this nature in such close proximity to both residential dwelling and seniors facilities creates a number of potential issues. A number of these issues may be mitigated by the implementation of the following treatment options.

- *Clearly defined user zones.*

In establishing the facility on the proposed site, effort must be given to ensuring a clear differentiation between the existing private and public space uses, and the new youth facility. This differentiation needs to be both established in the design stages, and re-enforced through the day to day running of the centre.

- *Design.*
 1. *The proposed fence to be erected along the eastern side of the facility should be constructed of an optically permeable material, (such as chain mesh) to provide for visual surveillance both into, and out of the centre. Such material would provide for the necessary “separation” of user groups, without creating the feeling that the youth facility is boxed in by imposing brick walls. The wire mesh would also be less susceptible to graffiti. It should be of sufficient height to prevent scaling of the fence.*
 2. *The existing “tennis sheds should be removed to take away opportunity for concealment. If considered necessary, a roof may be placed over the area to provide for a wet weather area, however it is recommended that site lines be maintained through any structure from the ground level. NB. Tennis sheds should be relocated onto the grassed area to the east of the centre to prevent a reduction in amenities of the tennis court users.*
 3. *Windows should be installed in the northern wall of the existing building (shown as “B”) to facilitate surveillance of the outdoor area by staff and patrons of the facility.*
 4. *There should be no entry points to the facility from the eastern side of the building. Any required fire exits should be secured and alarmed to prevent unauthorised access.*

The above recommendations allow for a clearly defined area for the youth facility, which is open to surveillance from both within the facility, and also from the premises surrounding it. It is also intended to facilitate this without creating the feeling that the centre is boxed off and isolated, engendering both a feeling of “inclusion” for the young people, and also knowledge that they are well supervised from a number of different points. These design factors should be re-enforced with appropriate rules once the centre is operational.

- *Access points*

As stated above, there should be no access to the facility from the eastern side of the property. The plan to limit access to a pathway to the northern side of the library has merit, and should be implemented. One clearly defined entry and exit point would provide for an unambiguous message to both the users of the facility, and to the other stakeholders in the area.

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There are a number of points that must be addressed in implementing this concept. The area to the northern side of the library may provide for concealment opportunities in its present state. These concealment opportunities could see users of the centre becoming more at risk of both committing offences, (such as graffiti, malicious damage or drug use) as well as becoming victims of offences such as assault or robbery.

Treatment options include:

- Appropriate use of vegetation. Any vegetation in the area should provide not just for aesthetic goals, but also facilitate clear site lines along the length of the pathway. To this end to vegetation should be of a type to prevent concealment at ground level. Some predatory offenders seek pockets and enclosures created by vegetation. As such, the vegetation should be chosen and maintained to prevent this area becoming a potential entrapment site.*
- Use of “greenscreens” (wall hugging plant/vines) prevent concealment, and protect walls and other susceptible structures from graffiti and vandalism. These should be considered along the library walls beside the pathway into the centre. These walls may become a target for graffiti were they to be left untreated. The use of greenscreens may provide an aesthetically pleasing solution to this problem.*
- Lighting. Although the primary operating hours of the centre are “daylight” hours, it is still necessary to ensure that the accessway is appropriately illuminated, particularly during the winter months when clients of the centre may well be leaving after the sun has set. Lighting should comply with relevant Australian Standards for pedestrian lighting, and be constructed so as to be “vandal resistant”.*

Removal of the tennis sheds can be avoided through amendment to the proposed fencing arrangement. Other suggestions and comments are noted and have been incorporated in the recommendation as Conditions No's 20-29.

PROVISIONS OF RELEVANT LEGISLATION

The Environmental Planning & Assessment Amendment Act 1979 Section 79C

1. Environmental Planning Instruments

This application is Local Development under Part 4 of the Environmental Planning & Assessment Act and the proposal requires development consent under the Ku-ring-gai Planning Scheme Ordinance.

State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55)

The provisions of SEPP 55 require Council to consider, the potential for a site to be contaminated. The subject site has a history of residential and semi-agricultural use (dairy) prior to its acquisition in by the Council 1948 and, as such, it is unlikely to contain any contamination and further investigation is not warranted in this case.

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Ku-ring-gai Planning Scheme Ordinance (KPSO)

The zoning map and Clause 23 of the KPSO provides that the site is to be used for municipal purposes. Legal advice has been obtained which confirms that the proposed use is permissible. No other controls are applicable in terms of the KPSO a merit assessment is done under the remaining “matters for consideration” below.

Development Control Plan 43 - Car Parking

The aims of the DCP are to:

- ensure that adequate parking is provided for developments in Ku-ring-gai, firstly to minimise the overflow of parking onto surrounding streets, and secondly to ensure that a high standard of parking and access to commercial developments is provided, to support their viability;
- provide objectives and guidelines for the design of parking and service areas,
- provide ecologically sustainable car parking facilities ;
- to provide the community with a set of standards while recognising that opportunities need to be identified that will protect the environmental quality of the area and have regard for the major transport corridor that serves the Council area.

In assessing proposed developments, Council will look towards the prescriptive guidelines that are set out in this DCP being met, but will consider a proposal on its merits, in a performance based assessment, where the key question will be whether the stated objectives of the DCP are achieved.

As municipal uses are not specifically addressed in the control plan the impact of the proposal is assessed on merit. In this instance, the following must be considered:

- The proposal does not create additional floor space.
- It is not expected that demand will exceed one additional bay.
- The availability and accessibility of public transport in this location reduces the reliance on private transport
- It is unlikely due to the nature of the proposal and in particular the age of the visitors to the facility that undue parking demands will result. The KYDS project is aimed at youth-in-need mainly below 18 years of age (hence one of the criteria is that it must have easy public transport access). It is not expected that visitors would have cars or necessarily need to be driven to the site except where they may be coming to counselling with an adult.

Council’s Development Engineer raised no objection to the proposal and considers the additional traffic generated and increased parking demand acceptable in this location. In light of the above, it is believed that the above objectives are met and that the existing car park is adequate to cope with the additional demand created by the proposal.

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2. Likely Impacts

The proposal is unlikely to have any significant impact on the environment, landscape or scenic quality of the locality, threatened species, populations or ecological communities or their habitats or any other protected fauna or protected native plants. The site is not within a wilderness area nor an area of critical habit.

Concerns are raised in respect of the perceived social impacts, especially with regard to the aged care units, the Senior Citizens Resource Centre and The Ku-ring-gai Centre for Seniors.

It is considered that the likely impacts have been minimised through the design, landscaping and physical separation in terms of distance and fencing and management measures. Dedicated access will be secured after hours and this access point is located more than 20 metres away from the library's pedestrian access and more than 50 metres away from the Ku-ring-gai Centre for Seniors. In addition no direct access will be possible from the facility to the car park adjacent to the above facilities.

The facility will be supervised at all times by at least one qualified councillor and the refurbishment will be done in order to maximise natural surveillance through strategically placed windows, vantage points and appropriate landscaping.

The likely impacts of the development have been mitigated through the design and management of the facility and are considered satisfactory.

3. Suitability of The Site

The site is considered to be appropriate for this use as it is located in close proximity to public transport modes, is situated within an existing community facility and is adjacent to shopping facilities but also offers a degree of privacy for users of this service while providing a reasonable level of security to adjacent properties.

4. Any Submissions

The submissions received have been discussed within this report and where appropriate, conditions of consent have been imposed to address the issues raised as a result of the notification process.

5. Public Interest

The proposed development will not result in any significant detrimental impact in relation to the public interest. Appropriate design and management measures have been conditioned which will minimise impacts on the immediate environment. Therefore, approval of the development, which will provide a much needed service in the area, is considered to be in the wider public interest.

CONCLUSION

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The application has been assessed having regard to the provisions of the Environmental Planning and Assessment Act 1979 (as amended) and the Ku-Ring-Gai Planning Scheme ordinance. It is considered that the application substantially addresses the relevant requirements of these documents and will not result in significant material impacts to adjoining properties.

RECOMMENDATION

That Development Application DA 1100/03 for the establishment of a youth development service, associated landscaping, lighting, fencing and refurbishment of the lower part of the Lindfield Library annex at Lot 8 DP 660564 and Lots 1, 2 & 3 DP212617 being 265-271 Pacific Highway, Lindfield, be approved 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 1100/03 and Development Application plans prepared by G + A Draftline, reference number 1000/03 - 1 and 2, dated 5 July 2003 and lodged with Council on 1 September 2003.
2. All building works shall comply with the Building Code of Australia.
3. The submission of the approved plans to Sydney Water, before any work is commenced to ensure that the proposed structure meets that Authority's By-Laws. Failure to submit these plans before commencing work will render the owner liable to a penalty and may result in the demolition of work.
4. The works set forth in the plans and specifications and approved under this consent, once commenced, shall be completed within two (2) years from the date of commencement.
5. The approved building shall not be occupied unless the development has been completed in accordance with all conditions of consent and the approved plans and a Occupation Certificate has been issued.
6. For the purpose of ensuring the compliance with the terms of the approval, an approved copy of the plan and this Consent and Construction Certificate shall be kept on site at all times.
7. For the purpose of safety and amenity of the area, no building materials, plant or the like are to be stored on the road or footpath without the written approval being obtained from the Council beforehand. The pathway shall be kept in a clean, tidy and safe condition during building operations. Council reserves the right, without notice, to rectify any such breach and to charge the cost against the applicant/owner/builder, as the case may be.
8. **HOURS OF WORK:** For the purpose of residential amenity, noise generating work carried out in connection with building and construction operation, including deliveries of building materials and equipment, is restricted to the following hours: Mondays to Fridays inclusive:

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7.00am to 5.30pm. Saturdays: 8.00am to 12.00 noon. Sundays and Public Holidays: Not Permitted. The use of the following items of plant on the site is also restricted to the abovementioned hours: compressors, bulldozers, power operated woodworking machines, excavators and loaders, jackhammers, Ramset guns, concrete mixers and concrete delivery wagons, hoists, winches, welding and riveting plant.

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

9. For the purpose of public safety, a sign shall be erected on the site prior to any work commencing which is clearly visible from a public place stating that unauthorised entry to the site is not permitted and showing the name of the builder or another person responsible for the site and a telephone number for contact outside working hours. The sign may only be removed on satisfactory completion of the works.
10. Compliance with the notations overdrawn on the consent plans.
11. If the work involved in the erection or demolition of a building:
 - a. is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or
 - b. building involves the enclosure of a public place, a hoarding or fence must be erected between the work site and the public place.

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

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

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

12. The demolition is to be carried out in accordance with the guidelines contained in Australian Standard 2601-1991: The Demolition of Structures.
13. 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.
14. 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:

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- 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.
15. 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.
16. A Management Committee shall be established as proposed in the KYDS Business Plan (page 9).
17. A Site User Group shall be established in conjunction with Ku-ring-gai Council staff and with representation from:
- Lindfield Library
 - KOPWA (Arrunga Aged Self Contained Units)
 - Senior Citizens Resource Centre
 - Lindfield Seniors' Centre
18. The hours of operation are restricted to Monday to Friday - 10.30am to 5.30pm. Management meetings and administrative duties may be performed by staff outside of these hours.
19. The facility shall be supervised at all times by at least one (1) qualified staff member.
20. To maintain the established streetscape and general appearance to the Pacific Highway, the overall height of the fence is not to exceed 1200mm above natural ground level.
- The fence shall be set back 12 metres from the front boundary and shall be visually transparent (such as metal grille or timber picket fence). Design of the fence shall be submitted with the landscaping plan for approval by Council.
21. Details of the signage shall be provided to Council for approval and will indicate the exact location, size and design.

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22. The path shall be constructed of concrete and provide level and unobstructed access to the facility from the Pacific Highway in accordance with the relevant Australian Standard.
23. Pedestrian lighting along the footpath shall :
 - be vandal resistant and;
 - illuminate the full length of the travel path in accordance with the relevant Australian Standard.
24. Installation of security lighting between the tennis court and the railway line shall be considered in conjunction with the Site User Group Committee.
25. Access to the facility shall be limited to the proposed new door on the north-western side only. No access shall be allowed to the parking lot through the existing glass sliding door which will be replaced with a fire exit door in accordance with the relevant Australian Standard.
26. The new access door shall be of a transparent design that facilitates the surveillance of the adjoining landscaped area.
27. The outdoor area proposed shall be located adjacent to the new access door and shall be landscaped in accordance with CPTED principles.
28. The door leading onto the patio/covered area may only be used for access by staff or committee members.
29. Chain wire fencing installed shall be demountable or retractable and shall be at least 2m in height. Fencing to be installed in the following locations:
 - Short distance between the tennis shed and the closest tennis court (shown in red)
 - Between the southern corner of the adjoining vehicle show room (Scuderia Veloce) and the closest tennis court (shown in red)
30. The buildings are not to be used or occupied until an Occupation Certificate has been issued.
31. The number of visitors to the facility shall be limited to a maximum number of ten (10) persons at any one time.
32. The screen planting shall be completed prior to the issue of the final Certificate of Compliance and be maintained in a satisfactory condition at all times.
33. Remove all obsolete materials inside and outside the building (i.e. all materials unless they are absolutely necessary for the functioning of the business).
34. Submit an annual fire safety statement attesting to the adequacy of the installed portable fire extinguishers and illuminated exit signs.

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

35. 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.
36. 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).
37. 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.
38. A plan detailing screen planting of the gate and fence to Pacific Highway, fencing along pathway, smoking area and the new entrance door shall be submitted to Council prior to the release of the Construction Certificate and approved by Council's Landscape Development Officer, prior to completion of building works.
39. A suitable evacuation procedure is to be developed for the building. The procedure is to adopt the RACE Principle and occupants are to receive adequate training (Note:- Council has a standard format and you are welcome to use this as a guide). A detail of the procedure is to be submitted to the Principal Certifying Authority for approval prior to the issue of the Construction Certificate. For your information, RACE relates to the following:

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- R Rescue or Remove people in immediate danger
- A Alarm others
- C Contain the fire to the room or space of origin
- E Extinguish if safe to do so or Evacuate

40. Submit a report from an Hydraulics Engineer attesting to the adequacy of the installed street hydrant system to service the premises. This report is to consider the ability of the New South Wales Fire Brigade to use the fixtures.
41. The building is to be completely serviced by suitable fire hose reels so that no point on the floor of the building is beyond the nozzle end of a fully extended 36 metre hose. Hose reels are to be located not more than 4.0 metres from an exit unless otherwise approved by Council. Detail of location of hose reel to be submitted to Principal Certifying Authority for approval prior to issue of the Construction Certificate.
42. Suitable portable fire extinguishers complying with the requirements of AS2444 are to be installed in the building. Each extinguisher is to be suitably wall mounted and sign posted. Details of type, size and location to be submitted to Principal Certifying Authority for approval prior to issue of the Construction Certificate.
43. A complete system of localised fire and smoke alarms complying with the requirements of AS3786 is to be installed within the building. A detail of the proposed system is to be submitted to the Principal Certifying Authority for approval prior to the issue of the Construction Certificate.
44. A complete system of emergency lighting and illuminated exit signs is to be installed throughout the building. A detail of the system is to be submitted to the Principal Certifying Authority for approval prior to the issue of the Construction Certificate.

CONDITIONS TO BE COMPLIED WITH PRIOR TO WORK COMMENCING

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

CONDITIONS TO BE COMPLIED WITH PRIOR TO OCCUPATION

46. Prior to the release of any occupation certificate, a compliance certificate must be obtained from an accredited certifier, certifying that the building works for the building to be occupied comply with the plans and specifications approved by this development consent; and any construction certificate associated with this consent for the buildings to be occupied. If the PCA is not the Council, then this compliance certificate must be submitted to the Council at the same time as the occupation certificate is submitted to the Council in accordance with Clause 151(2) of the E P & A Act regulations.

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47. Submit a certificate from a suitably qualified electrician indicating the existing electrical wiring system has been inspected and is certified as being adequate, safe and fit for purpose.
48. Submit a final fire safety certificate attesting to the adequacy of the newly installed fire hose reels, portable fire extinguishers, emergency lights, illuminated exit signs, smoke alarms and the practice of the evacuation procedure.

BUILDING CONDITIONS

49. For the purpose of safe ingress and egress the stairs are to be constructed within the following dimensions:

Risers:	Maximum 190mm	Minimum 115mm
Going (Treads):	Maximum 355mm	Minimum 240mm

Note: Dimensions must also comply with limitations of two (2) Risers and one (1) going equalling a maximum 700mm or minimum 550mm. The Risers and Goings shall be uniform throughout the length of the stairway.

50. The ceiling of the lower level is to be lined with one layer of 13 mm fire grade plasterboard so as to achieve a suitable "fire Protective Covering" as defined in BCA96.
51. All exit doors are to be fitted with latches that can be opened by single handed lever action on a single device without recourse to a key from the side facing people seeking egress from the building. This includes the existing and proposed exit doors.
52. The sliding exit door from the lower ground floor level is to be replaced with a side hung exit door.
53. 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.

C Swanepoel
**Development Control
Officer**

R Kinninmont
**Team Leader, Roseville
Ward**

M Miocic
**Director
Environment &**

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Regulatory Services

Attachments: **Location Sketch**
 Site Plan
 Internal Layout
 Original report considered by Council

DEVELOPMENT APPLICATION

SUMMARY SHEET

<i>REPORT TITLE:</i>	39 HORACE STREET, ST IVES - DEMOLITION OF EXISTING DWELLING AND ERECTION OF SEPP 5 DEVELOPMENT
<i>WARD:</i>	St Ives
<i>DEVELOPMENT APPLICATION N^o:</i>	933/02
<i>SUBJECT LAND:</i>	39 Horace Street, St Ives
<i>APPLICANT:</i>	Milan Samardic
<i>OWNER:</i>	Northside Property Developers
<i>DESIGNER:</i>	The Winter Group
<i>PRESENT USE:</i>	Residential
<i>ZONING:</i>	Residential 2'C'
<i>HERITAGE:</i>	No
<i>PERMISSIBLE UNDER:</i>	Ku-ring-gai Planning Scheme Ordinance
<i>COUNCIL'S POLICIES APPLICABLE:</i>	SEPP 5 Code, Development Control Code No.40 - Waste Management, Development Control Plan No.43 - Carparking
<i>COMPLIANCE WITH CODES/POLICIES:</i>	Satisfactory level of compliance
<i>GOVERNMENT POLICIES APPLICABLE:</i>	
<i>COMPLIANCE WITH GOVERNMENT POLICIES:</i>	Inappropriate parking provision and living area location
<i>DATE LODGED:</i>	9 July 2002
<i>40 DAY PERIOD EXPIRED:</i>	18 August 2002
<i>PROPOSAL:</i>	Demolition of existing dwelling and erection of SEPP 5 development
<i>RECOMMENDATION:</i>	Refusal

DEVELOPMENT APPLICATION N^o	933/02
PREMISES:	39 HORACE STREET, ST IVES
PROPOSAL:	DEMOLITION OF EXISTING DWELLING AND ERECTION OF SEPP 5 DEVELOPMENT
APPLICANT:	MILAN SAMARDIC
OWNER:	NORTHSIDE PROPERTY DEVELOPERS
DESIGNER	THE WINTER GROUP

PURPOSE FOR REPORT

To determine a development application for the demolition of the existing dwelling and erection of a SEPP 5 development.

EXECUTIVE SUMMARY

- Demolition of dwelling and erection of SEPP 5 development
- Twenty nine (29) objections received
- The application has undergone a number of changes in order to address the concerns of the objectors and, subject to some minor changes, the proposal has been redesigned to have no unacceptable impacts upon the neighbouring properties.
- However, the manipulation of the design of the proposal to address the concerns of the neighbours has resulted in a development that will afford an unacceptably low level of amenity to the future residents. Changes as recommended throughout the report identify the manner in which the design could address these deficiencies, however they are beyond the scope of conditions of consent.
- Therefore, the application is recommended for refusal

HISTORY AND RESOLUTION SEEKING INDEPENDENT ASSESSMENT

The development application was lodged on 9 July 2002 and was first reported to Council at its meeting of 9 September 2003, after lodgment of the final amended plans on 21 February 2003. The application was recommended for approval subject to conditions. Council resolved to defer consideration of the application for an on-site inspection.

The application was reported to Council at its meeting of 18 November 2003 after a site inspection was held on 1 November 2003. Council resolved to defer consideration of the application for a review of the application by an independent consultant, identifying, in particular, the following issues to be considered:

- The issues raised on the site inspection
- School related traffic generation issues
- That Sydney Water be asked to check records for a reasonable period of sewerage overflow being not less than 5 years
- Landscaping issues at the rear

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A report prepared by The Thomas Riley Group of consultant town planners was considered by Council at its meeting of 16 December 2003, which recommended approval of the application, subject to conditions. Council resolved to defer consideration of the application for it to be *“referred to an independent consultant for a thorough independent assessment”*.

This report has been prepared by Kerry Gordon Planing Consultant in response to the above Council resolution.

THE SITE

Zoning:	Residential 2'C'
Visual Character Study Category:	1945-1968
Lot Number:	14
DP Number:	30789
Area:	1209.7m ²
Side of Street:	Western
Cross Fall:	South West
Stormwater Drainage:	South west but can be drained to Horace Street
Heritage Affected:	No
Required Setback:	9 metres
Integrated Development:	No
Bush Fire Prone Land:	No
Endangered Species:	No
Urban Bushland:	No
Contaminated Land:	No
Section 94 Contributions	Yes

SITE DESCRIPTION

The subject property is located on the western side of Horace Street in St Ives, two properties to the north of Amesbury Avenue. The site contains a single storey brick and tile dwelling, with attached garage on the northern side.

To the immediate north of the site at No 37 Horace Street is a single storey dwelling constructed of besser blocks, with a tin roof. This dwelling is set back 13.5m from Horace Street, however, has a carport erected forward of the building line at a setback of 7.7m. The site also has a high front and side fence (approximately 1.5m high) of a mixture of materials, which together with the on-site and street trees, results in the dwelling having little streetscape presence (see attached streetscape photograph). The dwelling is set back 1.7m from the boundary with the subject site.

To the immediate south of the site at No 1 Amsebury Avenue is a single storey brick and tile dwelling. This dwelling is set back approximately 12.5m from Horace Street, and addresses Amesbury Avenue. The site also has a high front and side paling fence (approximately 1.8m high), which together with the on-site and street trees, results in the dwelling having little streetscape presence to Horace Street (see attached streetscape photograph). The dwelling is set back between 1.7m and 7.9m from the boundary with the subject site.

To the rear of the site is the rear yard of No. 3 Amesbury Avenue. At the time of inspection the rear yard could not be viewed from the subject site due to the existence of two large trees. It is noted that the trees are deciduous and, as such, the yard would be visible from the subject site in winter and part of Autumn.

THE PROPOSAL

Is a new front fence part of the proposed development? No

Is a new swimming pool part of the proposed development? No

The proposal involves the demolition the existing dwelling and the erection of a SEPP 5 development containing 4 x 2 bedroom dwellings and parking for 4 vehicles. The proposal is described in detail as follows:

Dwelling 1: Dwelling 1 is located to the front of the site, in a building containing two dwellings, and is located 1.85m from the northern boundary and 9m from the front boundary. This dwelling consists of a bedroom, bathroom, laundry/WC, kitchen and living room at the ground level, with the living room leading to a west facing patio and yard. At the first floor level, which is located partially over the driveway that separates Dwelling 1 from Dwelling 2 and is set back 7.8m from the northern boundary, are a second bedroom, bathroom and sitting room, with balcony off it facing Horace Street. Whilst the dwelling is two bedroom it is noted that the sitting room could easily be converted to a third bedroom by the provision of a door to it, and the application has been assessed having with regard to this.

Car parking for Dwelling 1 is provided in a single detached garage, located to the rear of the dwelling and set back 390mm from the northern boundary.

Dwelling 2: Dwelling 2 is located to the front of the site, in a building containing two dwellings, and is located 1.85m from the southern boundary and 9m from the front boundary. This dwelling is a mirror image of dwelling 1. Again, whilst the dwelling is two bedroom it is noted that the sitting room could easily be converted to a third bedroom by the provision of a door to it, and the application has been assessed having with regard to this.

Car parking for Dwelling 2 is provided in a single detached garage, located to the rear of the dwelling and set back 390mm from the southern boundary.

Dwelling 3: Dwelling 3 is located to the rear of the site, in a building containing two dwellings, and is located 1.85m from the northern boundary and 6.985m from the rear boundary (the elevated patio is set back 4.45m from the rear boundary). This dwelling consists of a bedroom, bathroom, laundry cupboard, WC, family room, kitchen and living room at the ground level, with the family room leading to a west facing patio and yard. The patio is elevated approximately 400mm – 500mm above the existing ground level. At the first floor level, which is set back between 4.2m and 7.3m from the northern boundary, are a second bedroom, bathroom and large sitting room, with

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balcony off it facing eastward. The first floor is set back 9.6m from the western boundary.

Car parking for Dwelling 3 is provided in a single garage attached to the dwelling and accessed via a driveway through the proposed front dwelling.

Dwelling 4: Dwelling 4 is located to the rear of the site, in a building containing two dwellings, and is located 1.85m from the southern boundary and 6.985m from the rear boundary (the elevated patio is set back 4.45m from the rear boundary). This dwelling is a mirror image of dwelling 3. Given the cross fall of the site, the patio at the rear of this dwelling is elevated approximately 500mm – 1000mm above the existing ground level. It is also noted that the rear ground floor of this dwelling, at the south-west corner is elevated 1m above the existing ground level.

Car parking for Dwelling 4 is provided in a single garage attached to the dwelling and accessed via a driveway through the proposed front dwelling.

The buildings are proposed to be of masonry construction, with a tiled roof, using a mix of rendered masonry and face brick.

CONSULTATION - COMMUNITY

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

Comments have been received from the following:

- Sarah and Andrew McPherson 25 Alvona Avenue, St Ives
- Constance Archer 5 Alvona Avenue, St Ives
- Sean and Sally Kelly 1 Amesbury, St Ives
- Ralph and Narelle Mackie 22 Alvona Avenue, St Ives
- PE and AJ Stanton 3 Lynbara, St Ives
- DO and GJ Steenbhom 7 Correy Place, St Ives
- Colin and Shirley Feakes 3 Amesbury, St Ives
- Norma and Bill Allen 25 Alvona Avenue, St Ives
- ML Minns 23 Torokina Avenue, St Ives
- J Christic 10 Amesbury, St Ives
- GA Robbie 22 Torokina Avenue, St Ives
- Vernon Wong-See 60 Lynbara Avenue, St Ives
- Peter Bradwell 16 Lancaster Avenue, St Ives
- Anna and Peter Gabor 36 Alvona Avenue, St Ives
- Tim O'Connor 12 Horace Street, St Ives
- Daphne Sheum Owner of 29 Horace Street, St Ives
- Greg De Laine 35 Horace Street, St Ives
- Pamela and Lester Kinsley 24 Lancaster Avenue, St Ives
- RJ and PS Talbot 31 Horace Street, St Ives
- H and C Beard 45 Horace Street, St Ives

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- Brian and Rae Jones 16 Derby Street, St Ives
- Kalwant and Jaswinder Kalsi 4 Amesbury, St Ives
- BA Evans 26 Horace Street, St Ives
- Pamela Jean Ho 3 Sutton Place, St Ives
- PD Paull 5 Wallace Place, St Ives
- GJ and JP Massey 65 Lynbara Avenue, St Ives
- Megan Shave and Paul Forbes 47 Lynbara, St Ives
- Gerry and Marlene Swan 94 Yarrabung Road, St Ives
- Kenn Boundy-Taylor No address provided

The following concerns were raised in the submissions:

Development not suitable in area which is designed and laid out for single dwellings (1)

The development is permissible pursuant to SEPP 5.

Loss of privacy (19)

Amendments to the application have ensured that the proposal will not result in any significant impact on the privacy of adjoining properties. However, the privacy measures proposed will result in an unacceptable level of amenity to the proposed dwellings (particularly Dwellings 3 and 4).

Lack of setback of rear dwellings (2)

The proposed setback to the rear boundary of 6.985m for the ground level and 9.6m for the first floor is acceptable. The setback provides satisfactory separation to achieve privacy and to reduce the visual impact of the building, subject to a reduction in the width of the first floor as is discussed following. However, the elevated patios at a setback of only 4.45m are not considered to be appropriate, resulting in an unacceptable loss of privacy without the proposed 1.8m screens, which will remove the amenity of the patios and family rooms for the residents of the two new dwellings.

Lack of setback to side boundaries (4)

The proposed setbacks to the side boundaries of 1.85m for the ground floor and 7.8m for the first floor (front building) and 4.2m and 7.3m (rear building) are acceptable in relation to provision of privacy and to allow for suitable screen planting to soften the visual impact of the development. However, the reduced setback of 4.2m from the side boundaries to the first floor of the rear building to facilitate bedroom 2 in Dwellings 3 and 4 is considered unacceptable in relation to visual bulk as viewed from both the rear and the side properties.

A more appropriate design would be to relocate the northern and southern walls of bedroom 2 in Dwelling 3 and Dwelling 4, respectively, such that they were in line with the walls to the staircase and bathroom. The internal wall to the bedroom could be removed and a new wall provided as a continuation of the west wall of the staircase. This would still allow for the provision of a suitably sized second bedroom and a sitting area, albeit a smaller one, whilst significantly reducing the bulk of the development as viewed from the neighbouring properties.

Overshadowing (17)

The proposal will not result in any unacceptable loss of solar access.

Loss of acoustic privacy (6)

The use of the dwellings is unlikely to result in any noise other than that which would normally be expected in a residential area.

Access to shops and services is inadequate (23)

The site is located within 400m of a bus stop that provides access to an appropriate range of shops and services. Subject to the provision of a suitable footpath, the site is appropriately located in accordance with the requirements of SEPP 5.

Vehicular access is dangerous/hazardous to children crossing at lights (14)

The proposed vehicular access is further from the lights than the existing vehicular access and adequate sight distance exists to ensure an appropriate level of safety of egress and ingress. The widening of the driveway close to the street allows for a vehicle entering the site to pass a vehicle exiting the site, eliminating the need for a vehicle to reverse across the footpath to allow for passing. Further, the design is such that vehicles entering and exiting the site could do so in a forward direction.

No visitor/service vehicle/ambulance parking is provided/lack of on-street parking (17)

SEPP 5 does not require the provision of such parking for a development of this size.

Precedent for other similar applications (4)

The application must be assessed on its merits as does any future application for SEPP 5 development.

Out of character (17)

The design of the development is necessarily different from surrounding development by virtue of its higher density and the provisions of SEPP 5 envisage this. For the design to be appropriate in its context it would need to be of appropriate height, with a reduced height at boundaries with single storey development, be of appropriate design, of appropriate bulk and scale when viewed from the street and be constructed of appropriate materials. The proposal satisfies all of the above criteria, subject to the previously mentioned change to the first floor of the rear building. The front building is of similar width to the existing dwelling on the site, with the setback to Horace Street allowing for appropriate landscaping consistent with the surrounding streetscape and with the materials being appropriate. The height of the development is single storey at the side boundaries and steps further back to the first floor, which is an appropriate approach in the context of the site.

Visual bulk (14)

This concern has been addressed in the previous comment and the comment in relation to the lack of side setbacks. The design could be improved to reduce the visual bulk when viewed from neighbouring properties to the north, south and west by the reduction in the size of the first floor of the rear building.

Setback from Horace Street inadequate (12)

Given the lack of streetscape presence of the adjoining properties, due to the high fences and extensive landscaping, the proposal will not read as being inconsistent with the streetscape, particularly with the provision of trees as are shown on the landscape plans.

Inadequate parking provision (5)

The adequacy of parking provision under the requirements of SEPP 5 is questionable, with the development complying if assessed as 4 x 2 bedroom dwellings, however the proposed sitting rooms of Dwellings 1 and 2 are clearly useable as a third bedroom with the provision of a door. Accordingly, the development would be deficient in parking by one space were such a use to occur. Given the competition for parking in the vicinity of the site, it is inappropriate for such a potential parking deficiency to be supported. As such, an amended design should be provided to replace the sitting room from Dwellings 1 and 2 with a bedroom and to delete the second bedroom, which would result in compliance with the parking provisions of SEPP 5.

Built upon area is excessive (2)

The built-upon area control does not apply to the development.

Impact on trees along rear boundary/suitability of courtyard to dwelling 4 given tree (3)

The impact upon the trees along the rear boundary has been assessed as reasonable by Council's Landscape Development Officer, with some trimming required, but with the trees being retained. A bond could be placed upon the development to ensure the continued health of the trees during construction.

With the trimming of the lower branches of the trees, the courtyards of Dwellings 3 and 4 would be afforded a good level of amenity, with shade in summer and solar access in winter, as the trees are deciduous.

No separate pedestrian access to units (11)

The lack of a separate pedestrian access to Dwellings 3 and 4 is inappropriate and unsafe in this form of development. Adequate setback of the buildings is provided to both the northern and southern boundary to allow for such access, however, this would require redesign of the proposed parking.

No space for children to play and no park located nearby (2)

The suitability of the development for children to play is not a relevant consideration as the proposal is for older people and people with disabilities.

The dwellings are two storey and do not provide wheelchair access to the second floor (5)

SEPP 5 does not require that all components of a dwelling be accessible, but rather that the living areas and at least one bedroom and bathroom are to be accessible. The dwellings all comply with this requirement.

Inadequate provision for drainage (3)

The comments by Council's Drainage Engineer indicate that the proposal can be satisfactorily drained.

Acoustic impact of road on proposed dwellings (1)

The provisions of SEPP 5 refer to the Australian Standard for Road Traffic Noise Intrusion in relation to the amenity of living and bedrooms and this concern can be suitably addressed by a condition requiring compliance with the standard.

If development doesn't sell quickly may have to live next to vacant development (4)

The timeframe for sale of a development is not a relevant head of consideration in assessing a development application.

Inadequate room for landscaping (2)

The proposal complies with the landscape requirements of SEPP 5.

Visual impact of garbage left on street for collection (2)

The visual impact of garbage being left for collection on the street is minimal as it occurs for a limited period and is a common sight in a residential area on garbage collection day.

Impact on sewerage system (4)

The proposal is unlikely to result in any problems with the sewerage system and a condition of any consent would require the approval of Sydney Water prior to the commencement of construction.

Safety of children during construction (2)

The Police have requested a condition requiring provision of assistance to heavy vehicles entering and leaving the development in the form of an accredited traffic control person and restricting parking in Horace Street in the vicinity of the site during construction. Such measures would appropriately address the issue of safety of children during construction.

SEPP5 should be used for dedicated development, not to overrule Council's regulations (1)

The provisions of SEPP 5 override Council's controls where there is a conflict. Where there is no conflict in controls, Council's controls are still applicable to the development.

The bathrooms are not designed for disabled persons (1)

The proposal provides one adaptable dwelling, with a suitably designed bathroom, with the other bathrooms not required to be adaptable, but rather satisfy the requirements of clause 13A(13) of SEPP 5. A condition of consent can be recommended to address this.

No community areas are provided (1)

SEPP 5 does not require the provision of community areas.

Impact of additional traffic (4)

The comments of Council's Development Control Officer and the Roads and Traffic Authority indicate the existing road network can cater for the additional traffic generated.

Impact on wildlife (2)

The proposal will not result in any significant impact upon wildlife in the area as the development will not result in the loss of any significant habitat.

Proposal looks commercial in design, looks like a motel (1)

The design of the proposal as viewed from Horace Street is appropriate and is residential in character. This opinion is supported by the comments from Council's Urban Design and Heritage Consultant.

Design for access of garages is too restricted and dangerous (1)

Whilst the design for the garages appears to provide a reasonable turning path for most cars, access thereto does involve a rather difficult manoeuvre of driving through a narrow passage and then manoeuvring within an area that is restricted by the location of columns for porches and for balconies above. This, together with the combined driveway/pedestrian access and location of entries to the rear dwelling, results in less than desirable pedestrian and vehicular access to the site.

Improved access to the dwellings could be achieved by the provision of separate pedestrian access to all dwellings, the relocation of the entry porches away from the driveway area and the removal of the supporting columns and balconies to the first floor of Dwellings 3 and 4. This would minimise the points of pedestrian/vehicle conflict and would remove a number of the obstacles to manoeuvring. It is noted, however, that the provision of pedestrian access to the rear dwellings would necessitate a redesign of the garaging.

Lack of privacy in design for front dwellings given location and design of access driveway (1)

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The privacy of Dwellings 1 and 2 could be improved by the relocation of the courtyard fencing such that the fence follows the driveway (with an appropriate setback from the driveway to allow for landscaping to the edge of the driveway). The entries to the dwelling should be relocated away from the driveways and a separate entry pathway should be provided from the street to the dwellings.

Finally, the windows in the southern and northern elevation of the living rooms of Dwellings 1 and 2, respectively, have privacy implications and a redesigned internal layout providing service rooms adjacent to the driveway would be more appropriate.

CONSULTATION - WITHIN COUNCIL

Urban Design Consultant

Streetscape

Residential development in the vicinity is low scale and low density. The housing stock is primarily bungalows. In reviewing the proposed elevations of the structure, it would appear that the development has been designed in consideration and with sympathy to the houses in the area.

Because the development is closer to the front boundary than would be preferred by Council, the applicant should take action to move the development to the rear of the site, as much as possible, without negatively impacting the rear property boundary.

Energy Efficiency

The orientation of the units is poor, but has been dictated by the east-west orientation of the block of land.

Shading of west facing windows should be considered. A condition should be placed that all west facing windows shall be provided with shading devices.

Thermal insulation and other energy efficiency measures should be included in any condition of consent.

Conclusion

Subject to the above requirements being met, the application is supported and is considered appropriate in the area.

Comment

The comments of the Urban Design and Heritage Consultant in relation to the setback to Horace Street are not concurred with. As discussed previously, the streetscape presentation of the adjoining dwellings is minimal, with the dominant streetscape element being high front fencing and trees. The variation in setback to the proposal would not be particularly evident in this context.

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However, the concerns in relation to the orientation of the dwellings is concurred with, and it is considered that the orientation, together with the proposed privacy measures will result in a development with a substandard level of internal amenity.

Given the separation between the proposed dwellings located near the northern boundary and the adjoining dwelling (3.5m), better use could be made of the northerly aspect by providing living and dining rooms on this side of those dwellings.

Other concerns in relation to the poor amenity afforded to the proposed dwelling are addressed later in the report.

Development Control Engineer

Traffic Comments

The dimensions of carparking spaces meet the requirements of SEPP 5, except for the garage for Block A, which is slightly below the 3.2m width requirement. This has been covered by a draft condition.

Driveway widths are considered satisfactory and comply with AS2890.1, except that the first six (6) metres of the driveway from the front boundary should be 5.5 metres wide. This has been covered by a condition. The driveway forecourt is of sufficient size to permit turning of cars for forward egress to Horace Street.

SEPP 5 requires a total of four (4) parking spaces, for the given eight (8) bedrooms. Four (4) covered, and two uncovered parking spaces are provided, thereby meeting the requirement.

Headroom requirement for parking spaces of 2.5m under SEPP 5 appear on the architectural details, and has been met.

Visitor parking is not required by SEPP 5.

Waste collection will be serviced externally under DCP 40 since the number of units is less than 7.

The traffic generation from the proposed development, using RTA guidelines, would be a total of 8 and 1 additional trip along Horace Street per day and per peak hour respectively. It appears that the additional traffic generated by the approval of this SEPP 5 application would be low and have a comparatively low impact on existing numbers.

Sight distance along Horace Street at the proposed driveway meets the requirements under AS 2890.1.

Drainage Comments

The proposed drainage plan demonstrates that drainage via detention to the street is possible.

The submitted drawing 1/1 is concept only and is not to be stamped with the DA consent if given.

Landscape Development Officer

This application is supported subject to conditions.

The Site

The subject site is rectangular in shape, of 1210 square metres in area, and has a slight fall to its southwestern (rear) corner. It is located on the western side of Horace Street, St Ives – the second property north of Amesbury Avenue and opposite St Ives South Public and St Ives High Schools.

The site contains a single storey red brick and tile roof house with a narrow concrete driveway. The property's current landscape character is unimaginative, primarily using lawn with four (4) trees and a few shrubs.

The Proposal

It is proposed to construct 4 x 2 storey, brick and tile dwellings. A driveway will provide access from Horace Street to the garage parking areas, and a central courtyard towards the rear of the property.

Impact Upon Trees

The adverse impact upon 1 Liquidambar styraciflua (Liquidambar) and 1 Quercus robur (English Oak), located adjacent to the site's rear boundary, is now to be negligible. One semi-mature Ulmus parvifolia (Chinese Elm), located close to the site's southeastern (front) corner, is shown to be retained.

There is no objection to the removal of the following trees for construction of unit 3, a garage and the driveway crossing:

- *1 Acre negundo (Box Elder) – an exempt species and 2 shrubs, located adjacent to the site's northern boundary and toward the rear of the site; and*
- *2 Callistemon viminalis (Weeping Bottlebrush), formerly pruned to clear overhead electric power mains, and 2 sapling Eucalyptus pilularis (Blackbutt) from the nature strip for construction of the driveway crossing subject to them being replaced by 3 Eucalyptus pilularis (Blackbutt).*

Stormwater Detention

The hydraulic system should suit the site arrangement. The outlet line between the detention tank and the kerb requires boring beneath the Callistemon viminalis (Weeping Bottlebrush) growing in the Horace Street nature strip and 5 metres south of the driveway crossing.

CONSULTATION - OUTSIDE COUNCIL

NSW Police - Ku-ring-gai Traffic Services

No objections are raised to the development, however it was requested that consideration be given to provision of assistance to heavy vehicles entering and leaving the development in the form of an accredited traffic control person and restricting parking in Horace Street in the vicinity of the site during construction. Such a condition of consent should be included in any approval.

Roads and Traffic Authority

No objections raised as the proposal is not likely to result in significant impacts on the State Road Network in the locality.

PROVISIONS OF RELEVANT LEGISLATION

The Environmental Planning & Assessment Amendment Act 1979 Section 79C

The Environmental Planning & Assessment Amendment Act 1979 contains matters for consideration in the assessment of a development application at Section 79C.

1. Environmental Planning Instruments

State Environmental Planning Policy No 5 - Housing for Older People or People with a Disability (SEPP 5)

The proposal is permissible pursuant to the provisions of clause 10 of SEPP 5. Clause 12 identifies matters for consideration by Council in assessing the application, clauses 13 and 13A provide development standards for such development and clause 14 provides development standard, which cannot be used as grounds of refusal if satisfied. Further, clause 25 provides controls in relation to the design of SEPP 5 developments.

Location, Facilities and Support Services

Clause 12 of SEPP No 5 sets the following requirements for the location of facilities and support services.

“12 Matters for consideration

(1) Location, facilities and support services

The consent authority must not consent to a development application made pursuant to this Part unless the consent authority is satisfied, by written evidence, that residents of the proposed development will have access that complies with subclause (2) to:

- (a) shops, banks and other retail and commercial services that residents may reasonably require, and*
- (b) community services and recreation facilities, and*
- (c) the practice of a general medical practitioner.*

(2) Access complies with this subclause if:

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- (a) *the facilities and services referred to in subclause (1) are located at a distance of not more than 400 metres from the site of the proposed development, or*
 - (b) *there is a transport service available to the residents who will occupy the proposed development:*
 - (i) *that is located at a distance of not more than 400 metres from the site of the proposed development, and*
 - (ii) *that will take those residents to a place that is located at a distance of not more than 400 metres from the relevant facilities or services, and*
 - (iii) *that is available both to and from the proposed development during daylight hours at least once per day from Monday to Friday (both days inclusive).*
- (2A) *The consent authority must not consent to a development application made pursuant to this Part to carry out development on land that adjoins land zoned primarily for urban purposes unless the consent authority is satisfied, by written evidence, that residents of the proposed development will have reasonable access to:*
 - (a) *home delivered meals, and*
 - (b) *personal care and home nursing, and*
 - (c) *assistance with housework*
- (3) *Availability of facilities and services*

The consent authority must be satisfied that any facility or service provided as a part of the development will be available to residents when the housing is ready for occupation. In the case of a staged development, the facilities or services may be provided proportionately according to the number of residents in each stage.
- (4) *Water and sewer*
 - (a) *The consent authority must not consent to a development application made pursuant to this Part unless the consent authority is satisfied, by written evidence, that the housing will be connected to a reticulated water system and have adequate facilities for the removal or disposal of sewage.*
 - (b) *Where the water and sewerage services referred to in subclause (4) (a) will be provided by a person other than the consent authority, the consent authority must consider the suitability of the site with regard to the availability of reticulated water and sewerage infrastructure. In locations where reticulated services cannot be made available, the consent authority must satisfy all relevant regulators that the provision of water and sewerage infrastructure, including environmental and operational considerations, are satisfactory for the proposed development."*

Sub-clauses 12(1)(a) and (c) require shops, banks and other retail and commercial services to be appropriately located in relation to the site (ie. within 400m or within 400m of a public transport stop that would take a person to within 400m of such a facility).

An Access Assessment Report, dated June 2002, prepared by Able Access Design has been lodged as part of the application and indicates that the site is located within 400m of three bus stops for the Shorelink Bus Service route 582, which provides transport to St Ives Shops. The shops and facilities provided within the St Ives Shops satisfy the requirements of sub-clauses 12(1)(a) and (c) SEPP 5.

Currently, the path of travel to the above mentioned bus stops is inappropriate for use by disabled persons and as such will require upgrading. Access to only one of the bus stops requires upgrading and any approval should include a condition of consent to this effect.

Sub-clause 12(1)(b) requires community services and recreation facilities to be similarly located. The report indicates that assistance to elderly persons or the disabled in their homes is available in the area. Other services available include delivery of hot and frozen meals from Meals on Wheels, community transport (both individual transport and group outings), gardening services, home care (house keeping, personal care, respite care, over-night care) and community nursing.

The site is also appropriately located in relation to Ku-ring-gai Neighbourhood Centre, which provides information about aged services and home support services, assists elderly with shopping and provides a place to meet new people. Finally, the site is well located in relation to access to recreation facilities. As such the site is appropriately located in relation to the requirements of sub-clauses 12(1)(b) and 12(2A).

Clause 12(4) requires that a development shall adequately provide for the removal or disposal of sewerage and for the provision of a reticulated water system. These services can be provided and a concept stormwater disposal plan has been lodged, which has been accepted by Council's Development Control Engineer, subject to conditions.

Development Standards - Building Height and Street Frontage

Clause 13 provides that a development for SEPP 5 is to have a maximum height of 8m, being no more than 2 storey at the boundaries of the site and that the frontage must be at least 15m. The site has a frontage of 25.605m and the proposal has a maximum height of 6.1m, being no more than 2 storey at any point, complying with the controls.

Development Standards - Access and Usability

Clause 13A provides standards for accessibility and useability and the Access Assessment Report addresses these. Wheelchair access is required from 100% of the dwellings to the road (as the site has a gradient of in the order of 1:10) and the common areas.

The proposal provides an accessible path of travel from the road to all dwellings, via the driveway, which whilst technically complying with the control is not appropriate. The pedestrian access to all dwellings should be separate from the vehicular access. An accessible path of travel is also provided to the garbage room and letter boxes, satisfying the requirements of sub-clauses 13A(2)(a) - (c).

Sub-clause 13A(2)(d) requires that 10% (in this case 1 dwelling) of the dwellings must be capable of being modified so that they have wheelchair access by a continuous path of travel to a toilet, bathroom, bedroom and living room. Dwelling 1 has been nominated as the accessible dwelling, and the access report indicates that the design is compliant with the requirements of AS 4299 and AS 1428, subject to conditions in relation to the key locks, doors, power outlets and the like.

Sub-clause 13A(4) requires appropriate lighting for pathways and sub-clause 13A(5) requires the provision of lockable letterboxes, grouped adjacent to the street entry on a hard stand area with a suitable path of travel for persons in wheelchairs. A condition of consent can ensure both requirements are met.

Sub-clause 13A(6) requires a minimum dimension for each garage of 6m x 3.2m, with an internal clearance of 2.5m and with provision to allow for automatic roller door installation. The garages, with the exception of the garage to Dwelling 4 (a variation of approximately 0.05m) comply with the minimum dimension and with all garages having an internal clearance of 2.5 except the garage to Dwelling 1, which appears too low. A condition of consent can achieve compliance with the controls.

Sub-clause 13A(7) requires every entry to a dwelling to be accessible. The report indicates that the proposal complies, with a 1:40 ramp access to each dwelling and an appropriate circulation area provided.

The access report indicates that the development s complies with the fitout and design layout requirements of sub-clauses 13A(8) - (21). Conditions of consent, particularly in relation to key locks, fitments, bathroom design, slip resistant floors, thermostatic mixing valves, door handles, paving finishes, power points and light switches can ensure the dwellings are appropriate in relation to the controls in these sub-clauses.

Standards Which Cannot be Used as Grounds for Refusal

Clause 14 contains standards, which if complied with cannot be used as grounds for refusal of an application. A FSR of 0.5:1 applies for self-care units, with the development having a FSR of 482:1.

Clause 14 also sets a minimum landscape area, which if complied with cannot be used as a reason for refusal, of 35m² per dwelling, with a minimum soft landscaped area being the width of the site multiplied by 15% of the length of the site. As such a minimum of 140m² of landscaping and 181.46m² of soft landscaping is required. The proposal provides 531.4m² of landscaping and 422.2m² of soft landscape area, of which 146m² or 80.5% of the control is in the preferred location of in the rear yard. As such, the proposal complies with the landscape controls.

Clause 14 sets a minimum car parking requirement, which if complied with cannot be used as a reason for refusal, of 0.5 car parking spaces per bedroom. The application proposes a total of 8 bedrooms and would require the provision of 4 spaces. However, the proposed sitting rooms of Dwellings 1 and 2 are clearly useable as a third bedroom with the provision of a door. Accordingly, the development would be deficient in parking by 1 space were such a use to occur. Given the competition for parking in the vicinity of the site, it is inappropriate for such a potential parking deficiency to be supported. As such, an amended design should be provided to replace the sitting room from Dwellings 1 and 2 with a bedroom and to delete the second bedroom, which would result in compliance with the parking provisions of SEPP 5.

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Clause 14 sets a minimum private open space requirement, which if complied with cannot be used as a reason for refusal, of 15m² (minimum area of 3m x 3m, accessible from a living area on the ground floor) per dwelling.

Private open space is provided at the following rates for each dwelling:

Dwelling 1 minimum dimensions 3.5m x 8.6m	41.8m ²	off living room
Dwelling 2 minimum dimensions 3.5m x 8.6m	41.8m ²	off living room
Dwelling 3 minimum dimensions 6.9m x 10.9m	89.4m ²	off family room
Dwelling 4 minimum dimensions 7.2m x 10.9m	92.3m ²	off family room

Therefore, all of the dwellings have an appropriate level of private open space.

Design Criteria

Clause 25 sets criteria for the design of housing for older persons or persons with disabilities. Each sub-clause is discussed following:

- (a) *Neighbourhood amenity and streetscape: The proposed development should:*
- (i) *contribute to an attractive residential environment with clear character and identity, and*
 - (ii) *where possible, retain, complement and sensitively harmonise with any heritage conservation areas in the vicinity and any relevant heritage items that are identified in a local environmental plan, and*
 - (iii) *where possible, maintain reasonable neighbour amenity and appropriate residential character by providing building setbacks that progressively increase as wall heights increase to reduce bulk and overshadowing, and*
 - (iv) *where possible, maintain reasonable neighbour amenity and appropriate residential character by using building form and siting that relates to the site's land form, and*
 - (v) *where possible, maintain reasonable neighbour amenity and appropriate residential character by adopting building heights at the street frontage that are compatible in scale with adjacent development, and*
 - (vi) *where possible, maintain reasonable neighbour amenity and appropriate residential character by considering, where buildings are located on the boundary, the impact of the boundary walls on neighbours, and*
 - (vii) *be designed so that the front building of the development is set back in sympathy with, but not necessarily the same as, the existing building line, and*
 - (viii) *embody planting that is in sympathy with, but not necessarily the same as, other planting in the streetscape.*

The front building, which is the dominant feature of the streetscape presentation of the development, is of similar width to the existing dwelling on the site. Whilst the setback of the development is not consistent with the setback of the adjoining properties, it allows for appropriate landscaping consistent with the surrounding streetscape. Given the lack of streetscape presence of the adjoining properties, due to the high fences and extensive landscaping, the proposal will not read as being inconsistent with the streetscape, particularly

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with the provision of trees as proposed within the landscape plan. The height of the development is single storey at the side boundaries and steps further back to the first floor, which is an appropriate approach in the context of the site, and the materials proposed are appropriate. As such the proposal will contribute to an attractive streetscape.

The site is not in a conservation area and the proposal has no negative impacts in relation to heritage items.

In relation to the controls to protect the residential amenity of the adjoining properties, the proposal provides a substantial setback to the first floor components, thereby reducing shadowing and privacy concerns to reasonable degree.

The additional shadow impact to the adjoining southern property, No 1 Amsebury Avenue in mid winter between 9.00am and 3.00pm is as follows:

9.00am	Additional shadowing to majority of the yard between the dwelling and northern boundary, minor shadowing to one window.
12.00 noon	Additional shadowing to approximately half of the yard between the dwelling and northern boundary, no shadowing of windows.
3.00pm	Additional shadowing to approximately half of the yard between the dwelling and northern boundary, no shadowing of windows.

As such, approximately half the rear yard will retain solar access during the afternoon and will also retain some solar access in the morning, and the dwelling will be minimally affected. The level of solar access retained is acceptable.

The bulk of the development as viewed from the neighbouring properties is generally acceptable given the use of increased setbacks with the height of the development. However, the reduced setback of 4.2m from the side boundaries to the first floor of the rear building to facilitate bedroom 2 in Dwellings 3 and 4 is considered unacceptable in relation to visual bulk as viewed from both the rear and the side properties. It is not appropriate that the rear building be more bulky than the front dwelling, given its location in the "traditional backyard area" of the lot.

A more appropriate design would be to relocate the northern and southern walls of bedroom 2 in Dwelling 3 and Dwelling 4 respectively, such that they were in line with the walls to the staircase and bathroom. The internal wall to the bedroom could be removed and a new wall provided as a continuation of the west wall of the staircase. This would still allow for the provision of a suitably sized second bedroom and a sitting area, albeit a smaller one, whilst significantly reducing the bulk of the development as viewed from the neighbouring properties.

- (b) *Visual and acoustic privacy: The proposed development should, where possible, consider the visual and acoustic privacy of neighbours in the vicinity and residents by:*
- (i) *appropriate site planning, the location and design of windows and balconies, the use of screening devices and landscaping, and*

- (ii) *ensuring acceptable noise levels in internal living and sleeping areas of new dwellings by locating the living and sleeping areas away from driveways, parking areas and paths.*

The issue of privacy has driven design changes to the proposal throughout the process of the assessment of the application. Accordingly, the proposal has minimal impact in relation to loss of privacy.

Dwelling 1 has only two small bedroom windows facing the north, which are located 7.8m from the boundary and are located generally opposite a window in No 37 Horace Street that contains obscure glazing, resulting in no significant privacy impact. A first floor balcony off the sitting room is focussed towards the street and, as such, privacy impact on No 37 Horace is minimal.

Dwelling 2 has a similar layout to Dwelling 1, with the windows of the bedroom looking towards a blank wall of No 1 Amsebury Avenue. As such, the privacy impact on No 1 Amsebury Avenue is minimal.

Dwelling 3 has one bathroom and one bedroom window facing the north, with setbacks from the boundary of 4.2m and 7m, respectively. Whilst the bedroom window is located generally opposite what appears to be a kitchen window of No 37 Horace Street, the total separation of 5.9m will ensure a reasonable level of privacy, given the limited usage of a second bedroom. It is noted, however, that a redesign suggested previously within this report, for reasons of visual bulk, would increase the setback distance of this window.

This dwelling also has an elevated patio off a family room, which is set back 4.45m to the patio and 7.2m to the family room, kitchen and main bedroom windows. The patio is provided with a 1.8m high screen to the south and west, screening any impact of the patio and family room. The kitchen is elevated 500mm above the ground level affording a potential to overview the rear yard of No 3 Amesbury Avenue, however, the combination of the distance of separation, the existing tree and the proposed screen planting will ensure a suitable level of amenity is retained. The first floor windows to the sitting room are highlight windows ensuring no overlooking of the rear yard of No 3 Amesbury Avenue.

Dwelling 4 has a similar layout to Dwelling 3 and the level of privacy retained is satisfactory in relation to Nos 1 and 3 Amesbury Avenue for the same reasons.

The internal privacy of the development needs attention, with the balconies off the sitting rooms of Dwellings 3 and 4 directly overlooking the rear courtyards of Dwellings 1 and 2. Given the separation of only 6m and the nature of the room, such privacy impact is unacceptable. The balconies could be removed by condition of consent and the sitting room windows treated to ensure an appropriate level of privacy was retained to the courtyards. The removal of the balconies would have the added benefit of removing one of the obstacles within the turning path of the vehicles, the pole supporting the balconies.

Further, the windows of the living rooms of Dwellings 1 and 2 would need to be treated for visual privacy and acoustic privacy from the driveway. The most appropriate response would

be to provide service rooms rather than living rooms next to the driveway as is required by the provisions of SEPP 5.

Finally, the location of the entry porches directly off the driveway for all of the dwellings raises both privacy and safety concerns. The porches would more appropriately be located to the north and south boundaries, with pedestrian access paths connecting them to the street. This would both improve the privacy and the safety of the points of entry of the dwellings.

It is noted that the original application proposed this for the front dwellings and was superior to the current version in terms of privacy and amenity for the dwellings. The original version also provided for better solar access, had only bathroom windows located off the driveway, provided a more appropriate 8m separation between the first floor balconies and the patios of Dwellings 1 and 2 and provided a more appropriate turning area for the development.

It would appear that a process of redesign aimed at maximising the amenity of the neighbouring properties has been at the expense of the amenity of the future residents of the site.

- (c) *Solar access and design for climate: The proposed development should, where possible:*
- (i) *ensure adequate daylight to the main living areas of neighbours in the vicinity and residents and adequate sunlight to substantial areas of private open space, and*
 - (ii) *involve site planning, dwelling design and landscaping that reduces energy use and makes the best practicable use of natural ventilation solar heating and lighting by locating the windows of living and dining areas in a northerly direction.*

Note. AMCORD A National Resource Document for Residential Development, 1995, may be referred to in establishing adequate solar access and dwelling orientation appropriate to the climatic conditions.

The report has previously addressed the shadow impact of the proposal, which is acceptable.

The proposal fails to locate the windows of living and dining rooms in a northerly direction, with the exception of Dwelling 3. Whilst the proposal originally designed Dwelling 1 in this manner also, this design feature has been lost in the design changes. As a result, all of the family rooms and two of the living rooms face west, with the remaining two living rooms facing north and east. The two west-facing family rooms have roofed patios off them (to the west) with 1.8m high privacy screens to the west and south and, as such, the west-facing rooms would receive little solar access.

The living areas of Dwellings 1 and 2 would require shading to the western elevation to ensure they did not overheat in summer.

It would be appropriate that the design of Dwelling 1 was reconfigured internally to provide the living area with a northerly aspect and that shading devices be provided to the living areas of Dwellings 1 and 2.

Further, the desire to ensure privacy for the neighbours from the proposed patios and family rooms of Dwellings 3 and 4 has been taken to the extreme, whereby the amenity of the patios and family rooms has been reduced to an unacceptable degree. A redesign of Dwelling 3 such that the family room was located along the northern boundary would both improve its aspect and result in a patio located generally ground level, thereby eliminating the need to provide screening and vastly improving the amenity of both.

A similar approach to the location and design of the family room and patio for Dwelling 4, together with some reduction in the height of the ground floor of the dwelling (200-300mm – would necessitate a small increase in the slope of the driveway) would improve the amenity for that dwelling.

- (d) *Stormwater: The proposed development should, where possible:*
- (i) *control and minimise the disturbance and impacts of stormwater runoff on adjoining properties and receiving waters by, for example, finishing driveway surfaces with semi-pervious material, minimising the width of paths and minimising paved areas, and*
 - (ii) *include, where practical, on-site stormwater detention or re-use for second quality water uses, and*
 - (iii) *be designed with regard to the scope for on-site infiltration of water by, for example, finishing driveway surfaces with semi-pervious material, minimising the width of paths and minimising paved areas.*

The proposal provides for in excess of the minimum soft landscaped area requirement and areas of paths and paving are reasonable.

- (e) *Crime prevention: The proposed development should, where possible, provide personal property security for residents and visitors and encourage crime prevention by:*
- (i) *site planning that allows, from inside each dwelling, general observation of the street, the site and the approaches to the dwelling's entry, and*
 - (ii) *providing shared entries that serve a small number of dwellings and are able to be locked, and*
 - (iii) *providing dwellings designed to allow residents to see who approaches their dwellings without the need to open the front door.*

The provision of “peep” holes within the doors will allow for surveillance of people approaching the dwellings, and a condition of consent can achieve this.

- (f) *Accessibility: The proposed development should, where appropriate:*
- (i) *have convenient, obvious and safe pedestrian and bicycle links from the site that provide access to public transport services and local facilities, and*
 - (ii) *provide attractive, yet safe, environments for pedestrians, cyclists and motorists with convenient access and parking for residents and visitors, and*
 - (iii) *where feasible, involve site layout and design that enables people with a disability to access, on one continuous accessible path of travel, the street frontage, car parking, and all buildings, facilities and open spaces within the site.*

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Note. Australian Standards AS 4299 1995 (Adaptable Housing) and AS 1428 1992, 1993 (Design for Access and Mobility) should be referred to for design in considering people with a disability.

The accessibility of the design and the site have been addressed in detail previously and could satisfy the above requirements, subject to conditions. Concern is, however, raised that pedestrian access to the rear dwellings will require utilising the driveway. It is not considered that this approach to access is appropriate.

(g) *Waste management: The proposed development should, where possible, be provided with waste facilities that maximise recycling by the provision of appropriate facilities.*

A garbage storage room is located within the front setback, however it is considered more appropriate that separate garbage facilities be provided within the courtyards of each dwelling. This can be achieved by a condition of consent.

SEPP 5 Compliance Table

Clause	Standard	Compliance
Clause 12(1) and 12(2)	Access to community, medical, retail and commercial services or access to public transport which provides access to the above listed services	Yes, bus stop appropriately located to access St Ives Shops subject to provision of footpath (condition).
Clause 12(2A)	Access to nursing, home and housekeeping services	Yes
Clause 12(4)	Sewer and water availability	Yes
Clause 13(2)(a) Building Height	8.0 metres or less (to ceiling from natural ground level)	Yes. 6.1m
Clause 13(2)(b)	No more than 2 storeys adjacent to a boundary	Yes
Clause 13(3) Site Frontage	15 metres or more.	Yes. 25.605m
Clause 13A(2)(a) Wheelchair Access	100% of dwellings have access to public road or internal road/driveway	Yes
Clause 13A(2)(b)	10% of dwellings that satisfy Clause 13A(2)(a) must have wheelchair access to a public road.	Yes
Clause 13A(2)(c)	Wheelchair access to all common areas/ facilities	Yes
Clause 13A(2)(d)	10% of dwellings satisfying Clause 13A(2)(a) to have wheelchair access to essential areas inside dwelling.	Yes
Clause 13A(4)	Security lighting	Can condition
Clause 13A(5)	Letterboxes	Can condition
Clause 13A(6)	Car parking dimensions regarding size, clearance, and garage door	Can condition

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Clause 13A(7)	Accessibility entry	Can condition
Clause 13A(8)	Key access	Can condition
Clause 13A(9)	Interior door standards	Can condition
Clause 13A(10)	Living and dining room standards	Can condition
Clause 13A(11)	Kitchen standards	Can condition
Clause 13A(12)	Main bedroom standards	Can condition
Clause 13A(13)	Bathroom standards	Can condition
Clause 13A(14)	Accessible toilet	Can condition
Clause 13A(15)	Access with multi-level dwelling	Yes
Clause 13A(16)	Laundry	Can condition
Clause 13A(17)	Storage	Can condition
Clause 13A(18)	Door handles	Can condition
Clause 13A(19)	Surface finished	Can condition
Clause 13A(20)	Electrical outlets	Can condition
Clause 13A(21)	Garbage	Can condition
Clause 14(a) Building Height	Maximum height of 8.0 metres	Yes. Maximum height is 6.6 metres.
Clause 14(b) Density/ Scale	FSR of < 0.5:1	Yes. 0.482:1.
Clause 14(c)	Landscaped area of 35 m ² per dwelling.	Yes. 531.4m ²
Clause 14(d) Parking	0.5 spaces per bedroom.	No. 4 provided, 5 required
Clause 14(e) Visitor Parking	Applies to developments in excess of 8 units	Not required
Clause 14(f) Soft Landscape Areas	15% of the site, preferably at the rear of the site.	Yes. 422.2 m ²
Clause 14(g) Private Open Space	15 m ² for ground level dwellings.	Yes

State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55)

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

Ku-ring-gai Planning Scheme Ordinance (KPSO)

The site is zoned Residential 2(c) under the provisions of Ku-ring-gai Planning Scheme Ordinance and the development is prohibited within the zone. However, the provisions of SEPP 5 override the controls of KPSO and the proposed SEPP 5 development is permissible pursuant to that plan.

The provisions of Clause 38B do 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. The site currently has a water supply and Council's Development Control Engineer has confirmed the site can be appropriately drained.

The provisions of Clause 46(1) restrict the height of development to 7m, however, being in conflict with the height control contained in SEPP 5, the provision is overridden by SEPP 5.

Schedule 9 contains general aims and specific objectives for the Ordinance in relation to residential zones, including the Residential 2(c) zone. These aims and objectives would apply to the development to the extent that they are not inconsistent with the provisions of SEPP 5.

The aims require development to maintain and, where appropriate, improve the existing amenity and environmental character of residential zones and permit new residential development only where it is compatible with the existing environmental character of the locality and has a sympathetic and harmonious relationship with adjoining development.

The development is considered to be sympathetic and harmonious with adjoining development in relation to architectural design, height, scale and bulk, subject to an amendment to the design of bedroom 2 of Dwellings 3 and 4. The proposal is considered to maintain the existing amenity and residential character of the locality to an appropriate degree as has been discussed previously in this report in relation to privacy and shadowing.

The relevant objectives require development to maintain reasonable solar access to neighbouring living areas and recreation spaces, to be sited to minimise loss of privacy, encourage the replacement of tree cover, maintain a reasonable proportion of soft landscaping, be of appropriate size, bulk and scale, be of appropriate architectural character and provide for appropriate vehicular egress. The proposal is considered to be appropriate in relation to the objectives as has been discussed throughout the report, however some concern is raised at the difficulty in accessing the proposed garages.

2. Any Draft Environmental Planning Instruments

No draft environmental planning instruments apply to the assessment of this application.

3. Any Development Control Plan

Development Control Plan 40 - Waste Management

The site makes adequate provision of waste and recycling storage areas and provides for adequate access to them by garbage vehicles. However, on a development of this small scale it would be more appropriate for the garbage storage facilities to be provided within the courtyards of the individual dwellings. A waste management plan can be required by a condition of consent.

Development Control Plan 43 - Carparking (DCP 43)

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The provisions of SEPP 5 in relation to parking override any other parking requirements where in conflict. An assessment of the proposal's parking provision in relation to SEPP 5 is provided previously within this report and the application complies with the controls.

Housing for Older People and People with a Disability Development Control Code (DCC)

Objectives

The objectives of DCC seek to provide housing in locations familiar to residents, that permits aging in place, respects the established streetscape, has little impact on privacy or solar access, doesn't unreasonably increase noise, retains appropriate vegetation and is attractive and functional. These issues have been addressed previously within the report as satisfactory.

Compliance with the provisions of the Code is addressed in the following table.

Provision	Proposed	Comply
Zoning	Residential 2(C)	Yes
500m to local shops	The proposed development is approximately 1500 metres from St Ives Shopping Village.	No, provisions of SEPP 5 prevail
250m to public transport	A bus stop is within 400 metres of the subject property.	No, provisions of SEPP 5 prevail
Site analysis required	Provided.	Yes
SEPP 5 controls	Matter addressed in SEPP 5 assessment.	Yes, except living area next to driveway and parking provision
Sympathetic design	Matter address in SEPP 5 assessment.	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 driveway proposed is consistent with option (c) provided within the Code	Yes
No bland building facades	The front building façade is appropriately modulated by the change in height from one to two storeys and the provision of balconies.	Yes
Emphasise entry	The entrances to each building have been emphasised by the provision of a path and entry porch.	Yes
Match setbacks	The proposal does not match the setbacks of adjoining properties, being forward of them	No, however satisfactory given the lack of streetscape presence of adjoining development

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Garages to be recessive	The garages are not readily visible from the street.	Yes
Front fence	The proposed front fence is to be 1,5m high and recessed behind landscaping and is consistent with the height of adjoining fences	Yes
Front Garden	An appropriately landscaped front garden is provided, however it provides private open space for two dwellings.	No
Private space open	Level private open space is provided, however access to the rear dwelling's open space is via steps.	Yes
Living areas link to open space	Provided	Yes
Landscaping to enhance and screen	The proposed landscaping is appropriate to the design of the development.	Yes
Significant trees	The proposal does not detrimentally impact any significant trees.	Yes
Energy efficiency	The solar access provided for the dwellings should be improved.	No
Privacy	No significant impact upon neighbours, however internal privacy is of concern, see previous assessment.	Yes (off site), No (on site)
Lighting	Can be conditioned.	Yes
Waste collection	Addressed previously	Yes
Letterboxes, TV antenna, services, house numbers	Can be conditioned.	Yes
Covered entry porch	Provided,	Yes
Internal design	Complies, subject to conditions	Yes
Support services	Addressed previously.	Yes

4. Any Matters Prescribed by the Regulations

No other matters prescribed by the Regulations are of relevance to the assessment of this application.

5. Likely Impacts

The likely impacts of the development have been assessed throughout this report and are considered to be satisfactory.

6. Suitability of The Site

The site is considered to be appropriate for the erection of development pursuant to the provisions of SEPP 5 and the design and location of the proposal has minimised any detrimental impacts to a reasonable degree.

7. Any Submissions

The submissions received in relation to the application have been summarised and addressed previously within this report.

8. Public Interest

The proposed development will not result in any significant detrimental impact in relation to the public interest.

Any other Relevant Matters Considerations Not Already Addressed

The application has undergone a number of changes in order to address the concerns of the objectors and, subject to some minor changes, the proposal has been redesigned to have no unacceptable impacts upon the neighbouring properties.

However, the manipulation of the design of the proposal to address the concerns of the neighbours has resulted in a development that will afford an unacceptably low level of amenity to the future residents. As such, the application cannot be supported in its current form, only because it provides an inappropriate level of amenity to the future residents. Whilst the amenity of the residents can be improved to a satisfactory level, the changes necessary to achieve this are beyond the scope of conditioning an approval.

Given the applicant has been willing to amend the design to ensure the protection of the amenity of neighbours it is appropriate that the applicant also be given the opportunity to amend the design to improve the amenity of the future residents.

Matters Raised at the On-site Meeting

What is the distribution of soil across the site? Please provide as a percentage and area calculation.

The proposal provides a deep landscaped area of 422.2m², representing 34.9% of the total site area, of which 146m² or 80.5% of the required provision is provided at the rear of the site.

Why is the driveway crossing six metres wide?

Council's Development Control Engineer has required to front portion of the driveway to be 5.5m wide to comply with AS2890.1, this could be conditioned.

Single car garage is a concern given that Council generally requires two car parking spaces.

Council cannot require the provision of two parking spaces per dwelling as the provisions of SEPP 5 override Council's parking requirements.

Discussed the impact of headlights on adjoining dwellings when vehicles are manoeuvring in and out of the car parking spaces.

The headlights of cars manoeuvring within the site are unlikely to result in any significant impact of adjoining properties as the boundary fences will screen the majority of impact.

Raised concern over the acoustic amenity of the private open space of Units 1 and 2 given the level of noise generation from Horace Street.

Whilst Horace Street carries a significant level of traffic, it is considered that the amenity of the private open space to the front of Dwellings 1 and 2 will be appropriate given the proposed 1.5m high fencing and significant hedge planting.

Concern was raised over the closeness of the first floor balconies of Unit 3 and 4 to the bedrooms on the first floor of Unit 1 and 2.

As the windows of the bedrooms of Dwellings 1 and 2 at the first floor level have highlight window, privacy is not a concern between the balconies and the windows. However, privacy is a concern in relation to overlooking of the rear courtyards of Dwellings 1 and 2 and it is recommended that the balconies be deleted and the sitting room windows treated to ensure an appropriate level of privacy.

Concern was raised over the appropriateness of having stepping stones in a SEPP 5 development.

The landscape plan is of a concept nature only and such issues can be resolved by conditions of approval.

Built-upon area of 64%.

The built-upon area provision within the KPSO is not applicable to the application and the relevant consideration should be compliance with the landscape provisions of SEPP 5. The application complies with those provisions.

Given that Unit 1 is the adaptable unit, how will the vehicles manoeuvre in and out of the garage. Turning circles are required.

Council's Development Control Engineer has indicated that "the driveway forecourt is of sufficient size to permit turning of cars for forward egress to Horace Street". However, manoeuvring within an area that is restricted by the location of columns for porches and for balconies above and that provides pedestrian access and entries to the rear dwelling, is less than desirable for a SEPP 5 development.

Concern was raised over the proximity of the patios to the rear boundary and impact on the privacy of the adjoining properties.

The patios are provided with screening to 1.8m height on two sides and as such privacy impacts upon adjoining properties would be minimal.

Concern was raised over the access through the building at the front of the site, particularly for emergency vehicles.

Access for emergency vehicles to the rear dwellings is not provided, however, given the clear access through the driveway, emergency services staff could easily access the rear dwellings.

No visitor parking has been provided on site.

Under the provisions of SEPP 5 Council cannot require the provision of visitor parking for the application.

Concern was raised over the L shaped stairwell in the adaptable unit and concerns relating to the potential for access to services and facilities.

As has been discussed previously, subject to a condition requiring the provision of a footpath to the bus stop, access to services and facilities is acceptable. In regard to the design of the stairway, it is noted that the provisions of SEPP 5 only require access to be provided to all living areas, a bathroom and one bedroom and Dwelling 1 complies with these provisions.

Concern was raised over the impact of the development on the two large trees at the rear of the site.

Council's Landscape Development Officer indicates that the lower limb pruning required for the development will not significantly affect the health of the trees, however, a bond could be placed on any approval to ensure the developer appropriately protects the trees during construction.

Is it possible to provide screen planting under the deciduous trees at the rear?

Council's Landscape Development Officer has advised that this is possible and that the proposed planting of Viburnum is appropriate.

Check the property file to see if there have been any complaints regarding sewerage overflow and contact Sydney Water to see if they have had any complaints.

Sydney Water advised that there have not been any complaints related to sewerage overflow recorded on their electronic system over the last 7 years.

Concern was raised over the height of the patio of Unit 4.

As the patio has a 1.8m high screen to the western and southern sides, it will result in no loss of privacy to adjoining properties.

CONCLUSION

The site has been assessed as being acceptable in relation to its proximity and accessibility to shops, services and facilities, subject to conditioning to require the provision of a footpath to the bus stop.

Further, the application provides for the appropriate retention of privacy, solar access and amenity to surrounding properties, subject to some minor changes that could be conditioned. Indeed, the application has undergone a number of changes in order to address the concerns of the objectors, and these design changes have been successful in their intent.

However, the manipulation of the design of the proposal to address the concerns of the neighbours has resulted in a development that will afford an unacceptably low level of amenity to the future residents. As such, the application cannot be supported in its current form, only because it provides an inappropriate level of amenity to the future residents. Whilst the amenity of the residents can be improved to a satisfactory level, the changes necessary to achieve this are beyond the scope of conditioning an approval. Therefore, the application is recommended for refusal on this basis.

Should Council wish to allow the applicant to amend the application to address the shortcomings in the amenity of the development, the following should be incorporated. Such amendments would improve the amenity to a suitable degree without detrimental impact on the neighbouring properties.

- Provision of separate pedestrian access to the dwellings (this could be achieved by two paths running down the northern and southern boundary);
- Relocation of the entries to the dwelling to be adjacent to the northern and southern boundaries (similar to the original design for Dwellings 1 and 2);
- Changes to the internal layout of the dwellings such that the living areas are oriented to the north where possible and service areas are provided adjacent to the driveway (similar to the original layout for Dwellings 1, 2 and 3);
- Deletion of the garaging within the building for Dwellings 3 and 4 and provision of garaging between the two dwellings (two on each side of the driveway), similar to the original layout of the four parking spaces between the buildings) and internal adjustments as necessary. The garages should have greater setbacks from the northern and southern boundaries, facilitated by a reduced aisle width of approximately 7m. This facilitates the provision of paths along the side boundaries and simplifies the manoeuvring required;
- Deletion of the first floor balconies of Dwellings 3 and 4 and privacy treatment to the sitting room windows;
- Relocation of the northern and southern walls of bedroom 2 in Dwelling 3 and Dwelling 4 respectively, such that they were in line with the walls to the staircase and bathroom. The internal wall to the bedroom could be removed and a new wall provided as a continuation of the western wall of the staircase;
- Deletion of bedroom 2 in Dwellings 1 and 2 and relocation of the bedroom to the front sitting room, thereby allowing for compliance with the car parking controls of SEPP 5;
- Provision of bin storage areas within the courtyards of each dwelling;
- A redesign of Dwellings 3 and 4 such that the family room and patio are located along the northern boundary ;

- Reduction in the height of the ground floor of Dwelling 4 by in the order of 200-300mm, and necessary amendments to the driveway slope and access thereto.

RECOMMENDATION

That Development Application No 933/02 for the demolition of the existing dwelling and erection of a SEPP 5 development comprising four (4) dwellings on Lot 14, DP 30789, No 39 Horace Street, St Ives, be refused for the following reasons:

1. The proposal will provide an inadequate level of amenity for future residents, providing inadequate solar access and acoustic and visual privacy.
2. The proposed method combined vehicular and pedestrian access is inappropriate and unnecessarily difficult due to the location of columns for porches and balcony supports.
3. The proposal makes inadequate provision for on-site parking, with the proposed sitting rooms of Dwellings 1 and 2 capable of habitation as bedrooms.
4. The length of the first floor component of the rear building is excessive, resulting in inappropriate bulk and scale for a building in the “traditional rear yard” area of the site.

K Gordon
Kerry Gordon Planning Services
Consultant

Attachments: **Site Location Plan**
 Elevations
 Photographs taken on the site inspection
 Previous Report to Council
 Original Officer's report to Council

EVALUATION AND ACCEPTANCE OF TENDER FOR NEW WASTE AND RECYCLING COLLECTION CONTRACT

EXECUTIVE SUMMARY

PURPOSE OF REPORT:	To present to Council the outcome of the tender for the new waste and recycling collection contract and the evaluation of the tenders received.
BACKGROUND:	Council previously considered a report on the new waste collection strategy associated with the new waste and recycling contract and included various options in the new tender. Tenders closed on 12 February 2004.
COMMENTS:	Five major waste and recycling collection contractors tendered for the new waste and recycling contract. This report covers the evaluation of the tenders received and recommends acceptance of a preferred tenderer.
RECOMMENDATION:	<p>That Council accepts the tender for the Waste and Recycling Collection Contract from Collex Pty Ltd and that tenders for the sale of recycling product be prepared.</p> <p>That charges are phased in over three years and charges included in Council's Management Plan and Fees and Charges.</p>

PURPOSE OF REPORT

To present to Council the outcome of the tender for the new waste and recycling collection contract and the evaluation of the tenders received.

BACKGROUND

At Council's meeting of 17 December 2002, Council considered a report on the Waste Services Strategy associated with the next waste and recycling collection contract. Council resolved to undertake vegetation trials to determine the preferred method for collection of garden waste considering that the existing rapid rail bins have past their useful life and are no longer manufactured in Australia. An extension of one year was granted to the contractor to provide sufficient time to assess the garden waste trials and determine the preferred waste disposal options.

The report on the vegetation trials was tabled at Council's meeting of 14 October 2003 and Council resolved to include a provision in the schedule of prices for the fortnightly collection from 340 litre mobile waste containers with the contractor to supply the new 340 litre bins over a three-year period. Also, to include the weekly collection from 240 litre mobile containers with the contractor to supply the new bin. A separate contract will be established for a mulching service based on a 'phone-in request.

At Council's meeting of 9 December 2003, Council considered a report on the proposed tender conditions associated with the new waste and recycling collection contract and resolved to include the following conditions and options in the new tender:

1. Inclusion of a whole of service contract with the contractor to provide new waste collection vehicles and the provision of new bins with supply and maintenance to be undertaken by the contractor.
2. The prices be submitted for contract terms of 7 and 10 years.
3. The collection of garden waste from 340 litre bins on a fortnightly basis and 240 litre bins on a weekly basis.
4. The collection of bottles and plastics in a 120 litre or 240 litre mobile bin.
5. The inclusion of a pricing option for Council to own the recycling material and also the pricing option for the contractor to own the material.
6. Collection starting times to remain the same as per the current contract.

The current contract which has been extended, ceases in August 2004. Consequently, the new tender is to take effect from 1 September 2004.

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Tender documents were prepared and the above conditions were included in the tender documents. The tender documents were also reviewed by one of Council's legal firms experienced in the preparation and review of contract documents.

COMMENTS

Tenders were called in December 2003 and closed on 12th February 2004. During the tender period there were two pre-tender conferences held to explain Council's tender and service requirements and also give the tenderers any opportunities to seek clarification of tender conditions.

The prospective tenderers were given written confirmation of any requests from any company and any resulting changes to the documents. The tenderers were required to indicate in their tender, acceptance and agreement to the changes or information provided.

Approximately twelve (12) companies collected the tender documents but at the closing of tenders only five (5) companies tendered for the contract.

A tender committee consisting of representatives of Council's Waste Management Section, Finance and Business Section and Human Resources section formed the tender evaluation committee. Following assessment of the tender prices and proposed method of operation four (4) companies were selected for interviewing with regard to their tenders and further questions developed by the tender evaluation committee. A member of Council's Auditors firm was present at the interview to ensure probity issues were followed.

A copy of the tender evaluation committee's report is attached as **Appendix 1** of the confidential attachments to this report as the information in the report and associated attachments contains information which is regarded as commercial in confidence.

The tender evaluation committee considered both price and non-price items before formulating its recommendation and below is a summary of the Committees' comments:

1. Collex Waste Management Pty Ltd

Collex is Council's current collection contractor and holds contracts with surrounding Councils including Warringah, Hornsby, and Ryde. Collex's performance has improved over the last twelve months with changes to supervising staff and better procedures.

Collex has proposed to resource the vehicle fleet consistent with the current numbers and size of vehicles including 4cm rear load compactor's for the units services and stainless steel 29cm side load compactor's with Euro lifters for the vegetation.

The remaining vehicle fleet numbers and type of vehicles are standard for their application and are considered suitable for the purpose.

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Collex are proposing to structure their work force with specific employment conditions that meets the quality expectations identified in Council's contract. The 38 hours per week nominated is considered reasonable and in keeping with industry practice without over utilisation of resources.

A number of value added services are proposed to be included in the offer including assistance to Council in the areas of education and assessment of development consents. These services have not been quantified in detail and the extent and value of the service would require further negotiation in the event that Collex was successful with this tender.

Reference checks with Ryde and Hornsby Councils indicate they are satisfied with the performance of Collex and would recommend them for future contracts.

Assessment of the pricing indicates that little value has been placed between a Council owned recycling option compared to the Collex owned option. Under this circumstance the opportunity exists for Council to further investigate the income potential likely to be received with Council owning the recyclable products.

2. Cleanaway

Cleanaway is a subsidiary of Brambles Aust and has been operating within the waste industry for a number of years both in the collection of waste and processing of recyclables in owning and operating Material Recovery Facilities (MRF).

Current contracts held by Cleanaway include Kogarah, Hurstville, Penrith, and Drummoyne. Referee checks with Kogarah and Hurstville Councils indicates Cleanaway is performing the services as required under their contracts to the satisfaction of Council.

Cleanaway proposes to resource the Contract with fewer vehicles than the remaining short-listed tenderers. Vehicles proposed for the units waste and recycling are 6 cm to 8 cm capacity however Cleanaway have submitted that should the vehicles be not suitable due to their size, alternative vehicles would be used to replace these vehicles.

Cleanaway has negotiated an Enterprise Bargaining Agreement that includes provisions for productivity, OH&S dispute resolution and quality.

Cleanaway have indicated that they intend operating the service over a 12-hour duration each day to accommodate the service numbers with the nominated vehicle fleet.

This proposal results in a higher utilisation of vehicles and man hours than offered from the remaining short listed tenders and as the number of services required from each vehicles is higher and the EBA appears to be more focused on productivity rather than quality.

Cleanaway have proposed with their tender a number of value adding options that would assist Council in the implementation of any new service and for on-going education of the community including a specific program for schools. Cleanaway has also nominated the opportunity for the disposal of last loads of waste and green waste to the Eastern Creek landfill which would result in Councils tipping costs being reduced from the current total cost. Notwithstanding this offer, Council

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has negotiated an agreement with Waste Service NSW to dispose of waste at its Belrose Transfer at a reduced rate for 2 years commencing from November 2003.

Further, Council will be required at a future date to formally tender disposal services either jointly or individually depending on the outcome of the ACCC Application by NSROC which is seeking Authorisation under the Trade Practices Act to conduct a joint tender with other NSROC member Councils. The results of the process will impact on the ability to take up the Cleanaway offer and as such, this part of Cleanaway's value adding option could only be utilised in the event Waste Service NSW was successful in any tender for disposal services.

The remaining value adding services offered by Cleanaway are considered substantial and would greatly assist Council in its community education services. Features included in the package are an overall education strategy, production of written information including services, assistance, contamination, clean up handy phone numbers, telephone interpreter services, listing of organisations which accept second hand goods and a Web site at no initial cost or maintenance charges.

Cleanaway have included in their submission an agreement proposed with Visy to accept recyclables at nominated rates against percentage contamination rates for the term of the Contract.

The rebate offered for the receipt of the paper products explains the greatly reduced cost in offering the paper recycling service when compared to the remaining short listed tenderers.

3. United Resource Management

URM hold current contracts with Pittwater, Mosman, Lane Cove and Nth Sydney Councils

The company is experienced in the collection of waste and recyclable having operated contracts over a numbers of years with various Councils.

Referee checks confirm URM is performing services within the requirements of their contracts and to the satisfaction of their Councils.

After the interview process dated 24 February URM advised Council of a mistake in their tender after assessing the costs spreadsheet provided by Council which requested tenderers to confirm the tendered prices in their bid.

URM advised Council that they have misinterpreted the pricing structure requested for the recycling service for single dwellings and have submitted a revised price for these services. The result of the alleged mistake renders their original bid in the higher costs when compared to the other bids. An adjustment submitted of the revised bid positions URM in the third cheapest short listed tenderers.

As the adjusted submission for the URM bid would be viewed as substantially altering the original tender, legal opinion has been sought on the relevant sections of the Local Government Act in URM submitting the amended costs. (See Attachment 7 of the tender evaluation committee report which contains the legal opinion received on this matter.)

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The legal opinion received by Council advises that Council should not accept the amended price as the tender would be substantially altered and as such under the Act, Council is not able to consider this adjustment, notwithstanding the alternation was deemed to be a mistake. Under this circumstance the URM bid is costed well above the bids from Collex, Staples and Cleanaway.

However, as Council has the opportunity to negotiate with any tenderer should it feel that a more positive outcome could be achieved by not accepting any of the tenderers, the opportunity would then exist for Council to negotiate with URM on an amended price.

The resource considerations in this tender are within the expected vehicle numbers types and employee numbers. The vehicles nominated for the units collection are subject to conformation as to the size and compaction body arrangement however irrespective of this URM have committed to provide suitably designed vehicles to complete task.

URM are well positioned to market the collected material as they are currently the operational contractor for the Belrose Transfer station and have interests in the Earthcare MRF and Beneficiation Plant in Botany.

The value-added option contained in their bid includes the opportunity to supply scrap metal services and a negotiated white goods service.

4. Staples Waste

The Staples Waste Company has been operating in the waste and recycling business for many years and has held contracts with Drummoyne, Hornsby and currently with Wingecarribee and Bega Councils.

Referee checks indicates this company has a good reputation and has performed at satisfactory levels for their client Councils.

Staples Waste has resourced their bid in keeping with the expected vehicle numbers and normal work hours and conditions expected to provide for a quality service. Their vehicles submitted for the units collection are larger than the 4-cubic metre compactor submitted by Collex however in the advent that the vehicles were not suitable both Staples have committed to substituting the vehicles with of a smaller design at their cost.

Staples have not tendered a bid for the contractor to own and market the recyclable products and as such Staples are not able to be compared to the remaining bids within this part of the service offer.

Staples have committed a number of value added options in the bid including a co-operative Council/Staples education program, attendance at public events, and the conduct of waste audits although details of the degree of committee and frequency have not been quantified.

5. J J Richards

Although this company is a professional company with a number of contracts operating throughout Queensland and New South Wales, their tender prices were considered to be too high and therefore it was not considered appropriate for the tender evaluation committee to interview them.

Attached as **Appendix 2 of the confidential attachments** is the tender price for each service offered by the tenderers with the lowest price for each service highlighted.

Attached as **Appendix 3 of the confidential attachments** is a summary of the total tender prices for the 10 year contract showing the various service options for Council to consider and the resultant domestic waste charge.

A briefing session was held with several Councillors on 1 March 2004 to go through the tender prices and the various service options.

Below is a commentary on the advantages and disadvantages of each of the proposed service options:

Council to own the Recycling Products

Council's current paper product is considered to be of a high quality because of its separation from other recycling products. The current market for paper is considered to be quite stable and it is expected that Council would receive good income for the sale of this product. For Council to own the paper product, any risk associated with price variation over the period of the contract would be removed for the Contractor.

With regard to the new collection of all forms of container recycling, it is anticipated that the cost of the various products is likely to be cost neutral based on other contracts and information received from the tenderers.

It should be noted that the price for the provision of a new container recycling service includes the supply of new 240 litre mobile bins in place of the existing crate system. Consequently, the recycling products will be collected on alternate weeks.

Contractor to own Recycling Products

Some of the tenderers have competitively tendered for this service while others have been more conservative in their tender.

The preferred option for these options would be dependent on the tenderer selected by Council.

Supply of New 340 Litre Mobile Bins for Green Waste Collection Fortnightly

Council currently provides the collection of green waste from old rapid rail 340 litre bins on a fortnightly basis. Because there are no current local manufacturers for these bins, Council has had to provide 240 litre bins for the green waste.

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Council has received a number of complaints about the replacement of 340 litre bins with 240 litre bins because they have not been able to contain all the green waste material placed out for collection.

If Council were to select this option, the contractor will be required to source the manufacture of new 340 litre bins from either a local supplier or overseas manufacturers. The price of this provision has been included in the tender documents.

Supply of New 240 Litre Mobile Bins for Green Waste Collection Weekly

The supply of 240 litre mobile bins is readily available in the local market.

The provision of a weekly service provides a greater quantity available for green waste, ie 480 litres per fortnight, compared with the other option.

However, it should be noted that while the increased service provision is intended, the reduction in the bin size may cause community concern.

While it can be seen from the tender prices, the weekly service provides a lower cost to the residents, the smaller sized bins may create difficulties for the size of materials generally placed in these bins.

The consequence of the tender prices received will result in a significant increase in the domestic waste charge because of the supply of new bins and the provision of new vehicles for all services by the contractor.

Council has a total of \$2.6 million in the domestic waste reserve, taking into account current commitments of \$100,000 for waste education, \$160,000 for vehicle modifications and \$805,000 for land fill remediation works. Accordingly, it is proposed to phase in the Domestic Waste Charge increase over the next three (3) years and reduce the Domestic Waste Reserve. The estimated waste charges proposed are as follows, however, the final figures will need to be determined when Council considers the fees and charges:

2003/2004	\$212	current charge
2004/2005	\$230	
2005/2006	\$250	depending on CPI adjustments and preferred option
2006/2007	\$267	depending on CPI adjustments and preferred option

Included in the attachments is a comparison of current waste charges by surrounding councils.

CONSULTATION

The waste strategy has since been resolved by Council and a vegetation trial was undertaken to gain feedback on the preferred service by Council.

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Generally, those involved in the vegetation trials indicated preference for the 340 litre bins but there was also support for a weekly 240 litre green waste service. **Attached** is a copy of the summary of responses received on the vegetation trials.

FINANCIAL CONSIDERATIONS

Funding for the new waste and recycling collection service will involve an assessment of the proposed waste charges as the budget for this service is externally restricted and separated from Council's operating budget and needs to be cost neutral in accordance with Section 496 and 504 of the Local Government Act 1993. Council also currently has an operating surplus in the Domestic Waste Reserve which is intended to be extinguished over the next three (3) years.

CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

Extensive consultation with Council's Finance and Business Section has taken place in the evaluation and assessment of the likely waste charge structure for the new waste collection contract and other charges.

SUMMARY

Council called tenders for the new waste and recycling tender in accordance with Council's waste strategy. Included in the tender documents were various service options as resolved by Council at its meeting of 9 December 2003.

The current contract ceases in August 2004 with the new contract to commence on 1 September 2004.

Generally, the new contractor will require a significant lead time to enable the manufacture of new collection vehicles and new mobile bins.

The tender evaluation committee has assessed each of the tenders for both price and non-price issues, particularly with regard to the number of resources to be provided and the quality of the service to be provided.

As part of the service provided, consideration will need to be given to the option for Council to own the recycling products and whether the collection of green waste is undertaken fortnightly using 340 litre bins or weekly using 240 litre bins.

CONCLUSION

Tender Evaluation Committee Conclusion

Assessment of the options included in the tender indicates that a 10-year term contract with a weekly green service provides savings to Council when compared to the 7-year term. Attachment 4 indicates the cost difference in the comparative options over the short listed tenderers. In the case of a Collex contract with Council owning the recycling material a further net saving can be achieved

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with the income received from the sale of the paper products. From the details provided from the other tenderers it can be seen that the value placed on the income achieved from the recycling product would be in the order of \$400,000 pa.

Comparison of the resources committed to undertake the service indicates Collex Waste Management Pty Ltd, are considered the better bid with the provision and number of vehicles with URM and Staples close behind.

This issue is a core criteria in the assessment, and is particularly relevant in the services associated with the vegetation and units collection. The unit's service both for the waste and recycling collection requires specifically designed smaller vehicles to accommodate the restricted access conditions existing within these buildings.

The other tenderers have nominated 6 cm and 8 cm capacity vehicles to complete this task. Based on the existing vehicles design having 4cm capacity and the limitations on access being restricted even for vehicles of 4cm capacity, it is considered the 4cm vehicle is best suited to the current conditions.

All tenderers have submitted compaction units for the vegetation service supplied with stainless steel lining to inhibit corrosion. However, Staples have proposed 6 vehicles and Collex have proposed 5 vehicles compared to the 4 vehicles nominated by URM, and Cleanaway and as such the Staples and Collex bids come with less risk due to OH&S, breakdown or planned maintenance.

Another aspect which is considered to be advantageous to Council is the Collex Enterprise Bargaining Agreement structured on a 38 hour week with conditions that meets the quality conditions in the collection contract. This issue compared to the Cleanaway option of operating the collection over a 12-hour duration and having an emphasis on productivity, is consideration more in keeping with the outcomes expected in the Contract. The 12-hour duration for collection coupled with the lesser number of vehicle results in the Cleanaway bid operating a maximum level with a higher risk of breakdown and OH&S risk compared to the Collex bid.

In the case of the waste collection Collex and Staples have also provided a greater number of vehicles including spare vehicles than the other tenderers.

Assessment of the domestic services only indicates the Cleanaway bid is the cheapest for these services. The price offered concerning the recycling services indicates that Cleanaway has placed a high value on the income received for the paper product.

However, as indicated in the non-price assessment, the Cleanaway bid is offering to operate the services with fewer vehicles and for longer hours than the comparative tenderers and notwithstanding the reduced cost in providing the service, the higher risk and associated impacts on services are considered to outweigh the benefits of the cheaper price.

Staples waste has provided a tender bid, which is considered suitable to conduct the service however the price variation between the Collex bid which is also resourced adequately is considered more advantageous.

Director's conclusion

Notwithstanding the Tender Committee's recommendation relating to the green waste, it is considered that a greater community acceptance will be achieved by replacing the existing green waste containers with the same sized containers. This will allow for larger sized material to be placed in the bins as has been the current practice. Despite the cost savings associated with a 240 litre weekly service, it is considered inappropriate to introduce a service that is unlikely to meet the acceptance of the residents. The introduction of a weekly service may also result in a increase in waste disposal costs but this has not been included in the assessment of the calculations.

The preferred tenderer is Collex Waste Management Pty Ltd and if this contractor is selected by Council, it is recommended that Council select the option to own the recycling product and call tenders for the sale and/or disposal of this recycling product over the life of the contract.

The preferred contract period is 10 years as this will offer a saving per year compared to the seven year period and more certainty of price over a longer period.

RECOMMENDATION

- A. That Council accepts the tender for the Waste and Recycling Collection Contract to Collex Waste Management Pty Ltd for a 10 year period including the following service options:
 - 1. The supply of 340 litre mobile containers for green waste to be collected on a fortnightly frequency.
 - 2. Council to own the recycling product and direct the contractor to the transfer site as nominated by Council.
- B. That Council prepares tender documents and call tenders for the sale of its recycling product.
- C. That the Mayor and General Manager be delegated authority to sign the contract documents and affix the seal of Council.
- D. That the waste charges be phased in over a three year period by a reduction in the Domestic Waste Reserve with the domestic and trade waste charges to be finalised and included in Council's adopted Management Plan and Fees and Charges.

Greg Piconi
Director Technical Services

John McKee
Director Finance and Business

Attachments: Summary of Responses
Comparison of Waste Charges
Appendix 1 Tender Evaluation Report-Confidential
Appendix 2 Tender Prices-Confidential
Appendix 3 Summary of Tender Prices and likely charges for various options-Confidential

Responses to Stacked Vegetation Trial Survey

Responses to Survey Questionnaire

1. How often did you utilise the stacked branches collection?

a) Each fortnight	110
b) Monthly	41
c) When required	123
d) Not at all	88

2. Did the stacked branches collection allow additional room for grass and leaf litter in the new 240 litre green waste bin

Yes	198
No	109

- 2a If yes on average how much extra room was available?

a) 10%	44
b) 20%	60
c) 30%	43
d) more	48

3. When presenting the stacked branches for collection what would be your estimate on the average quantity of materials?

a) small number of branches	76
b) 1 cubic metre	109
c) 2 cubic metres	68
d) 3 cubic metres	15

4. If the stacked branches service was not available how would you dispose of the tree prunings?

a) self delivery to a disposal facility	52
b) employ a contractor to trim and take away	34
c) cut branches into smaller pieces and dispose through the bin system	302
d) not prune at all	23

5. Would using the new container and loose branches collection each fortnight be sufficient for your average disposal needs during?

a) Summer	Yes	201	No	138
b) Winter	Yes	272	No	86

6. Prior to the commencement of the trial, did the existing round 340 litre green waste bin satisfy your green waste disposal needs on a fortnightly collection

a) Summer	Yes	273	No	120
b) Winter	Yes	291	No	74

Comments were also provided by residents to further express their opinion on the service and are provided as follows:

- 240 litre Bin is too small
- Thought the new was excellent would like to continue with trial
- To maintain a garden with tree and bushes we require a larger bin
- Bin not big enough to cater for all green waste
- Often left a mess on the lawn and road
- In summer we mow each week – not in winter
- Much better putting in old bin
- We are on a corner block and have a large garden. Prefer old bin, continue to use them
- We have more green waste on average than new bin can hold
- In winter I only mow every month. Totally insufficient for regular mowing
- Spring is the main pruning time
- Recycling bin are used for overflow. General rubbish is far too small
- The 240-litre bin would be too small for summer. Suggest continue with 340 litre bin
- Generally a good service, however mess left on road is unsatisfactory
- The new arrangement is great
- Loose branches collection leave a mess. Branches on sidewalk are a fire risk. Definite not this proposal
- With old bin it was easier to dispose of branches
- Require weekly foliage pick-up
- We have far to many trees which Council will not let us get rid of
- The new container is too small to take all cuttings
- Pruning of branches is not a regular thing. Grass and weeds more regular. Fire hazard with stacked branches in our area. Also kills lawns. Strongly request keeping old bin
- Either system is not enough in summer
- Our property is 1400sm, bin is not big enough. Fortnightly is not sufficient
- Too many grass clippings. But branches collection is good idea
- We live in fire prone area and need to kept dead branches under control
- We do not do much gardening over winter
- We live adjacent to Garigal National Park and have a greater need to clear vegetation
- The larger bins are far more acceptable, even these are not always sufficient
- New are hopelessly inadequate in any one maintaining an average garden
- A large bin plus a branches collection would be appreciated
- Sorry the new bin is too small, Is the wrong time of year grass does not grow in winter. Can some properties have two bins at no charge to prevent illegal dumping
- There is too much to dispose of in out garden
- New bin would not cope in summer when growth is more vigorous
- I strongly oppose lose piles of branches
- Maybe loose branches could be collected monthly
- Prefer the trial to the old system
- Very helpful – easier than cutting braches up into small pieces
- Could smaller bin be collected weekly rather than fortnightly
- To many trees that require regular pruning

- The large bin was more useful
 - We have more cuttings in winter than bin can accommodate
 - Still require weekly collection. Shape of 240 litre not suitable. Collectors do not always remove leafs
 - In summer more grass clippings
 - New container inadequate for lawn clippings
 - Smaller bin not sufficient for Autumn leaves
 - Round bin is larger, new bin will overflow in summer
 - New bin is not large enough for our garden
 - New bin not large enough for fortnightly collection preferable weekly
 - As an elderly resident on a battle axe block, would like a bin that is easily towed to road side behind car
 - Need two large bins for summer
 - Not happy with new container
 - Trial conducted in winter does not give a true result. Believe bin to be too small
 - Not much pruning done in winter
 - Too small for just front lawn
 - During summer we have extra leaves from wind blowing
 - Not sufficient space for average garden
 - The trial was more than enough
 - The new bins are too small for summer
 - I am very satisfied with new arrangement, wish it could continue
 - New bin is not sufficient for my continued needs
 - The new bin has advantages, easier to handle, visually better
 - Fortnightly insufficient weekly would suffice
 - We have a lot of trees requiring pruning
 - The collection was not efficient, there was a mess of scattered branches & debris left behind
 - New just OK in summer
 - To many scraps left after collection. Wheels too narrow and bin too small.
 - We want our increased rates to be allocated to maintaining the 340-litre bin and repairing out deplorable roads.
 - The accumulation of branches outside in advance of collection is not in the interests of a tidy streetscape.
 - New bin not big enough as out green waste is quite substantial
 - The branches and leaves killed my lawn. Looks untidy, the old was better
 - Not enough in high bush fire danger, not adequate for storms
 - Unsure of trial as conducted in winter
 - Streets look untidy
 - I see no need for this service
 - See more problems than benefits with untidy streetscape, danger to pedestrians and cars.
 - Thursday collection means material is out from the weekend
 - New system has potential to be better but not tested as yet
 - The best system would be a weekly collection, putting branches on the nature strip is a nuisance.
 - Autumn leaf falls provides quantities that are difficult to dispose of in smaller bin
-

- Did not like it made the street look untidy
- In summer the Eucalyptus trees produce approximately 280-300 litres of leaves per fortnight
- Due to larger corner blocks wants or these properties to be issued with second bins
- I still fill the larger bin in summer so the smaller bin is not adequate
- Piles of pruning material in street for over a week looks very untidy
- The volume of foliage is too much for the 240 litre bin
- The new bin is only adequate if the branches collection is available
- Trial would not be cost effective with manual collection, also looks untidy
- Trial is biased as it was done in winter
- The 340 litre bin can not cope with the large trees we have on our property
- Would rather revert to the old system
- The new bin is too small, the old bin is larger and better
- I found the larger diameter of the old bin easier to use
- During Autumn there are too many leaf and branches to dispose of
- We need a larger container for our green waste
- I think the system is messy and the colour of the bins too bright
- The collection would not be sufficient for Autumn
- The manual stacking from both the householder and collector is a waste of time and potentially hazardous
- The amount of pruning material would exceed the bin size. Wants a old tree / stump collection
- The new system would not work in summer
- In summer grass cuttings filled old bin
- More cost effective to use one bin , Don't know why round bins are being removed
- New bin not large enough to accommodate most garden waste
- Old bin was not sufficient in peak periods so new bin will not solve the problem
- New bin is OK for winter but not in summer
- Please leave the larger bin we have more cuttings in summer
- Summer leaves too many to compost. New system not enough
- New system is OK if no extra cost involved
- Old bin is too heavy and awkward. The new bin is better
- After collection the collectors left a mess which is difficult to pick up
- The old bin was the right method and not so time consuming

Comparison of Council Waste Charges

Council	Waste Charge	Services Provided
Ku-ring-gai	\$212	120 litre weekly putrescible waste 240 litre fortnightly paper recycling 50 litre fortnightly crate container recycling 340 litre fortnightly green waste
Hornsby	\$249.50	120 litre weekly putrescible waste 240 litre fortnightly co-mingled recycling 240 litre fortnightly green waste
Ryde	\$226	240 litre weekly putrescible waste 240 litre fortnightly co-mingled recycling No green waste
Warringah	\$260	120 litre weekly putrescible waste 120 litre fortnightly paper recycling 120 litre fortnightly container recycling Monthly greenwaste - bundled collection
Lane Cove	\$286	80 litre weekly putrescible waste 80 litre fortnightly paper recycling 80 litre fortnightly container recycling 240 litre monthly recycling

HERITAGE ADVISORY COMMITTEE - MINUTES OF 2 FEBRUARY 2004

EXECUTIVE SUMMARY

PURPOSE OF REPORT:	That Council receive and note the minutes of the Heritage Advisory Committee meeting held on 2 February 2004 and endorse two (2) statements prepared in consultation with the Committee.
BACKGROUND:	The February Heritage Advisory Committee meeting was held on 2 February 2004. Ten (10) community representatives and four (4) Councillors attended the meeting. A range of issues were discussed. One resolution and several recommendations were made. A number of issues were identified for future discussion.
COMMENTS:	The next meeting will be held on 1 March 2004.
RECOMMENDATION:	That Council receive and note the minutes of the Heritage Advisory Committee meeting held on 2 February 2004 and that Council endorse the statements - " The Character of Ku-ring-gai" and "Ku-ring-gai a Statement of Heritage Significance".

PURPOSE OF REPORT

That Council receive and note the minutes of the Heritage Advisory Committee meeting held on 2 February 2004 and endorse two (2) statements prepared in consultation with the Committee.

BACKGROUND

The Heritage Advisory Committee is an advisory committee comprised of 12 community members. All members have extensive expertise and can assist Council in management of the area's heritage. Their role is to advise Council on statutory issues, education and promotion of heritage within the community, heritage nominations and specific development applications affecting heritage items in Ku-ring-gai.

COMMENTS

The minutes from the 2 February 2004 Heritage Advisory Committee were confirmed with amendments by the Chair of the Heritage Advisory Committee in February 2004. The next meeting will be held on Monday 1 March 2004.

CONSULTATION

The Heritage Advisory Committee comprises members of the community and representatives of heritage groups, which reflects the residents concerns about heritage.

FINANCIAL CONSIDERATIONS

The Committee has a budget of \$2,000 allocated to it. The budget has not been used during 2003/04 financial year.

CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

Consultation with the Director and officers of the Department of Environment and Regulatory Services about certain development applications referred to the Committee for comment.

SUMMARY

The February Heritage Advisory Committee was held on 2 February 2004. Ten (10) community representatives and four (4) Councillors attended the meeting. A range of issues were discussed with one resolution and several recommendations being made. A number of issues were identified for future discussion. The Committee requests that Council accept and endorse two statements

(**attached** to the minutes), prepared in consultation with the Committee on “The Character of Ku-ring-gai” and “Ku-ring-gai a Statement of Heritage Significance”.

The Heritage Advisory Committee (HAC) made the following resolution:

- 5.1 Statements – “The Character of Ku-ring-gai and “Ku-ring-gai a Statement of Heritage Significance”.

That Council adopts and endorses the statements - “The Character of Ku-ring-gai and “Ku-ring-gai a Statement of Heritage Significance”.

The Heritage Advisory Committee made the following recommendations:

- 6.2 The role of the Heritage Advisory Committee.

That the Chair write a letter to the General Manager on behalf of the Committee to address all the concerns and issues raised by Councillor Hall. The letter will also list the members and their qualifications and a list of projects and activities that the HAC had accomplished during its term.

- 7.1 Avon Road and Pymble Avenue – Proposed Unit Development

That a heritage assessment and impact statement be made and the proposed development be reassessed based on these reports.

- 7.2 Heritage Nomination – 3 Kintore Street, Wahroonga

That a heritage assessment and heritage impact statement be prepared for No.3 Kintore Street within the context of proposed Urban Conservation Area No 28.

The Committee made the following recommendations to Council about Development Applications:

- 8.1 1528/03 – 4 Dudley Street, Roseville

That a heritage assessment and heritage impact statement be prepared for the property (4 Dudley Street) which considers its significance and contribution to the UCA

RECOMMENDATION

- A. That Council receive and note the minutes of the 2 February 2004 Heritage Advisory Committee meeting.
- B. That Council endorses and adopts the statements – “The Character of Ku-ring-gai” and “Ku-ring-gai a Statement of Heritage Significance”.

Item 8

S02152
24 February 2004

Paul Dignam
Heritage Conservation Planner

Leta Webb
Director
Planning & Environment

Attachments: Minutes of the Heritage Advisory Committee meeting dated 2 February 2004.

MINUTES

HERITAGE ADVISORY COMMITTEE MEETING

MONDAY 2 February 2004

**Ku-ring-gai Council Chambers
818 Pacific Highway, Gordon**

MEETING OPEN: 7:15 PM

1.0 APOLOGIES

Councillor Coleman tendered an apology for non-attendance and requested leave of absence.

2.0 ATTENDANCE

Community Members:

Ms Z Edwards (Chair)
Ms B Walker
Ms P Pike
Mr A Armstrong
Ms J Harvey
Ms A Carroll
Ms S O'Neill
C Levins
C Forbes
Mr I Stutchbury

Note: Mr Ian Stutchbury is replacing Mr John Guy as the RAIA representative on the Committee

Councillors:

Councillor J Kitson
Councillor L Bennett
Councillor A Hall
Councillor A Little

Council Officers:

Ms L Webb - Director Planning & Environment
Mr P Dignam - Heritage Conservation Planner.

3.0 DECLARATIONS OF PECUNIARY INTERESTS

Mr I Stuchbury declared a conflict of interest with discussing advice prepared by Mr Sean Johnson.

No pecuniary interests declared.

4.0 CONFIRMATION OF MINUTES – 3 November 2003

The minutes of the 1 December 2003 Heritage Advisory Committee were accepted with the following amendments:

Item 6.1. *“December”* added to the following; Ms O’Neill tabled a short statement at the *“December”* meeting.

Item 8.1. Note added; *“Ms A Carroll declared an interest and left the meeting for this matter.”*

Confirmed by: Ms J Harvey.
Seconded by: Ms Z Edwards

5.0 BUSINESS ARISING.

5.1 Statements - “Ku-ring-gai: A Statement of Heritage Significance and The Character of Ku-ring-gai”

Members noted that the statements prepared in consultation with the Committee were initially prepared in 2000 by the Residential Development Strategy Committee. It is thought that the statements could be used as a preamble to the LEP or DCP. The Committee noted that Council does not have a “Mission Statement”.

The Committee discussed the issue and was concerned that Council had not adopted the statements. The Committee has adopted a variation to include references to Aboriginal heritage and fences and seeks Council’s

prompt endorsement. The Committee also noted that the statements **(attached to these minutes)** have been under consideration for several years. The Committee requests that these statements be put to Council for endorsement and adoption.

The Heritage Advisory Committee Resolution is:

That Council adopts the “Statement of Heritage Significance of Ku-ring-gai” and “The Character of Ku-ring-gai”:

5.2 Gordon Railway Station

Z Edwards noted that a presentation is to be made to the NSW Heritage Council at their meeting on Wednesday 4 February 2004. Ms Edwards will represent the National Trust and J Harvey will represent the Ku-ring-gai Historical Society.

5.3 Heritage Talks

Mr C. Levins proposed a series of heritage talks on 10 and 17 March.

Members feel that the need for a heritage talks program is high on the Committee's agenda, as “Heritage” is not well understood by the community. Mr A. Armstrong volunteered to assist with promotion of the talks. Suggestions for promotion included placing in Council newsletters, possibly after the elections and a press release to the North Shore Times.

Possible speakers suggested were Ms J Goddard from the National Trust, Ms Jyoti Sommerville - Heritage Architect, Mr Stuart Read from the Heritage Office and Ms Zeny Edwards.

Suggestions were made to prepare a pamphlet on heritage issues to distribute to local Real Estate Agents.

6.0 GENERAL BUSINESS

Ms Z Edwards tabled a number of letters/messages at the meeting on various issues including the following:

- 3 Kintore Street, Wahroonga from Mrs D. Hill;
- letter from Ms C. Pidcock, from the RAIA re UTS site Lindfield;
- email messages from Councillors on the role of the Heritage Advisory Committee;
- ‘Wivenhoe’, 2E Marshall Avenue, Warrawee from Heritage Office;

- Railway Lands, Gordon from State Rail, Mr Barry O'Farrell, Mr Michael Costa, and Heritage Office;
- DA for Railway Lands from Director Environment & Regulatory Services, Mr M. Miocic;
- Letter from Chair of WWF, Mr Robert Purves about Ku-ring-gai's natural environment; and
- Letter from Heritage Office on nomination of Kooyong at 55 Hastings Road, Warrawee for inclusion on the State Heritage Register.

6.1 'Wivenhoe' 2 E Marshall Avenue Warrawee.

Ms Z Edwards tabled a letter forwarded to her from the NSW Heritage Office about an application for interim heritage protection. The letter advised that in their opinion, the house is significant at a local level and the house should be retained, conserved and adapted to accommodate the proposed development. It also advised that any DA for demolition should go through a proper heritage assessment process and allow community consultation.

The Committee regarded that the letter is an important statement, as DIPNR should consider the Heritage Office advice when assessing the DA application for the site.

Councillor Kitson congratulated the Committee for their work on this matter.

6.2 The role of the Heritage Advisory Committee.

Cr Hall recently questioned the role of the Heritage Advisory Committee and the way development applications were referred.

Ms Z Edwards read to the Committee the two memos from Councillor Hall to the General Manager and the Director Environment and Regulatory Services Mr M. Miocic dated 27/28 January 2004.

The Committee's response was that the memo contained inaccuracies, misleading statements and allegations. The Committee reiterated that its role is purely advisory and that it acts within its Charter.

Cr Hall tabled a letter from the General Manager regarding the processing of DAs by staff and the referral process to the Committee.

Councillor Hall raised concern over the DA for 71 Arnold Street, Killara. He was concerned about several issues including:

- it was not a heritage item;
- the delay in processing of DA;

- 'undue attention' to the liquid amber tree;
- the presence of applicants at the Heritage Committee; and
- the duration of their attendance at the meeting.

Committee members noted that the primary role of the Committee is to promote heritage awareness within the community. It was noted that the two statements prepared in consultation with the Committee are good examples of its work.

Committee members also raised concern about the content of emails to Cr Hall from the Director Planning & Environment and Director of Environment and Regulatory Services.

The Committee reiterated its concern over the inordinate delays in processing DAs before it is referred to the Committee and the lack of feedback about the assessments made by the Committee.

Cr Bennett noted that the Committee was set up as a technical committee to advise Council and that DAs should be referred to the Committee at the discretion of the Directors.

Councillor Hall noted that Council appreciates the advice of the Committee.

The Heritage Advisory Committee Recommendation is:

That the Chair writes a letter to the General Manager on behalf of the Committee to address all the concerns and issues raised by Councillor Hall. The letter will also list the members and their qualifications and a list of projects and activities that the HAC had accomplished during its term.

6.3 Budget for the Heritage Advisory Committee

The Committee notes that the annual budget allocated to the Committee for expenses has not been spent and will make recommendations to use the funds for various heritage projects.

6.4 Architects Code of Conduct

Ms Z Edwards noted that the new Architects Act 2003 and the Code of Professional Conduct were recently exhibited for public comment and is accessible through the Internet.

7.0 MATTERS REFERRED TO DIRECTOR PLANNING & ENVIRONMENT

7.1 Avon Road and & Pymble Avenue – Proposed Unit Development

A model and materials board of the proposed development was provided to the Committee at the meeting. Mr P Dignam advised that the developers had not acquired all sites rezoned by the Minister and that the proposed new access roads could not be constructed. The proposed application is therefore a compromise and did not achieve the full intent of the approved envelope controls.

The Committee considered the application and raised the following concerns.

- Any new building should fit into the context of the area, which is of one and two storey houses with a treed landscape and should not reduce the integrity of the whole area.
- The development is characterised by high density and low vegetation, which is not in character with the street.
- The entrance to the former Police Station is compromised by the proposed development.
- The proposed façade is articulated, but the materials chosen could be brick or light coloured materials for a better fit with the adjoining residential area.
- Subdue the intensity of the white of the proposed building to blend in more with surrounding area. (This is not a unanimous consensus of the Committee).
- More information on the variety and species of plants/trees in the proposed landscaping.
- No heritage assessment was undertaken for the house at No 8 Avon Road, designed by the noted architect, J Brogan.
- Inadequate assessment of the heritage impact on the heritage item at No 7 Pymble Avenue, particularly the impact on the garden by overshadowing.
- No assessment of the impact on the existing stream that runs through the property at No.7.

- The potential problems with changing the water table, which may affect No 7 Pymble Avenue, its garden and the bridge, have not been investigated.
- Building A is considered to be too close to the corner of Pymble Avenue and Avon Road. The bulk of the proposed building combined with the small setback is unacceptable. The obstructive impact of the building being too close to the street is significant.

The Committee disagrees with statements in the Heritage Impact Statement prepared to accompany the application by Mr Cserhalmi. The issues listed in the summary do not adequately address the heritage issues of the development site.

The Heritage Advisory Committee Recommendation is:

That a Heritage Assessment and Impact Statement be made and the proposed development be reassessed based on these reports.

7.2 Heritage Nomination – 3 Kintore Street, Wahroonga

The property is subject to an application, which proposes demolition for a replacement dwelling. The application for the replacement dwelling was not referred to the Committee for comment.

The Committee noted that the existing house is a contributory item within the proposed UCA 28 and that more research is needed into the heritage significance of the item within the context of the UCA

The Committee could not make a recommendation on its heritage significance until a proper assessment was prepared and referred to them.

The Heritage Advisory Committee Recommendation is:

That a Heritage Assessment and Heritage Impact Statement be prepared for Kintore Street within the context of proposed UCA No. 28.

8.0 MATTERS REFERRED TO DIRECTOR PLANNING & REGULATORY SERVICES

8.1 DA 1528/03 – 4 Dudley Street, Roseville

Following a request by the applicant, Mr P Dignam and Ms Z Edwards attended a site inspection of the property. At the site inspection, the applicant provided a short report prepared by Noel Bell Ridley Smith and Partners. This report was tabled at the meeting.

During the inspection the applicant stated that he had obtained advice on the stability of the house and the cost of repairs from three engineers. However, the reports were not provided to the Committee.

The site inspection noted subsidence, cracks on wall, cracks and holes in the lath and plaster ceilings, a leaking roof, termite damage to the floorboards and general run-down condition of the building and garden. The site inspection noted intact original elements that are worthy of conservation, particularly:

- bay windows with boxed seats;
- stained glass to bay windows;
- fireplaces (mantle, hearth and tile surrounds);
- stencilled dado on wall of one room;
- solid timber doors;
- hardware to doors and windows;
- cupboards and wardrobes;
- gas lights and light fittings (brackets and ceiling); and
- wall frieze on front façade.

The site inspection noted the presence of a mature Phoenix Palm and Bunya Pine in the rear yard and noted that evidence of other plantings appeared to have been removed. Committee members were concerned over possible unauthorised demolition of a garage.

Committee members undertook preliminary historical research into the property and established that the builder was Mr Finlay of Chatswood and that the house is part of a group of three houses in the vicinity built by Finlay. The builder was the builder for many notable architects of the

period, including James Peddle, Kent Budden and Greenwell, Waterhouse and Lake, Joseland and Vernon, and Burcham Clamp.

The Committee considers that:

- the proposed development, including its landscaping, is out of context, out of scale and out of character with the single storey houses in the street;
- site coverage of the proposed development (about 70%) is far in excess of neighbouring properties;
- the footprint of the proposed building is too large and does not provide adequate green space for landscaping; and
- more research is needed on the property to investigate its heritage significance and its contribution to the UCA;

The Heritage Advisory Committee Recommendation is:

A Heritage Significance Assessment and Heritage Impact Statement be prepared for the property which considers its significance and contribution to the UCA.

9.0 LATE MATTERS

9.1 DA's not referred to Committee

The Chair raised concern that despite requests the following DA's have not been referred to the Committee.

1. 55 Hastings Road DA 1309/02A Heritage Property- additions and alterations Section 96 Amendment- various modifications to Land and Environment Court approved consent.
2. 55 Hastings Road DA 1739/03 Alterations to dwelling to incorporate a change room plus construction of timber gazebo near pool.
3. 50 Rosebery DA 1655/03 Alterations and additions to an existing dwelling - house demolition of existing outbuilding then construction of new four-car garage with guest accommodation, tennis court fence and resurfacing of existing tennis court.

4. 3-5 Margaret Street, Roseville DA 1689/03 Restoration of two existing heritage residences for reuse as townhouses. Construction of five new two-storey townhouses with associated landscaping, new front fence and Strata Subdivision of resultant development.

11.0 CLOSE

The meeting closed at 11:00 PM

11.0 NEXT MEETING

The next meeting is on 1 March 2004.

THE CHARACTER OF KU-RING-GAI

Is defined by:

- Large indigenous and exotic trees whose canopies form the skyline, line the streets and dominate garden spaces throughout the whole area; and
- The unique presentation of private gardens which are given due importance in residential settings and designs.

Nature of development

- **A unique predominance of residential development**, with a notable absence of industry or large commercial areas. Large educational establishments and suburban retail/service centres are the other major land uses.
- **Development which responds to the landform** - the spine of the heavily incised plateau carries the main transport routes and the earliest development; successive feeder roads and suburban development follow tributary ridges, leaving the steep gullies on the east and west of the spine as bushland reserves and national parks.

Pattern of development

- The predominant form of development is of individual houses sited on large blocks of land and surrounded by garden space.
- Houses are separated by generous side setbacks and curtilages.
- Fences define the boundary of each allotment; front fences and/or hedges mark the street alignment and allow pedestrians to look over to the garden beyond. Particular areas of post 1945 subdivision are characterised by an absence of front fences combined with a lack of solid side and/or rear fences presenting a continuity of open landscape vistas between adjoining properties.
- Garages/carports are generally sited at the side or back of each house. They are most commonly accessed by single width driveways, which have minimal paving. Runoff is therefore largely absorbed within each residential allotment, into the predominant green surfaces of lawn, garden beds, shrubberies and trees.

Trees and gardens

- Older residential developments along the main spine are characterised by larger blocks of land and gardens combining exotic, deciduous and indigenous plantings. More recent development is away from the main spine and is generally on smaller blocks of land with a predominance of indigenous and exotic plantings.
- Street tree plantings include informal remnants of the forest, other are of formal plantings made over a period of 100 years. Street tree plantings may also feature grassed or planted nature strips and verges and are largely contributory to the unique characteristic of Ku-ring-gai's streetscapes.

Materials

- Houses and shops are mostly built of unpainted brick with tile roofs. There are some important pockets of early timber houses. Walls of render or timber shingles and iron or slate roofs characterise some of typical building materials.

KU-RING-GAI A STATEMENT OF HERITAGE SIGNIFICANCE

The heritage of Ku-ring-gai comprises a rare blend of fine domestic architecture within a landscape of indigenous forests and exotic plantings and garden.

Ku-ring-gai as a whole is of national and state heritage significance because of:

- The outstanding quantity, quality, depth and range of its twentieth century architecture. It contains houses designed by many of Australia's prominent twentieth century architects who have influenced the mainstream of Australian domestic architecture nationally including John Sulman, Howard Joseland, Hardy Wilson, Leslie Wilkinson and Harry Seidler.
- The evidence it provides of twentieth century town planning and conservation philosophies – the segregation of residential areas from other urban uses, subdivision patterns which reflect a range of suburban aspirations, the use of residential district proclamations to create and retain domestic environmental amenity, street tree planting and post-war neighbourhood planning.
- The railway whose presence demonstrates the bargaining power of public works and services in gaining votes for federation.

Ku-ring-gai is of regional significance for:

- The evidence it retains in its surrounding national parks, along its creek lines and in its public and private gardens, remnants of the original Blackbutt and Blue Gum forests and associated woodlands, understoreys and dependent fauna – a resource of wide ranging scientific research potential.
- Its coherent aesthetic values resulting from a combination of elevated locations, good soils, large trees, extended views, fine architecture and established gardens inspiring artists such as Grace Cossington Smith, Lionel Lindsay, visionaries such as John Sulman and J.J.C Bradfield and writers such as Ethel Turner to honour Ku-ring-gai with their works.
- For the technical and design innovation in its buildings and gardens – demonstrating some of the earliest examples of Australia's first school of architecture at Sydney University, some of the earliest use of cavity walls, Marseilles tiles and innovative landscape designs of renowned exponents such as Edna Wallings, Paul Sorensen and Jocelyn Brown.

Ku-ring-gai is also of heritage significance for:

- The evidence provided by its rich history and all its sequential layers – from Aboriginal occupation, very early timbergetting, the long period of relative isolation from built suburbia, orcharding and farming followed by the rapid growth of suburban development in response to elevated topography, "clean air" and the establishment of the railway.
- The evidence offered by its built landscape and garden design incorporating a variety of horticultural styles and in harmony with the natural landscape such as those at Swain Gardens, Bobbin Head, large estate private gardens and the gardens at railway stations and well-designed gardens of cultivated botanical specimens such as Eryldene and the Ku-ring-gai Wildflower Garden.

WEST PYMBLE POOL BUSINESS STRATEGY

EXECUTIVE SUMMARY

PURPOSE OF REPORT:

The purpose of this report is to advise Council of feedback received during the period of public exhibition of the draft West Pymble Pool Business Strategy, associated funding implications and to endorse the business strategy for future actions.

Additionally the existing pool management lease expires in September 2004 and as per the previous resolution Council requires that a tender process be undertaken to market test the lease incorporating items outlined in the business strategy.

BACKGROUND:

In 2002, a facility condition audit report was undertaken and provides the framework for the development of the long term asset maintenance program in recognition of its age. Concurrent with the asset maintenance program, a business strategy has been developed to ensure the facility meets the communities needs both now and in the future in respect of both facilities and services.

COMMENTS:

Once resolved, the business strategy will provide valuable guidance in the direction of the upcoming pool management contract, which expires in September 2004. Following the public exhibition period, option 2 is the preferred option by the majority of submissions received.

RECOMMENDATION:

That Council adopt Option 2, as outlined in the Draft West Pymble Pool Business Strategy. Council support a detailed feasibility to be considered in the 2004/05 Management Plan, a selective tender process be used for the provision of commercial swimming pool management services and that a future report be considered by Council at the conclusion of the tender evaluation process.

PURPOSE OF REPORT

The purpose of this report is to advise Council of feedback received during the period of public exhibition of the draft West Pymble Pool Business Strategy, associated funding implications and to endorse the business strategy for future actions.

Additionally the existing pool management lease expires in September 2004 and as per the previous resolution Council requires that a tender process be undertaken to market test the lease incorporating items outlined in the business strategy.

BACKGROUND

Ku-ring-gai Council provides a significant outdoor public swimming facility located in Bicentennial Park that includes 1 x six lane 50m outdoor pool, a program pool, two small toddler/wading/babies pools and associated amenity block which includes a small kiosk and service desk, toilet and change facilities for both able and disabled people, limited storage and office space. The site also has a swimming club building with shelter facilities.

The West Pymble Pool receives approximately 96,000 visits per annum and provides a base for the Ku-ring-gai Amateur Swimming Club. Whilst the pool is an outdoor facility and closed during the colder winter months, it is relatively well utilised by the community during the warmer months and is highly valued by the community. The pool is often referred to as a community pool that provides a "local" focus and appeal.

Opened in 1969, the facility is 34 years old and is showing signs of aging. Whilst recognising a number of Council and community initiated improvements at the pool, the pool and amenities are of poor standard when compared to a number of newer or redeveloped facilities within the region. Should the facility remain as it is it will become increasingly obsolete for future communities and a greater drain on Council resources. Upgrading the facility to better meet the needs of the community would likely reverse the decline in attendance. The facility has been and is currently managed by a lessee.

Council has initiated a number of other actions in relation to the long term management of Council's pool. A long term asset management plan for the pool has been developed with Council committing to a five year \$1.5 million dollar program, Councils lease for the facility has been renewed and a business plan for the facility was required to be developed that considers both service and facility aspects.

Council has previously resolved that:

- A. That Council following the adoption of the Bicentennial Park Plan of Management approve the granting of a 2 year lease to Mr & Mrs Martin for the management of Council's West Pymble Swimming Pool at Bicentennial Park, subject to the conditions outlined in this report and those of section 47(A) of the Local Government Act 1993.
- B. That Council issue a public notice as prescribed by section 47(A) of the Local Government Act 1993.

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- C. That Council authorise the Mayor and Acting General Manager to sign the lease documentation should no objections be received following the period of public notice.
- D. That Council authorise the affixing of the Common Seal to the lease document should no objections be received indicating objections to the proposed lease.
- E. That a report be brought back to Council if there are any significant objections received to the proposal in accordance with Section 47 (4-10) of the Local Government Act 1993.
- F. That a report be presented to Council by June 2003 outlining the business plan for the pool in terms outlined in this report.

Following the expiration of the current lease in September 2004 it is intended to put the provision of swimming pool management services to tender in accordance with Section 55 of the Local Government Act 1993. As part of that process an expression of interest be undertaken to identify and shortlist appropriate proponents and that following a shortlist of appropriate proponents, a selective tendering process be undertaken to determine the preferred suitably company or bona fide partnership and a future report identifying the preferred company or bona fide partnership be presented to Council during July 2004.

The draft Pool Business Strategy has been undertaken by Council staff with assistance from Suter & Associates Leisure and Tourism Planners. The consultant was appointed to assist with the strategy in March 2003. Council officers have researched past studies and information on the West Pymble pool, including research on other aquatic centres, attended meetings, provided administrative support, liaised with the lessees, amateur swimming club and the Ku-ring-gai Sports Advisory Committee in the development of the draft strategy.

In addition in late June 2003 workshops were held between the Ku-ring-gai Amateur Swimming Club, Council officers and assisted by the consultant. Six participants attended from the swimming club. A further workshop was held with the lessor and regular pool users where 11 participants attended.

The assessment of potential facility options in this Business Strategy is based on the assumption that the West Pymble Pool will remain as an aquatic facility due to the high level of community support for this facility.

Four options for the future management of this facility have been considered. Brief discussion in the document focuses on consideration of a more comprehensive leisure/aquatic facility in a more appropriate location. That is one that is significantly more accessible than Bicentennial Park (eg. along the rail corridor) and would service a geographic area, largely not provided for in terms of aquatic/leisure facilities.

The four development options are outlined in summarised form below;

Option 1:

- Undertake no development, beyond the operational refurbishment already proposed.

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- As there would be no change to the amount and design of existing water space and quality of the facility, opportunities for new programs and services to meet the communities needs and the potential to increase usage of the facility would be vastly hampered.

Option 2:

- Retain West Pymble Pool as an outdoor swimming facility, but undertake significant upgrade to the pools and buildings to better meet the needs of the community.
- The unique outdoor and open characteristics of the site would be retained which is highly valued by the community. Additional water space would be provided through development of a 25 metre outdoor pool, which will enable opportunities for additional lap swimming plus a range of health, fitness and learn to swim programs. An appealing water play area could be established for children, which has the potential to meet a community need given Bicentennial Park already attracts large proportions of families with children to the playground and could be integrated to become an extension of this play environment.
- The enhancement of the amenities and other services such as a kiosk/café would improve the quality of the experience of the users as well as attracting new clientele.

Option 3:

- Establish an indoor 25m pool, retain the existing 50m outdoor pool and upgrade the buildings. This option would require removal of the existing wading and program pools, which would then be incorporated into the development of the 25 metre indoor pool.
- The desire for an indoor pool in this local government area would be catered for and in particular would service the Ku-ring-gai Amateur Swimming Club's needs. The indoor component of the facility whilst providing additional water space would provide a local venue for all year learn to swim, other health and fitness programs as well as lap swimming. Of note regarding this option are the following comments:
 - ◆ Potential high impact on the outdoor and open characteristic of the site.
 - ◆ Unknown broad community demand for an indoor 25 metre pool given the provision of other larger and more diverse facilities located nearby.
 - ◆ A potential high ongoing operational cost to Council, if preference by users remained with other existing indoor facilities and/or lack of additional fitness and leisure services that could be provided to assist with this operational subsidy ie. gymnasium.

Option 4:

- Establish an indoor leisure facility, with an indoor 25m pool and health and fitness facilities.
 - Remove all existing pools and buildings.
 - The 1994 pool study highlighted the West Pymble Pool site was not an appropriate location for a multi purpose leisure centre. Issues identified included access, transport, car parking, size of site and topography.
 - Such a development would be inconsistent with the objectives of the Bicentennial Park Plan of Management.

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- The loss of the outdoor open characteristics of the West Pymble Pool would be of major concern to the community given these reasons are the key factors for usage and value of the facility by many people.

The development of the 50m indoor pool has not been considered due to the regional nature of such a facility and the relatively high level of provision that already exists in the region. In addition, a indoor 50m pool would negatively impose on the open character of the site and Bicentennial Park, and is therefore not recommended.

The business strategy also provides some guidance for Council in respect of the services that are offered at the facility and those Council may wish to consider in the future. The focus of the current lease at the pool is heavily weighted toward the provision of the pool specifically at the expense of recreation programs or other services. The draft strategy acknowledges the ongoing efforts of the existing lessees at the pool and in particular the rapport they have established and maintained with the community.

Whilst the draft strategy does not propose major changes to the style of management lease in the short term, there is a possibility of undertaking detailed planning and feasibility analysis for pool upgrades or development, some changes could be considered in a review of the current lease prior to its expiring in September 2004.

In particular consideration can be given to:

- providing additional health, fitness and community programs, particularly for young children, parents and older people
- Reviewing user fees and in particular considering a family pass, group passes, spectator benefits, reduced fees or trial vouchers for new programs
- Enhancing the kiosk/café area
- Considering the sale and distribution of merchandise
- Introducing child care
- Increased promotions

It should be noted the draft strategy recognises that the facility itself has substantial limitations that make the efficient delivery of some of these services and programs difficult.

On 2 December 2003 Council resolved that ‘the draft pool business options be placed on public exhibition during December 2003 and January 2004 seeking submissions and comments from key stakeholders, pool users and the community.

COMMENTS

The process of consultation undertaken during the exhibition period is outlined under the consultation section of this report.

The community response to the public exhibition of the document was very strong - 181 submission to the strategy and Councils preferred direction were received. Many of the responses received did not indicate a specific option from the four presented but rather made comments such as “keep the outdoor character” or “don’t change the configuration of the children’s pools”. Accordingly responses have been tabulated both in terms of support and/or opposition for a particular option as

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well as in terms of the general thrust of the overall submission. Attachment 3 provides a full summary of all responses and comments received.

Table 1 summarises the responses received by the number indicated as preference

For		Against	
Option 1	21	Option 1	1
Option 2	52	Option 2	1
Option 3	28	Option 3	0
Option 4	0	Option 4	5
1 &/or 2	11	3 or 4	4
1, 2 or 3	2		
2 &/or 3	8		
3 or 4	2		
Combination of 2 & 3	3		
No option suggested	51		
Stated no option was suitable	3		

Table 2 summarises the most common comments received.

Summary of Written Responses	Number received
Keep outdoor setting	52
Keep small pool configuration	44
Keep as is	37
Need an indoor facility/ Need 25m indoor pool	41
Heat 50m pool/investigate option for 12 month opening/Temporary covers	27
Extend 50 metre pool	3

Of particular relevance is the submission from the Ku-ring-gai Amateur Swimming Club (Attachment 4). The club raised a number of points about the content of the draft strategy with reference to issues that they believed may distort the feedback from Council regarding possible removal of the junior and program pools should option 3 be undertaken. Accordingly analysis of both numbers favouring specific options as well as numbers indicating a general preference for future development of the pool have been analysed.

The club advised that their strong preference is for Option 3 (development of an indoor 25 metre pool at the site, retaining the 50 metre outdoor pool and incorporating the junior and program pools into the indoor facility) and have requested that Council investigate both options 3 and 2. The club have recognised that “the facility must retain a substantially outdoors look and feel so the indoor pool facility needs to be designed with imagination and flair. Both indoor and outdoor pools must be heated as, with the additional pool generating more flexibility and use of the facility, a greater

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demand will be maintained all year". Attachment 3 details the full submission from Ku-ring-gai Amateur Swimming Club.

It is clear from feedback received that there is in general support for enhancement of the facility. It is also clear that the essential character of the outdoor setting should be retained regardless of whether a partial indoor facility is created or not. There is also clear support for the retention of the junior and programming pools as well as interest in considering the opening of the pool for a twelve month period and/or using temporary covers.

The draft strategy suggests that of all the options considered, options 2 and 3 provide the most meaningful direction forward for the existing pool facility given its location and particularly given the community feedback. There are advantages and disadvantages to both options.

A commitment to Option 3 would involve substantial capital and recurrent financial commitment well beyond Council's current level of provision and should only be considered following a detailed feasibility and financial assessment which in itself would require substantial cost to have commissioned and undertaken.

Pursuing Option 2 appears to provide Council with a positive opportunity to build on the niche that has been well established at West Pymble Pool for many years, within and adding to the context of Bicentennial Park. It will not however address the expressed desire of the swimming club to have an all year round facility available at the location. Option 2 will allow Council to keep its options open regarding the future development of a dedicated aquatic/leisure facility in a more appropriate location in the longer term, should that become a priority and appropriate funding sources be identified.

Once resolved the strategy will provide valuable guidance in the direction of the upcoming pool management contract, which expires in September 2004, (Attachments 1 and 2). Improvements to the West Pymble Pool and its management should aim to benefit a great number of people and increase the revenue potential for both the Council and new lessees. However, the lessee and Council should be mindful of the need to retain the personal approach to management and the 'Community' nature of the pool as this is highly valued by existing users.

The strategy has indicated that some aspects of the management of the pool could be reviewed and those aspects include marketing, pricing strategies and a more proactive approach to programming. Accordingly proposals and analysis for both the expression of interest and the tender process for the provision of commercial pool management services will specifically address these issues.

CONSULTATION

An advertisement was put in the corporate section of the North Shore Times on 17 December 2003. Posters inviting comments were put up in St Ives Shopping Centre, Gordon Shopping Centre and at the pool, additionally comments slips and a comments box were located at the pool. Schools who use the swimming pool were advised in writing that the document was on public exhibition as were the local residents who had participated in the consultation sessions during the development of the plan. In addition brief information and the entire report was available to view and down load from Council's web site.

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Consistent with Councils resolution an extensive consultation process was undertaken during the public exhibition period over December and January whilst the swimming season is at its peak.

Posters inviting comment were placed in St Ives Shopping centre, Gordon Shopping centre, and at the pool which included a short summary of each option and Councils preferred option. An advertisement was placed in Councils corporate section of the North Shore Times (17 December 2003, Attachment 5). Council's libraries and chambers displayed information and all schools who use the pool were advised in writing that the draft business strategy was on exhibition. Similarly the Ku-ring-gai Amateur Swimming Club and local residents who had participated in the consultation sessions during the development of the plan were directly notified and both summary information and the full report was available to view and download from Councils web site. A feedback form and collection box were located at the pool to encourage ease of participation.

During discussion with the swimming club over the period of public exhibition it became apparent that the summary information could be construed to outline that an indoor pool at the facility may occur at the expense of the junior pools, thus lessening the appeal of that option. Accordingly in the development of this report weighting has been applied to actual comments received, not counting the number of suggestions favouring individual options.

In all 181 responses (by mail, phone or email) were received to the public exhibition of the draft strategy. Attachment 3 provides a full summary of all responses and comments read. An analysis of those responses is provided within the comments section of this report.

The swimming club have also offered their support and desire to remain included in any feasibility studies for future development. This offer is supported by staff.

In recognition of the volume and positive nature of feedback received it is recommended that Council communicate broadly which course of action it chooses including information at the pool on the web, via press release and direct recognition to those that forwarded submissions to Council.

FINANCIAL CONSIDERATIONS

A commitment by Council to progress significant rejuvenation of the pool by either option 2, 3 or 4 will have significant financial implications for Council.

Option one, involving no further development of the facility will whilst not having short term financial implications, leave significant implications for the long term viability of the asset as it continues to decline and becomes a less appealing through still necessary asset.

Costs for the implementation of Option 2, 3 and 4 represent indicative costs (initial estimates only of \$1.5 million, \$4 million and \$7-8 million respectively. Further detailed feasibility and costing will be required to fully and accurately outline any specific proposal.

Council has committed to a five year \$1.5 million dollar program for the pools to ensure compliance with relevant health standards and to address the aging infrastructure of the asset.

The draft Section 94 plan has included a project for redevelopment of the pool consistent with option 2 of the business strategy. It has over the life of the proposed plan identified a need for

approximately \$1 million dollars in funding for stage 1 enhancements. The plan has identified that developer contributions of approximately \$140,000 of that costs would be attributable to new development and hence subject to levy.

An analysis of the last two years of the proposed five year program indicates some overlap between asset rejuvenation and significant renewal and enhancement of the facility correspondingly it is considered that should Council commit to Option 2 or 3 approximately \$600,000 from that program could be diverted to the shortfall. Additionally as Section 94 funds are received for other programs thus supplementing existing revenue sources allocated to those projects, a portion of those funds can be diverted.

It is likely that whichever option Council may choose to pursue staging of the implementation will be a likely outcome. Further detailed analysis of costs and funding strategies will be required as the projected progress.

CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

Finance and Business Development have been consulted in the development of the report and the draft business strategy.

SUMMARY

The West Pymble Pool receives approximately 96,000 visits per annum and provides a base for the Ku-ring-gai Amateur Swimming Club. Whilst the pool is an outdoor facility and closed during the colder winter months, it is relatively well utilised by the pool users, stakeholders and the residents during the warmer months and is highly valued by the community in general. The pool is often referred to as a community pool that provides a “local” focus, appeal and family atmosphere.

A number of actions have been initiated by Council and the community with regards to improvements and the longer term management of the West Pymble Swimming Pool:

- Pool heating undertaken and facility seating installed in 1990.
- Shade structures built and anti wave laying ropes incorporated in 1994.
- New starting blocks constructed in 2001.
- A long term asset management plan for the pool has been developed.
- Council has committed to a five year \$1.5 million dollar rolling enhancement and improvement program based on the asset management plan which prioritises works to ensure the facility complies with minimum NSW Health Pool Safety guidelines.
- Council has renewed the commercial pool management services lease for the facility (exercised option expires September 2004).
- A draft business strategy for the facility has been developed that considers both services and facility components, and will guide the upcoming management arrangements for the pool management contract prior to expiry.

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During December 2003 and January 2004 in accordance with Councils resolution dated 2 December 2003, 'the draft pool business strategy be placed on public exhibition seeking submissions and comments from key stakeholders, pool users and the community'.

The community response to the public exhibition of the document was very strong - 181 submission to the strategy and Councils preferred direction were received. Many of the responses received did not indicate a specific option from the four presented but rather made comments such as "keep the outdoor character" or "don't change the configuration of the children's pools".

It is clear from feedback received that there is in general support for redevelopment and enhancement of the facility. It is also clear that the essential character of the outdoor setting should be retained regardless of whether a partial indoor facility is created or not. There is also clear support for the retention of the junior and programming pools as well as interest in considering the opening of the pool for a twelve month period or temporary covers.

The draft strategy suggests that of all the 4 options considered, options 2 and 3 provide the most meaningful direction forward for the existing facility given its location within Bicentennial Park and the communities feedback.

If Option 2 is the desired strategy that Council wished to pursue, this will allow Council to keep its alternatives open regarding the future development of a dedicated aquatic/leisure facility in a more appropriate location in the longer term, if appropriate funding sources are identified and allocated and that need is demonstrated.

Whilst the enhancement and improvement works to the facility will not necessarily increase the potential for revenue for Council or the new lessees, this could be realised if a feasibility into pursuing the longer term vision for option 2 and/or the implementation of option 3. However, the lessee and Council should be mindful of the need to retain the personal approach to management and the 'Community' nature of the pool as this is highly valued by existing users.

Consistent with Councils resolution an extensive consultation process was undertaken during the public exhibition period over December and January whilst the swimming season is at its peak.

In recognition of the volume and positive nature of feedback received it is recommended that Council communicate broadly which course of action it chooses including information at the pool on the web, via press release and direct recognition to those that forwarded submissions to Council. It is likely that whichever option Council may choose to pursue staging of the implementation will be a likely outcome. Further detailed analysis of costs and funding strategies will be required as and when the detailed feasibility is commissioned and undertaken.

RECOMMENDATION

- A. That Council adopt Option 2 as outlined in the draft West Pymble Pool Business Strategy as its preferred direction for future management and development of the pool.

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- B. That a detailed feasibility be considered for inclusion in the 2004/05 Management Plan including full financial analysis.
- C. That Council acknowledge the efforts of those who have contributed to the development of the West Pymble Pool Business Strategy as outlined in the report.
- D. That further analysis be undertaken of options and demand for an indoor swimming pool.
- E. That a selective tender process be used for the selection of qualified companies or bona fide partnerships for delivery of pool management services for a three year period commencing September 2004.
- F. That at the conclusion of tender evaluation a further report be considered by Council with regards to the appointment of a suitable tenderer to undertake those works as tendered.

Morven Cameron
Sport & Recreation Planner

Amanda Colbey
A/Manager Parks, Sport &
Recreation

Steven Head
Director Open Space

Attachments:

- 1. Expression of Interest newspaper advertisement**
- 2. Confidential Expression of Interest document (may confer commercial advantage) to be distributed separately prior to OMC 9 March 04**
- 3. Full summary of responses received.**
- 4. Submission from the Ku-ring-gai Amateur Swimming Club.**
- 5. Advertisement North Shore Times.**



KU-RING-GAI COUNCIL

EXPRESSION OF INTEREST

WEST PYMBLE SWIMMING POOL MANAGEMENT CONTRACT

COUNCIL OWNED PREMISES

Expressions of Interest are being called for from suitably qualified companies or bona fide partnerships for the delivery of pool management services for a three year period commencing September 2004.

Bona fide partnerships are requested to provide a copy of their partnership agreement and an explanation of the role to be played by each partner in the performance of the contract.

West Pymble Pool is located in Bicentennial Park, Prince of Wales Drive, West Pymble and is a wholly outdoor facility, which normally operates eight months of the year from September through to May.

Interested parties should obtain a copy of the Expression of Interest information document by contacting Adele Cook on 9424-0141.

Those invited to tender will be selected based on the experience of the applicants in fulfilling similar requirements, and the capacity of the applicant to fulfill the requirements of the prospective contract.

Applications endorsed 'Confidential – West Pymble Swimming Pool Management' should be addressed to the General Manager and placed in the tender box on level 4 (street level) Council Chambers 818 Pacific Highway Gordon before 2.30pm on Tuesday 6 April 2004. Late applications will not be considered.

**Locked Bag 1056
PYMBLE NSW 2073**

**Brian Bell
GENERAL MANAGER**

NEWSPAPER OFFICE INSTRUCTIONS

NEWSPAPER	DATE	TYPE OF ADV.	(CMS) DEPTH	COLUMN WIDTH
Sydney Morning Herald Tenders under "P"		Display		
Sydney Morning Herald Local Government Tenders				

Order No
Advertisement No
Job No: 609.054.235

Approved
General Manager
Date

Summary of Comments received in response to the exhibition of
'Draft' West Pymble Pool Business Strategy

	Need indoor facility/Need 25m indoor pool
	Keep small pools
	Extend 50m pool
	Keep outdoor setting
	Keep as is
	Keep 50m pool/investigate 12 month opening/Temporary covers

	For	Against	Comments
23	1		keep the outdoor character
			keep format for wading pools
37	1		keep outdoor setting
42	1	4	Keep outdoor character
			Keep wading pool configuration
45	1		upgrade current facilities
			include some play equipment
			Don't built a 25m in lieu of the configuration of wading pools
56	1		Investigate 12 months opening options of Hornsby
69	1		don't change anything, just maintain
78	1		its been successful don't change it
80	1		
86	1		leave the pool alone, it is well attended and caters for the community well
87	1		leave the pool alone, it is well attended and caters for the community well
88	1		if it any broken don't fix it
89	1		
90	1		
91	1		
92	1		don't remove children's pools
93	1		
94	1		leave the place alone
95	1		keep bush setting
			building additional pool is not a good use of money
96	1		Keep bush setting
			don't want an indoor facility
			keep children's pools
97	1		don't change
170	1		redirect funds from upgrade to opening all year
2	2	3, 4	Keep outdoor character
3	2		
			extend 50m to 8 lanes
			temporary cover to allow winter use
9	2		Construct a diving pool
			Construct fun pools, spa etc
			Construct Gym facilities
14	2	4	keep outdoor character
			provide a 50m and 25m pool
			Indoor 25m at another location
			Extend hours of operation
15	2		keep outdoor character
			Keep range of small pools
16	2		improve heating
			put wind break between ovals and pool

Attachment 3 - Full summary of response/comments received
**Summary of Comments received in response to the exhibition of
'Draft' West Pymble Pool Business Strategy**

	Need indoor facility/Need 25m indoor pool
	Keep small pools
	Extend 50m pool
	Keep outdoor setting
	Keep as is
	Keep 50m pool/investigate 12 month opening/Temporary covers

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	For	Against	Comments
30	2		keep outdoor Investigate options for opening 12 months
38	2		25m pool heating for 10 months use
41	2		keep outdoor character Keep wading pool configuration Add a diving pool or 1m board
44	2		
46	2		improve wading pools café/coffee shop would be good 25m pool would be good currently have to travel to Lindfield
49	2		keep outdoor character Keep wading pool configuration If an indoor 25m can be built without changing appearance of park
50	2		Keep outdoor character
54	2		Keep wading pool configuration
57	2		Investigate 12 months opening of Manly
60	2		Keep the outdoor character
61	2		Keep the outdoor character childcare facilities Look at a share agreement with Hornsby to fund an indoor facility
74	2		
77	2		
79	2		keep outdoor character
81	2		
82	2		
83	2		so long as mature ecalypts are kept.
84	2		No need for another indoor pool
88	2		keep outdoor character some additional shade and im proved amenities only
89	2		keep the wading pools, keep outdoor lack of chlorine
91	2		keep small pools consider a balloon for 12 month use keep outdoor character
95	2		don't change except upgrade change rooms
97	2		against any major changes
99	2		need an indoor 25m keep as is
101	2		
102	2		only enhance an already excellent complex
103	2	4	
104	2		keep outdoor setting
105	2		keep childrens pools keep outdoor setting
106	2		
107	2		please keep outdoor as is

**Summary of Comments received in response to the exhibition of
'Draft' West Pymble Pool Business Strategy**

	Need indoor facility/Need 25m indoor pool
	Keep small pools
	Extend 50m pool
	Keep outdoor setting
	Keep as is
	Keep 50m pool/investigate 12 month opening/Temporary covers

	For	Against	Comments
108	2	4	
109	2		
110	2		
111	2		if possible add heated indoor without removing any others
112	2		
113	2		just upgrade whats there don't remove outdoor setting
114	2		Upgrade and keep existing set up
115	2		keep outdoor setting keep children's pool configuration
116	2		Do not build 25m pool at the expense of childrens pools
117	2		
118	2		
119	2		keep childrens pools
120	2		keep childrens pools
121	2		keep childrens pools
175	2		keep 50m pool retain outdoor open space nature of facilities by not building an indoor pool on site
1	3		Indoor pool for training Keep outdoor character
5	3		Indoor pool for winter Concern that comments will be biased
7	3		Indoor pool for winter Keep outdoor character
8	3		Heat and extend hours in 50m pool
17	3		Indoor pool for all year round use
20	3		to provide a year round facility
29	3		please consider child minding facilities
31	3		Keep outdoor setting Frustration at having to travel for winter training
32	3		Keep outdoor setting Frustration at having to travel for winter training
40	3		small pools are too cold to use most of the year
43	3		Other indoor facilities too far to travel
53	3		Need all year round facilities
55	3		keep wading pool configuration build 25 m indoor
58	3		Don't built a 25m in lieu of the configuration of wading pools Investigate 12 months opening options
68	3	2	Do not construct an outdoor 25m as it would not cater for 12 month access

Attachment 3 - Full summary of response/comments received
**Summary of Comments received in response to the exhibition of
'Draft' West Pymble Pool Business Strategy**

	Need indoor facility/Need 25m indoor pool
	Keep small pools
	Extend 50m pool
	Keep outdoor setting
	Keep as is
	Keep 50m pool/investigate 12 month opening/Temporary covers

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	For	Against	Comments
72	3		build a 25m indoor pool keep wading pools Keep the grass area Skewed result because of the way options were presented
75	3		
90	3		Need all year round facilities
93	3		
94	3		outdoor is great but need indoor
95	3		do something soon a year round facility keep the outdoor character keep family character and cater for competitive swimming
96	3		
97	3		
98	3		need indoor facilities
99	3		maintain children's pools need local indoor pool,
100	3		for winter swimming facilities
101	3		for winter swimming facilities
169	3		to continue swimming in winter months relocate entrance closer to car park incorporate coffee shop/kiosk
96	1 & 2		keep configuration of small pools plenty of private gyms etc in the area
35	1 or 2	3 & 4	keep outdoor setting keep family wading pools
26	1 or 2		keep outdoor don't overdevelop Bic park options 3 & 4 unnecessary given other indoor pools around
62	1 or 2		keep the outdoor character Need year round swimming Expand 50m to 8 lanes
67	1 or 2		need more details on options Keep configuration of the wading pools
76	1 or 2	3 or 4	keep outdoor and community character
85	1 or 2	3 or 4	
86	1 or 2		
87	1 or 2		leave the place alone
179	1 or 2		indoorpool somewhere else in Krg
27	1, 2 or 3	4	Keep outdoor and 3 small pools additional 25m would be good
28	1, 2, 3 4 in order		keep outdoor and 50m
63	2 and 3		Indoor 25m needed for year round
25	2 or 1		Keep outdoor and 3 small pools All year access

**Summary of Comments received in response to the exhibition of
'Draft' West Pymble Pool Business Strategy**

	Need indoor facility/Need 25m indoor pool
	Keep small pools
	Extend 50m pool
	Keep outdoor setting
	Keep as is
	Keep 50m pool/investigate 12 month opening/Temporary covers

	For	Against	Comments
24	2 or 3		have pool available on a Saturday morning provide shade for lap swimmers
48	2 or 3		Do not cover
49	2 or 3		keep the outdoor character have a winter facility
173	2 or 3		plus proper bike track from Grovesnor Road
174	2 or 3		plus proper bike track from Grovesnor Road
172	2 or 3		plus more bike tracks
71	3 option 2 as a 2nd choice		Swimming club needs indoor winter training facilities amenities need upgraded May not need to remove wading pools to build 25m pool it can run at right angles at the far end.
51	3 or 4		Need all year round facilities
52	3 or 4		Indoor pool as well as existing
18	between 2 & 3		keep existing 50m, keep wading pools and establish a 25m indoor pool by demolishing the small pool at the far end of the facility and extending into unused land at the end of the oval
19	combine 2 and 3		convert largest wading pool into indoor 25m
143	mixture		more shade area & tables do away with slop grass verge at 50m pool and replace with flat paving better changing and showering facilities better facilities for staff Keep open air bushland don't get rid of children's pools
4	none		Indoor pool
6	none		Keep outdoor character
10	none		Keep range of small pools
11	none		Keep as is Heat and extend to 12 months in 50m pool
12	none		Keep outdoor 50m & build 25m indoor pool
13	none		Investigate not using chlorine
19	none		Keep as is put indoor complex in Hornsby or Chatswood
21	none		do not change
22	none		do not change, facilitate club using other facilities
33	none		Develop indoor facility keep one or two wading pools - family structure Lane Cove good example
34	none		request for info

Attachment 3 - Full summary of response/comments received

**Summary of Comments received in response to the exhibition of
'Draft' West Pymble Pool Business Strategy**

	Need indoor facility/Need 25m indoor pool
	Keep small pools
	Extend 50m pool
	Keep outdoor setting
	Keep as is
	Keep 50m pool/investigate 12 month opening/Temporary covers

425

	For	Against	Comments
39	none		don't change anything All year round access Encourage people to walk
47	none		Risk of over capitalisation All year round but outdoor Establish the pool as a demonstration project for renewable energy to have it open all year
59	none		build a 50m pool east of Pac Highway, and leave West Pymble alone too far to travel to pools outside Krg
64	none		keep as it is build 25m indoor if its needed
65	none		keep as is don't change the configuration of the wading pools some shade at the small babies pools
92	none		don't loose small pool configuration
94	none		keep outdoor character don't change anything except upgrade change rooms
98	none		most local children go to private school who cater for their swimming and recreation needs, another pool would be a waste of ratepayers money
100	none		don't change it
101	none		always clean service is good
102	none		keep the outdoor character
73	none	1	Keep grass area and wading pools but also build a 25m indoor pool
74	none		keep outdoor setting keep childrens pools
75	none		don't loose the configuration of small pools
76	none		please keep outdoor as is
77	none		please keep outdoor as is keep small pool configuration
78	none		keep as is
79	none		keep the three childrens pools
80	none		keep as is
81	none		keep as outdoor upgrade amenities extend 50m pool to 8 lanes
82	none		don't change
83	none		keep outdoor setting keep children's pool configuration
84	none		leave it alone
85	none		upgrade only keep outdoor keep childrens pools

Attachment 3 - Full summary of response/comments received
**Summary of Comments received in response to the exhibition of
'Draft' West Pymble Pool Business Strategy**

	Need indoor facility/Need 25m indoor pool
	Keep small pools
	Extend 50m pool
	Keep outdoor setting
	Keep as is
	Keep 50m pool/investigate 12 month opening/Temporary covers

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	For	Against	Comments
86	none		need indoor and creche facilities
87	none		needs to be open in winter needs to have creche facilities add a 25m indoor pool with childminding area
88	none		good idea to have indoor 25m not at the expense of children's pools
89	none		leave alone just upgrade the amenities
90	none		don't change, keep outdoor Keep children's pools
91	none	3	not an option as nowhere for children to swim entrance should be near top car park
92	none		no development wanted
93	none		remove shallower paddling pool and build indoor 25m in the top section
94	none		retain 50m pool and smaller pools and build 25m indoor
171	none		25m pool for winter swimming
176	none		Aussie masters swimmer need pool to be 27 deg rees +/- 1 dgree needs year round training need to keep current lane width worth considering a combined hornsby krg pool, but would have competition from existing facilities Tent type structure over one end
178	none		keep lap pool and childrens areas, love it as it is paint the changerooms, returf near childrens pools and increase advertising
180	none		appreciate Council's consideration of the swimming clubs submission
177	none		upgrade but keep as 6 lane 50m changing rooms bigger and better than surrounding pools consideration should be given to older swimmers older swimmers do not want warm water as report states would an all year facility but not at the expense of outdoor 50m
36	xx	xx	Don't agree with any options, Should keep WPP and build another indoor facility
66	xxx	xxx	Consider an option 5 of an indoor 50m pool and gymnasium
70	xxx	xxx	maintian the current outdoor 50m facility maintain one of the smaller pools maintain grassed area have a 25m pool indoor for 12 month swimming
168	xxx		none of the options cater for the needs pools for young children and toddlers maintain family atmosphere retain grassed areas, even if reduced in size new pool with indoor & outdoor area bubble or opening walls

RE: Draft Business Strategy for West Pymble Pool

I am writing to bring to your attention some comments and concerns raised by the committee of the Ku-ring-gai Amateur Swimming Club regarding the abovementioned report and the notification of its contents to the public. I have copied many of the membership of the Swimming Club as I have been liaising with them and they have requested to be kept informed on this matter.

Overall we were impressed with the effort and thought that went into the report. At a high level we were happy with the options being considered as we believe they provide a good indication of the community's views. We had a few concerns with some of the details and conclusions that were drawn. It is not our intention to be pedantic about the report so our comments will only address those issues we think have the potential to distort the feedback you receive from the public.

Firstly, I would like to comment on the public notification. I was very impressed with the extent of the notification throughout the community, and the notices themselves were of a size and quality that attracted the attention and interest of the public. My main concern is that, while the notice accurately reflects the conclusion of the report, the conclusion itself is NOT an accurate summary of the contents of the report. This means that the notice is, in essence, incomplete and therefore misleading, potentially leading to skewed feedback from the public. The summary of Option 2 did not mention the outdoor 25 metre pool that was included in this option in the full report, and the fact that this would result in the loss of the toddlers' pools (according to the full report). As Option 3 implied that the toddlers' pool and associated grass area would need to be replaced, this affected the community's views, as many people have favoured Option 2 over Option 3 because of their perception that Option 2 did not affect the toddlers' pools and the grass area.

Most importantly, neither Option 2 NOR Option 3 need result in the removal of the toddlers' pools and the grass area. According to a report received by Ku-ring-gai Council (and viewed by me), an indoor pool could be constructed that would only replace the mid-sized wading pool and run at a right angle to the 50m pool.

Some of the other issues we would like to mention briefly are:-

While the report generally correctly positioned itself as independent and non-partisan, it includes statements such as 'Aquatic Centres ... rarely ... break even' (which seems to contradict the information received by the Committee regarding the Lane Cove pool redevelopment) and 'people do not want a multi-purpose leisure facility built on this site' (the Committee queries how this was ascertained prior to the feedback stage).

There are several places in the document where conclusions, deductions and assertions are made based on previous surveys (one being over 10 years old), which should not be the sole basis for recommendations as many relevant aspects have changed in the interim.

Assumptions were made that the location of the West Pymble pool resulted in low interest and support from other parts of the council area. Many of our members come from parts of Ku-ring-gai at a distance from the pool, and have remarked that the fact that the pool is just off Ryde Road makes it very easy to access, even from the other side of Ku-ring-gai.

The effect that declining membership numbers in our club has and will have on

the community at large was not mentioned in the report, despite the fact that a position paper was submitted to Council on this topic early last year, with the consultant being given a copy during her investigating phase. For example, we are very close to having to withdraw our support from the free Learn-to-Swim program that runs on Sunday mornings throughout the summer. This is because we now have so few members of an age that can teach these toddlers (and this number is continuing to decline) that there are insufficient teachers on most Sunday mornings. We have decided to persevere until the end of the season, but it is unlikely we will have the ability to support it next swimming season. Last weekend, 80 children and their parents (many of them ratepayers and voters) turned up for this service. Unless conditions change, a similar number of local children will not be able to avail themselves of this service next season. Other examples include our declining capability to provide officials to local school and district swimming carnivals. The potential for new users of the facility was insufficiently explored. The current facility does not provide any support for sports such as water polo and sportspeople such as triathletes. Another issue related to the previous point is that the club has been approached by representatives of the Aussie Masters saying that there was a groundswell of support for a club in this area, but that they will need access to an all-year facility. Funding options were not mentioned, but need to be raised even at this early point. Lane Cove Council has developed and implemented a self-funding model that did not require council or ratepayer input. I find it hard to comprehend why neither Ku-ring-gai Council nor its consultant have investigated how this was achieved.

Finally, we would like to present our strong preference for Option 3, but with the retention of the toddlers' pools and grass relaxation areas. The facility must retain a substantially outdoors look and feel so the indoor pool facility needs to be designed with imagination and flair. Both indoor and outdoor pools must be heated as, with the additional pool generating more flexibility and use of the facility, a greater demand will be maintained all year. This is supported by the record of facilities such as the Leichhardt pool complex which has a similar configuration to that which we are supporting and has been extremely popular and successful.

We would be happy to move forward, as suggested by the report, and fully investigate both Options 3 & 2. We, as we have done a number of times already, offer our services to assist in this process.

Kind Regards

Michael Nesteroff

President

Ku-ring-gai Amateur Swimming Club

10 NORTH SHORE TIMES, Wednesday, December 17, 2003

Ku-ring-gai Council News

www.kmc.nsw.gov.au

Ku-ring-gai Council, Customer Service Centre, Council Chambers,
818 Pacific Highway, Gordon open between the hours of 8.30am and 5.00pm, Mondays to Fridays.

DEVELOPMENT PROPOSALS

In accordance with statutory requirements and/or Council Policy, notice is hereby given that the following applications have been received by Council.

17 Railway Lands Gordon

Development Application Number: 1385/03

Applicant: State Rail - C/- Mr Lewis Cross

Proposal: Integrated Development - State Heritage Item and National Estate Staged introduction of Easy Access Facilities at Gordon Rail Station, including three (3) lifts, new ramp and stairs plus modifications to the entrance and booking office. Available for viewing and comment from 10 December 2003 - 9 January 2004

The following applications are made under clause 61j of the Ku-ring-gai Planning Scheme Ordinance.

8 West Street, Pymble

Development Application Number: 1572/03

Applicant: Marcus Richards - Reece Plumbing C/- Glendinning Minto & Associates.

Proposal: Proposal; Integrated Development - Construction of new two (2) storey commercial development and associated carparking. Available for viewing and comment from 17th December 2003 - 19th January 2004

325 Mona Vale Road, St Ives

Development Application Number: 1510/03

Applicant: Brigidine College St Ives Limited

Proposal: Construction of a new Multi-purpose hall and the refurbishment of the existing Romauld Hall and conversion to a Visual Arts Centre. Available for viewing and comment from 10 December 2003 - 6 January 2004.

Council is obliged to consider all applications but the process of considering an application does not imply a rejection or consent. Neither Council nor its staff have any opinion on the proposal until the merits are examined. Further details of the above listed proposals may be viewed at the Customer Service Centre, Council Chambers. Any person who owns land and who contends that their enjoyment of the land will be detrimentally affected if the proposed development is carried out, may submit their concerns in writing to the Council. Such concerns must be received by the undersigned on or before the due date for submissions.

DRAFT BUSINESS STRATEGY - WEST PYMBLE POOL

Ku-ring-gai Council has developed a Draft Business Strategy for the West Pymble Pool, which is on public exhibition throughout December and January. The Business Strategy will form the basis of Council's strategic approach for management and development of the pool facility over the next 5-10 years.

Copies of the strategy are available at Council Chambers, in Council libraries and at West Pymble Pool, or visit Council's website.

Please forward any comments to: Council's Sport and Recreation Planner, Ku-ring-gai Council, Locked Bag 1056, Pymble, NSW 2073, or by email to kmc@kmc.nsw.gov.au

MEETINGS

Council meetings commence on 3rd February, 2004.

Ku-ring-gai Council

Brian Bell, General Manager, Locked Bag 1056, Pymble NSW 2073

ATTACHMENT 5

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NSIT
17-12-03

ASSET WORKS DEFINITIONS

EXECUTIVE SUMMARY

PURPOSE OF REPORT:	To provide a description of works associated with the various classes of assets owned and operated by Council. It is intended that this will assist Council in determining the various categories of works associated with the asset classes and determining the level of funding required in future years.
BACKGROUND:	Council at its meeting of 18 November 2003, considered a Notice of Motion by Councillor Bennett requesting a draft discussion paper on appropriate definitions of 'maintenance', 'refurbishment' and 'capital works' for Council's various asset classes.
COMMENTS:	This report covers the proposed definitions for maintenance, refurbishment and capital works to provide a basis for the various funding programs and reserves.
RECOMMENDATION:	That the definitions for the various asset classes as detailed in the report be adopted by Council for the purpose of assigning program funding and allocation of internally restricted reserves.

PURPOSE OF REPORT

To provide a description of works associated with the various classes of assets owned and operated by Council. It is intended that this will assist Council in determining the various categories of works associated with the asset classes and determining the level of funding required in future years.

BACKGROUND

Council at its meeting of 18th November 2003, considered a Notice of Motion by Councillor Bennett requesting a draft discussion paper on appropriate definitions of 'maintenance', 'refurbishment' and 'capital works' for Council's various asset classes.

The discussion paper was circulated to Councillors and presented to the Long Term Building Management Working Party in December 2003.

COMMENTS

Below is a list of asset classes under the control of the Technical Services Section for definitions relating to maintenance, refurbishment and capital works, together with current funding strategies for these items:

- Buildings
- Roads including kerb and gutter
- Footpaths and cycleways
- Drainage
- Traffic Facilities Devices and signs
- Street Signs
- Fencing including guardrail fencing
- Car Parks
- Passenger Fleet
- Operational Plant

BUILDINGS

Below is a table showing the current value of Council's Buildings, depreciation requirements, funding allocations and internal or externally restricted reserves:

Current Total Value-WDV	\$35.056 million
Replacement Value	\$67.215 million
Depreciation Requirements	\$1,675,000
Estimated Cost to bring to a satisfactory standard	\$7.6 million
Annual Maintenance Allocation	\$1,590,000
Annual Refurbishment Allocation	To be extracted from the list
Annual Capital Works Program	Nil
Annual Allocation to Building Reserve	\$410,000
Building Reserve (Balance)	\$474,000

Maintenance on Council buildings is defined to be repairs to existing fittings or fixtures in order to make the building serviceable. The allocation for this work is through Council's recurrent budget and based on an annual program. Minor or urgent repairs caused by damage or failure and ongoing legislative requirements are covered under the annual maintenance allocation.

Refurbishment of Council's buildings is defined to be minor improvements to the building that improves the serviceability of the building and does not change the physical shape or appearance of the building. This may involve the replacement of roofing, guttering and downpipes, internal fittings or fixtures or floor coverings. The allocation for this work is through Council's recurrent budget and based on an annual program.

Capital Works relating to Council's buildings involves significant improvements to the building in order to improve the functionality of the building. This may involve structural alterations, additions or building replacement. This work will normally require the submission of a Development Application. Funding for these works is normally provided from Council's property reserve.

Council allocates sufficient funds each year to meet its depreciation requirements but does not provide sufficient funding to bring its assets up to a satisfactory standard. Consequently a seven-year program has been prepared in order to schedule the work required to achieve this standard. These works have been allocated according to Council's adopted priority ranking criteria.

Refurbishment works have been included in the maintenance program for those items that are considered to have deteriorated or need to upgrade to meet legislative requirements.

No funding has been provided for capital works for improvement or replacement of Council's buildings until such time Council has prepared and adopted a strategy for its buildings. A report has been prepared for the review of Council's properties and this information will be used in determining the various options for its buildings.

ROADS INCLUDING KERB AND GUTTER

Below is a table showing the current value of Council's Roads and kerb and gutter, depreciation requirements, funding allocations and internal or externally restricted reserves:

Current Total Value – WDV	\$129.315 million
Replacement Value	\$262.242 million
Depreciation Requirements	\$2.6 million
Estimated Cost to bring to a satisfactory standard	\$52.0 million
Annual Maintenance Allocation	\$1.851 million
Annual Refurbishment Program	\$1.63 million
Annual Capital Works Program	\$2.452 million
Annual Allocation to Road Reserve	\$160,000
Depreciation Reserves (Balance)	\$682,000

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Maintenance on Council roads is defined to be repairs to pavement failures and repairs may take the form of pothole patch to heavy patching. The purpose being to make the road trafficable until reconstruction works can be carried out. The allocation for this work is through Council's recurrent budget and is based on traditional allocations increased annually by CPI. Works have been programmed based on the condition audits and allocated according to the zones with each zone being covered on a 20-day cycle. Repairs are also allocated according to Council's Customer Request System. A three-year maintenance program is currently being repaired and will be forwarded to Council in due course.

Refurbishment of Council's roads is essentially combined with the capital works program and is either rehabilitation or asphalt resheeting of existing roads. The Infrastructure levy was established to ensure Council was able to keep the roads in a satisfactory condition and not let them deteriorate to a point where they will require reconstruction and therefore, more funding. The program for rehabilitation is based on Council's Pavement Management System.

Capital Works relating to Council's roads is essentially reconstruction or rehabilitation works. This is where the road is in bad condition and reconstruction is required over the full length. In most cases, new kerb and gutter work is not provided unless covered under the Roads to Recovery Program or required due to drainage problems.

Council allocates a significant amount of funding for rehabilitation and resheeting works with the level of funding determined by the Pavement Management System. However, the current level of funding is supported by the Infrastructure Levy and the Roads to Recovery Program, which contributes approximately \$2 million or nearly 50% of the funding. These programs are currently scheduled to cease in 2006.

Further investigation is required to determine the level of maintenance funding based on those roads considered to be unsatisfactory and the accepted level of service.

FOOTPATHS AND CYCLEWAYS

Below is a table showing the current value of Council's Footpaths and Cycleways, depreciation requirements, funding allocations and internal or externally restricted reserves:

Current Total Value – WDV	\$13.96 million
Replacement Value	\$28.32 million
Depreciation Requirements	\$280,000
Estimated Cost to bring to a satisfactory standard	\$2.05 million
Annual Maintenance Allocation	\$765,000
Annual Refurbishment Program	\$185,000
Annual Capital Works Program	\$365,000
Annual Allocation to Footpath Reserve	\$200,000
Depreciation Reserves (Balance)	\$18,000

Maintenance on Council footpaths and cycleways is defined to be repairs to broken or displaced footpath. The purpose is to make the footpath safe for pedestrians and cyclists. The allocation for this work is through Council's recurrent budget and is based on three-year repair program to fix damaged and broken footpath. The program is based on the condition audit survey carried out and

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repairs have been programmed according to Council's adopted policy. The current program is a three-year program to cover repairs to all of Council's formed footpaths and cycleways.

Refurbishment of Council's footpaths would be removal and replacement of major sections of existing formed footpath that has failed or requires some form of enhancement such as in shopping centres.

Capital Works relating to Council's footpaths or cycleways is the provision of new footpaths or cycleways where none previously existed. The installation of these works is based on the likely available funding and Council's adopted priority ranking system.

Council allocates a sufficient funding for the maintenance and repair of existing footpaths to allow damaged or displaced footpath to be fixed on a three-year cycle. This is based on a survey of all existing footpaths and cycleways and the recurrent funding provided each year.

Funding for shopping centre improvements is based on available funding and allows for other improvement works to be carried out in shopping centres.

Funding for capital works is provided from available funding for works of direct community benefit and new works are based on Council's adopted priority ranking system. From time to time, Council receives funding from the RTA for cycleway projects, which usually based on 50% grant with Council to match the funding. The balance of funding for these works is provided from the capital improvements program for footpaths.

DRAINAGE

Below is a table showing the current value of Council's Drainage Systems, depreciation requirements, funding allocations and internal or externally restricted reserves:

Current Total Value	\$21.758 million
Replacement Value	\$59.208 million
Depreciation Requirements	\$463,000
Estimated Cost to bring to a satisfactory standard	\$66 million for 1 in 20 year design storms
Annual Maintenance Allocation	\$722,000
Annual Refurbishment Program	Nil
Annual Capital Works Program	\$365,000
Annual Allocation to Drainage Reserve	\$200,000
Depreciation Reserves	\$165,000

Maintenance on Council drainage systems involves repairs to damaged structures or pipes and the regular cleaning of drainage pits and pollution traps. The purpose of maintenance and repairs is to ensure the pipe systems are operating efficiently so as to prevent localised flooding. The allocation is based on the recurrent budget determined by the available resources and the level of service. Council has recently adopted a report on the maintenance of Council's drainage system.

Refurbishment of Council's drainage system is defined as the upgrading of existing drainage systems in order to meet the 1 in 20 year design storm events.

Capital Works relating to Council's drainage is defined as new works where no drainage system previously existed. The extent of this work will depend on the catchment analysis work currently being carried out and those, which have the highest priority, based on Council's adopted priority ranking system.

Council has let tenders for the assessment of the capacity of the existing drainage network for two major catchments and the findings of these studies have been completed but require further review by staff.

Council allocates a sufficient funding for the maintenance and repair of existing drainage structures based on Council's adopted level of service frequency. However, there are a significant number of drainage systems that are below capacity and have the potential to cause localised flooding of properties including habitable rooms. The extent of this capacity deficiency will be determined by the catchment analysis. Funding for these works need to be either refurbishment or capital works.

TRAFFIC FACILITIES DEVICES AND SIGNS

Below is a table showing the current value of Council's Traffic Facilities Devices and Signs, funding allocations and internal or externally restricted reserves:

Current Total Value - WDV	\$2.355 million
Replacement Value	Not known
Depreciation Requirements	Not known
Estimated Cost to bring to a satisfactory standard	\$572,111
Annual Maintenance Allocation	\$325,000
Annual Refurbishment Program	Nil
Annual Capital Works Program	\$145,000
Depreciation Reserves	Nil

Maintenance on Council traffic facilities including parking restriction and traffic warning signs is essentially related to the replacement of signposting or line marking. The purpose of maintenance and repairs is to ensure the traffic facility or sign is visible to motorists and continues to perform the function it was designed to perform.

Refurbishment of Council's traffic facilities is defined as the replacement of existing unsuitable devices.

Capital Works relating to Council's traffic facilities is the installation of new facilities where none previously existed and designed to improve traffic conditions at the determined location. Funding for these works is based on available funding, grant funding from the State and Federal Government and Council's priority ranking system.

Funding for the maintenance of traffic facilities can be from either Council or the Roads and Traffic Authority. Council allocates a sufficient funding for the maintenance and repair of existing facilities through the Trades or Civil Works budget. Funding for the installation and replacement of traffic signs is funded by the RTA under the Traffic Facilities Program.

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Council has recently adopted a revised priority ranking system to assist in determining the warrants for traffic calming devices and will be subject to Council endorsement following recommendation from the Traffic Committee.

STREET SIGNS

Below is a table showing the current value of Council's Street Signs, funding allocations and internal or externally restricted reserves:

Current Total Value – WDV	\$350,000
Replacement Value	\$650,000
Depreciation Requirements	\$65,000
Estimated Cost to bring to a satisfactory standard	\$50,000
Annual Maintenance Allocation	\$40,000 from Trades Budget
Annual Refurbishment Program	Nil
Annual Capital Works Program	Nil
Depreciation Reserves	Nil

Maintenance on Council street signs or suburb or shopping centre signs involves the replacement of damaged or faded signs. The purpose of maintenance and repairs is to ensure the signs are available and visible to motorists.

Refurbishment of Council's street signs is essentially the same as maintenance where old signs are replaced.

Capital Works relating to Council's street signs would only relate to new signs where they did not exist previously and funding for this type of work is provided through the recurrent budget.

Funding for the maintenance of street signs or signposting other than traffic facilities signs is funded through the recurrent budget in the Trades Section.

There are no funding provisions for new signs and any request for new signs if agreed is funded through the recurrent budget.

FENCING INCLUDING GUARDRAIL FENCING

Below is a table showing the current value of Council's fencing including pedestrian and guardrail fencing, funding allocations and internal or externally restricted reserves:

Current Total Value – WDV	Not known
Replacement Value	Not known
Depreciation Requirements	Not known
Estimated Cost to bring to a satisfactory standard	Not known
Annual Maintenance Allocation	\$25,000 from Trades Budget
Annual Refurbishment Program	Nil
Annual Capital Works Program	Nil
Depreciation Reserves	Nil

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Maintenance on Council fencing such as pedestrian fencing and guardrail fencing involves the repair and replacement of damaged fencing. The fencing is provided to prevent pedestrian or traffic hazards.

Refurbishment of fencing is essentially the same as maintenance where old fencing has been damaged or requires upgrading to meet new standards.

Capital Works relates to the installation of new fencing or guardrail where none previously existed. As this normally relates to a traffic safety matter, funding is usually provided through the traffic facilities recurrent budget or funding from the RTA.

CAR PARKS

Below is a table showing the current value of Council's Car Parks, funding allocations and internal or externally restricted reserves:

Current Total Value – WDV	Not known
Replacement Value	\$11.7 million
Depreciation Requirements	Not known
Estimated Cost to bring to a satisfactory standard	Not known
Annual Maintenance Allocation	Nil
Annual Refurbishment Program	Nil
Annual Capital Works Program	Nil
Depreciation Reserves	Nil

Maintenance on Council's car parks involves the repairs to potholes or pavement failures, linemarking and cleaning.

Refurbishment of Council's car parks involves improvements to existing car parks such as landscaping or reconfiguration of the car park area and resurfacing of the site.

Capital Works relating to Council's car parks would involve the provision of additional car parks where they did not previously exist.

Funding for the maintenance of car parks has not been specifically allocated in Council's budget and work on car parks is very reactionary. Funds are made available from the road maintenance budget and linemarking is funded from the Trades budget, as are any additional signs.

There is no funding provisions for new car parks but there are funds available through Section 94 restricted reserves for additional car parks or extensions to existing car parks.

PASSENGER FLEET

Below is a table showing the current value of Council's passenger fleet, funding allocations and internal or externally restricted reserves:

Current Total Value – WDV	\$2.644 million
Replacement Value	\$3.25 million
Depreciation Requirements	\$420,000
Estimated Cost to bring to a satisfactory standard	Not applicable
Annual Maintenance Allocation	\$922,500
Annual Refurbishment Allocation	Nil
Annual Capital Allocation	\$350,000
Depreciation Reserves	\$223,000

Maintenance on Council's passenger fleet is for repairs and replacement of wear and tear items, insurance and registration costs and fuel provisions. The purpose of maintenance and repairs is to ensure the vehicles are maintained and serviced to ensure good returns are achieved when the vehicles are sold.

Refurbishment of Council's passenger fleet is not applicable.

Capital Allocation relates to the provision of funding required for the change over of vehicles at an optimal time of sale. Currently, Council's change over for passenger fleet is 50,000 kms or 2.5 years.

Funding for the maintenance of Council's passenger fleet is funded from the recurrent budget with revenue obtained from the private use agreements.

There are no funding provisions for new vehicles but only for the change over of the existing fleet in accordance with the Corporate Standard and funded from the plant reserve.

OPERATIONAL PLANT

Below is a table showing the current value of Council's operational plant, funding allocations and internal or externally restricted reserves:

Current Total Value – WDV	\$6.275 million
Replacement Value	\$7.649 million
Depreciation Requirements	\$723,717
Estimated Cost to bring to a satisfactory standard	\$723,000 per annum
Annual Maintenance Allocation	\$1,712,200
Annual Refurbishment Allocation	Nil
Annual Capital Allocation	\$700,000
Depreciation Reserves	\$400,000

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Maintenance on Council's operational plant is for repairs and replacement of wear and tear items, insurance and registration costs and fuel provisions. The purpose of maintenance and repairs is to ensure the plant is maintained and serviced to ensure the plant is well utilised and kept in good condition.

Refurbishment of Council's operational plant would only relate to additional equipment being provided but this is normally included with the purchase order for new plant.

Capital Allocation relates to the provision of funding required for the change over of operational plant in accordance with Council's adopted schedule for replacement.

Funding for the maintenance of Council's operational plant is funded from the recurrent budget.

Funding for the replacement of operational plant in accordance with Council's replacement schedule is funded from the plant reserve.

OPEN SPACE ASSETS

Major asset classes relating to Open Space include the following:

- Golf Courses
- Sports Grounds
- Playgrounds
- Tennis Courts
- Swimming Pool
- Parks
- Natural Areas
- Trees

Councils provision of Open Space – Recreation facilities is based on a set of asset management principles that will ensure that facilities provided are safe and fit for their specific use and take into account future needs.

There are 3 general responses to ensure overall management of these assets.

Maintenance - this addresses expenditure and undertakings that are required to maintain the serviceable condition of an asset. Maintenance is usually regarded as programmed (tasks are anticipated, and scheduled in order to ensure the asset is fit for use eg grass-cutting, landscape maintenance). Or reactive (maintaining the safety of fit for use of an asset by responding to unforeseen events such as vandalism, graffiti, natural disasters, climatic factors etc). Maintenance is funded by Councils recurrent budgets.

Refurbishment is the tasks and activities that are required to be undertaken to an asset where over a period of time, and possibly for many reasons the condition of that asset has fallen well beyond a condition of being fit for purpose. Maintenance (either programmed or reactive) is unable or unlikely to restore the asset to a reasonable condition. Funding for refurbishment is sourced from both recurrent or capital budgets, dependent upon the scale of refurbishment required and current

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priorities. For instance general refurbishment of parks infrastructure is being undertaken from recurrent budgets whilst significant refurbishment of Council's Pool is a capital program specifically identified in Council's 10 Year Financial Model.

Capital Works (Enhancement/Replacement). When significant improvements are required to an asset to ensure that it satisfies its intended use or the asset has reached the end of its useful life and requires replacement, a capital works project is undertaken. Capital works are generally funded from sources other than recurrent and may include internally or externally restricted reserves, grants, loan, levies and Council funds either specifically allocated to be achieved through operational savings.

Golf Courses

Below is a table showing the current value of the courses, depreciation requirements, funding allocations and restricted reserves.

Current total value WDV	\$4,985,000
Replacement Value	Not available
Depreciation requirements	Nil
Estimated cost to bring to satisfactory condition	(Based on draft 10 year master plan) \$3,295,000
Annual Maintenance allocation	\$1,136,500
Annual Refurbishment Allocation	Included in maintenance allocation
Annual Capital Works Allocation	\$250,000 (average, may vary year to year with implementation of plan)
Golf Course Improvement Levy (balance)	\$114,000

Maintenance of the golf courses is defined to be works required to maintain the course in safe, attractive working order for use by golfers. It includes regular and seasonal programmed tasks such as grass cutting, greens tee and landscape maintenance and bi annual renovation of green and tee playing surfaces. Minor or urgent repairs caused by damage or failure are also undertaken as maintenance and are funded by the annual maintenance allocation.

Refurbishment due to the nature of the courses, their management, horticultural refurbishment is generally not required except for actions required following periods of exceptional climatic. Other refurbishment includes restoration of course infrastructure such as paths, fences and irrigation systems. These expenses are met from the recurrent budget.

Capital Works

At the courses these works are those that implement improvements identified in the Golf Course Master Plans. A review of the master plan is currently taking place with a 10 year program for the implementation of priority projects.

Sportsgrounds

Below is a table showing the current value:

Current Total Value - WDV	Not available
Replacement Value	Not available
Depreciation Requirements	\$320,000
Estimated Cost to bring to a satisfactory standard	\$4,800,000 over 15 years
Annual Maintenance Allocation	\$1,844,500
Annual Refurbishment Allocation	Included in maintenance allocation
Annual Capital Works Allocation	\$320,000 per annum
Sportsgrounds Reserve (Balance)	\$85,000

Maintenance in relation to sports grounds refers to all general horticultural tasks required to ensure that sports grounds remain serviceable for their intended use, as well as minor items relating to general facility maintenance. Maintenance covers activities that are both planned and reactive in nature and is sourced from Councils Maintenance Budget.

Refurbishment in relation to sports grounds are activities that are regarded as generally being beyond that of maintenance. Due to the size of the asset and the extent to which it is currently degraded much of the refurbishment is beyond that which can be funded by recurrent funds. The prioritisation process that Council has adopted for sports grounds recognises the need to refurbish facilities as one of the criteria for determining expenditure of funds.

Capital Works relating to Sportsgrounds involves the undertaking of significant improvements to the site that ensures it better meets future needs.

The types of activities undertaken as part of sportsgrounds capital works include:

- Floodlights – installation where it does not exist and is desirable or enhancement to current Australian Standards where existing floodlighting is of insufficient quality.
- Surface upgrades including reconstruction, re-profiling drainage, resurfacing and reconfiguration.
- Automated irrigation including the reuse and recycling of site water.
- Associated sporting infrastructure such as fencing, cricket pitches, practice facilities etc.

Playgrounds

Below is a table that shows the current value of Council's playgrounds, depreciation requirement, funding allocations and internally or externally restricted reserves.

Current total value WDV	Not Available
Replacement Value	Not Available
Depreciation requirements	\$150,000
Estimated cost to bring to satisfactory condition	\$1.5 million over 10 years
Annual Maintenance allocation	\$123,500
Annual Refurbishment Program	\$12,350
Annual Capital Works Program	\$150,000 (average, may vary year to year with implementation of plan including grants and Section 94)
Playground Reserve	\$56,000

Maintenance consistent with the definitions outlined earlier in the report, include all those tasks and activities, both planned and reactive to maintain the serviceability of the playground. Activities such as scheduled inspections, raking and replacement of soft fall mulch, minor repairs to broken or worn out equipment and vandalism repairs. Maintenance activity is funded from Council's recurrent budget and includes non-scheduled equipment replacement .

Refurbishment of playground, also funded from Council's recurrent budgets refers to the overhaul or the renovation of an existing playground. In the 10 year adopted program those playgrounds that are indicated from year 5 of the program onwards are targeted. Refurbishment refers to replacement of equipment identified as being of high risk in external audits and general renovation of the asset to ensure that it will remain serviceable until expenditure is allocated against the site under the capital works program.

Capital Works for playgrounds is the component of the program that delivers a new or considerably enhanced asset. The capital works program is identified by the prioritisation process that has identified areas of deficiency of playground provision and quality opportunities ranked in order of priority and adopted by Council. Council is currently in year 2 of a 10 year program to undertake capital improvement of its playground asset.

Tennis Courts

Current Total Value – WDV	\$10,551,000
Replacement Value	Not Available
Depreciation Requirements	Nil
Estimated Cost to bring to a satisfactory standard	\$2,970,782
Annual Maintenance Program	\$107,200
Annual Refurbishment Program	Included in maintenance allocation
Annual Capital Works Allocation	\$120,000
Tennis Court Reserve	Nil

Maintenance of tennis courts refers to those tasks that are required on an ongoing basis to ensure that the courts remain fit for use. This work funded from Council's recurrent budgets includes items such as fence and net repairs, cleaning and minor repairs to court surfaces, linemarking, repairs to floodlights and response to vandalism and graffiti.

Refurbishment of Council's tennis courts is work that is required to reinstate the general condition of the asset. Including such items as resurfacing (replacing) flexipave surfaces or replacing synthetic surfaces, fence, floodlighting replacement, it is work that has been required to address a decline in asset condition over a period of years. A program of refurbishment has been utilised allowing a number of formerly closed courts to be re-opened. Refurbishments are generally funded from Council's recurrent budgets.

Capital Works for tennis courts relates to those works that deliver a significant enhancement over the base asset. Works include conversion of hard surface courts to synthetic grass surfaces (a high priority of users), installation of lighting or substantial upgrade, improvements to access or enhancement of the facilities (shelter, amenity, seating and landscaping) that support the courts. The business plan for the tennis courts identified and prioritised a number of works in relation to the courts and a funding model identified for a 10 year program.

Swimming Pool

Current Total Value – WDV	\$699,000
Replacement Value	Not Available
Depreciation Requirements	\$300,000
Estimated Cost to bring to a satisfactory standard	\$1.5 million dollars
Annual Maintenance Allocation	Approximately \$40,000 per annum
Annual Refurbishment Program	Not budgeted for
Annual Capital Works Allocation	\$300,000
Swimming Pool Reserve (Balance)	\$30,000

Maintenance of the swimming pools located at West Pymble is defined as those tasks that will address the pools ability to be serviceable day to day. Responsibilities for maintenance and ongoing management of this asset are defined within the lease that exists for the facility. Council does spend approximately \$40,000 per year in meetings its responsibilities towards ongoing maintenance.

Refurbishment relating to the pool is a significant undertaking for Council. A condition audit of the facility undertaken in 2002 highlighted approximately \$1.5 million of refurbishment that is required to address issues of compliance and declining asset condition. Council has established a 5 year funded program to undertake these works. Stage 1 works are due to commence in April and Stage 2 works currently in tender evaluation are due to begin in July prior to the 2004/05 pool season.

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Capital Works for Council's pool relate to a wide range of enhancements from items such as the installation of shade structures to a major redevelopment of the facility. A draft business strategy has been prepared to consider future options for redevelopment of this facility.

Parks

Current Total Value – WDV	Not known
Replacement Value	Not known
Depreciation Requirements	\$200,000
Estimated Cost to bring to a satisfactory standard	Not available
Annual Maintenance Allocation	\$1,085,600
Annual Refurbishment Program	Included in recurrent budget
Annual Capital Works Program	Approximately \$200,000 per annum
Parks Reserve (Balance)	\$30,000

Maintenance of Council's parks and landscaped areas refers to all general horticulture tasks required to ensure that parks remain attractive, safe and useable for their intended purposes, as well as minor items relating to general facility maintenance such as paths, signs, seating, BBQs, shelter and fences, etc. Maintenance covers activities that are both planned and reactive in nature. Funds are sourced from Council's recurrent maintenance budget.

Refurbishment in relation to parks includes activities that are beyond the scale of normal day to day maintenance to ensure that the asset meets its intended use. Initial programs have been developed for refurbishment activities to be undertaken at some locations, but much work is still required in respect of asset auditing and prioritisation. Whilst the full scale of required refurbishment will most likely be outside the ability of recurrent funds to address, the development of a prioritised program is the most likely process forward.

Capital Works for parks involves the enhancement or development of an open space area beyond its current level of provision. Funded from Council's capital works budget the program is currently aimed at provision and enhancement of leash free areas, addressing additional park needs whilst playgrounds are being upgraded and for significant upgrades of our highest profile and heavily utilised areas such as bicentennial and Wahroonga Parks.

Natural Areas

Current Total Value - WDV	Not available
Replacement Value	Not available
Depreciation Requirements	Not available
Estimated Cost to bring to a satisfactory standard	Not available
Annual Maintenance Allocation	\$2,233,000
Annual Refurbishment Program	Included in maintenance
Annual Capital Works Program	Nil
Natural Areas Reserve (Balance)	\$60,000

Maintenance of natural areas is undertaken through a range of programs including access (fire and walking trails) firebreak maintenance, noxious weeds regeneration, pest eradication, hazard reduction amongst others.

Tasks undertaken are prioritised to areas of highest sensitivity, high potential impact and /o0r greatest risk. Council's recurrent budgets generally address these areas.

Refurbishment of natural areas has a strong degree of overlap as the goal of most natural area management is the reinstatement of pre-existing condition. Most of this work is funded as specifically prioritised projects from within Council's recurrent sources although grant funding and occasional capital funds are utilised.

Capital Works in relation to natural areas mostly refers to the implementation of specific projects or structures to assist in the long term management of Council's natural areas. Projects may include the creation of bio retention ponds or wetlands, structures to intercept pollutants or construction of formalised tracks to facilitate safe access for recreational use or risk management.

Trees

Current Total Value – WDV	Not available
Replacement Value	Not available
Depreciation Requirements	Not available
Estimated Cost to bring to a satisfactory standard	Not available
Annual Maintenance Allocation	\$951,600
Annual Refurbishment Program	Not applicable
Annual Capital Works Program	\$120,000
Tree Planting Reserve	\$35,000

Maintenance of Council's tree asset has been primarily driven by requests for service from the community. Ultimately this approach is unsustainable. Council has adopted a pro-active management policy designed to extend the effectiveness life of our trees and reduce the risk exposure of Council. Increasing amounts of Council's budget will be committed to pro-active management under this policy. General Requests include tree pruning removal, stump grinding, clearing for access, replacement planting and reactive requests for planting.

Capital Works for trees refers to Council's Canopy replenishment program of street tree and open space planting which is funded by Council's capital works program for works of direct community benefit.

CONSULTATION

Not applicable

FINANCIAL CONSIDERATIONS

The financial information in the report is based on the financial accounting standards and Council's Long Term Financial Model.

CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

Consultation has taken place with the Finance and Business Section with regard to the budget and depreciation reserves.

SUMMARY

The definitions provided in this report are intended to provide as a basis for determining the type of work to be carried out and the funding sources available from Council's Long Term Financial Model and established reserves.

RECOMMENDATION

That the definitions for the various asset classes as detailed in the report be adopted by Council for the purpose of assigning program funding and allocation of internally restricted reserves.

Greg Piconi
Director Technical Services

Steven Head
Director Open Space

John McKee
Director Finance and Business Development

22-24 HENRY STREET GORDON - RESIDENTIAL FLAT BUILDING

EXECUTIVE SUMMARY

PURPOSE OF REPORT:	To report on the issues raised at the Council site inspection and seek Council's determination of the development application.
BACKGROUND:	<ul style="list-style-type: none">• Application lodged 27 August 2003• Council considered a report at its meeting on 17 February 2004• Consideration deferred pending a site inspection• Council site inspection took place on 28 February 2004• Issues were raised at the site inspection
COMMENTS:	The issues raised at the site are addressed in this report.
RECOMMENDATION:	Approval, subject to conditions.

PURPOSE OF REPORT

To report on the issues raised at the Council site inspection and seek Council's determination of the development application.

BACKGROUND

- Application lodged 27 August 2003
- Council considered a report at its meeting on 17 February 2004
- Consideration deferred pending a site inspection
- Council site inspection took place on 28 February 2004
- Issues were raised at the site inspection

ISSUES RAISED AT THE SITE INSPECTION

Eight issues were raised at the site inspection. Brief comments are provided below in relation to each of the issues.

Issue 1 – That a photographic record (via condition) be requested and provided to Council and the Historical Society.

A condition of consent is recommended requiring the applicant to provide a photographic record of the existing buildings to be provided to Council for archival purposes. **See condition 79.**

Issue 2 – Recycling of Materials

In the waste management plan submitted with the development application, waste building materials will be taken away by Building Recyclers Pty Ltd. A condition of consent will be imposed requiring the recycling of materials. **See condition 21.**

Issue 3 – That further heritage/urban design impact assessment be undertaken and assessed, particularly in relation to the adjoining properties at the rear of the site.

The heritage item on the adjoining property at the rear of the subject site at 707 Pacific Highway Gordon is known as “Tulkiyan”. The item is listed in Schedule 7 – Heritage Items (Part 1), of the Ku-ring-gai Planning Scheme Ordinance (KPSO) as a building with a significant interior.

Council’s Heritage and Urban Design Adviser believes the proposed development will not detract from the heritage item as it has an attractive design and has sufficient separation from “Tulkiyan”. The proposed development will be approximately 30 metres from the heritage item.

The setback, design and associated landscaping (including existing trees at the rear of No.707 Pacific Highway Gordon) will not impact on the heritage significance of “Tulkiyan”.

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A dilapidation report on all adjoining properties will be required for the excavation of the site prior to the commencement of works. **See Condition No.16.** In addition, a condition requiring an assessment of potential vibrations caused by the method of excavation will need to be submitted to the Principal Certifying Authority for approval, prior to the release of the Construction Certificate and prior to the commencement of any excavation on site. **See condition No.58.**

Issue 4 – That a numerical analysis for deep soil planting be provided in relation to each boundary and that the setbacks to both the basement car park and building above be clarified.

The proposed built upon area is 47% of the site area. Of the 53% of land available for landscaping, 37% is suitable for deep soil planting. The generous front, side and rear setbacks will accommodate substantial deep soil planting.

The minimum setbacks for the basement car park are as follows:

- Front – 8.3 metres (northern point) and 11.3 metres (southern point)
- Rear – 5 metres
- Southern boundary – 4 metres
- Northern boundary 6 metres

The minimum setbacks for the ground floor of the building are as follows:

- Front – 9.6 metres (northern point) and 12.2 metres (southern point)
- Rear – 5.5 metres
- Southern boundary – 6.7 metres
- Northern boundary – 5 metres to entry, 7.5 metres to external wall

Issue 5 – That adequate landscape treatment to be provided within the front setback area to compensate for the height of the development as seen from Henry Street and particularly adjoining the driveway opening.

Council's Landscape Officer is satisfied that the proposed development will have adequate landscape treatment. The proposal will retain a significant gum tree in the south-eastern corner along with numerous street trees. Behind the front boundary, mass planting of shrubs and trees is proposed. The driveway is curved so as to avoid a "gun-barrel" appearance. Three Chinese Pistachio trees are proposed within the front setback, two of which will be adjacent the driveway. Chinese Pistachio trees have the potential to grow to a height of between 8 and 12 metres. The proposed landscape treatment is adequate.

Issue 6 – Provide a more detailed assessment in relation to the extent of the FSR departures.

Standard	Requirement	Proposal	Departure
Total FSR	0.85:1	1.08:1	27%
FSR minus attic space and storage areas	0.85:1	0.88:1	3%

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The non-compliant floor space is predominantly attributable to the subfloor storage area and attic space. The two areas are not in prominent parts of the building and do not contribute to the bulk and scale of the building. The storage area is below the ground floor while the attic rooms utilise area the area traditionally used as roof space. The design of the building can accommodate the departure from the specified FSR requirement.

Issue 7 – That the design and proposed materials of the front fence be clarified and re-assessed and that possible retention of the street trees be explored.

The proposed front fencing will be constructed of masonry to match the face brick used the construction of the building. The fencing will be a maximum of 800mm in height.

The original proposal was to retain all street trees. The original position of the driveway was opposite the intersection, across the road from the subject site. In order to comply with AS 2890.1 – Parking Facilities, the driveway was relocated at the expense of the street tree. The relocation of the driveway lessens the impact on the significant Eucalypt in the south-eastern corner of the site. The street tree is less significant than the Eucalypt and its removal is acceptable to Council's Landscape Officer.

Issue 8 – That a submission from an adjoining property (Pat Rankin) owner be re-assessed in greater detail in relation to privacy and noise impacts to bedroom and bathroom areas.

At the request of the Councillors a re-assessment of the impact on the adjoining property (711 Pacific Highway Gordon) has been carried out. An inspection of 711 Pacific Highway was carried out on 3 March 2004 in the presence of Mrs Rankin (the owner of 12/711 Pacific Highway). The assessment has revealed:

- The bedroom and bathroom of 12/711 Pacific Highway will be higher than the roof top terraces.
- The communal roof top terrace will be greater than 30 metres from the bedroom and bathroom of 12/711 Pacific Highway. The communal roof top terrace is small at (40m²), preventing a large congregation of people.
- The closest private roof top terrace to 12/711 Pacific Highway will be 30 metres. The private roof top terraces will be screened from 12/711 Pacific Highway by the roof top attics.
- There is established landscaping at 711 Pacific Highway that will screen the proposed development from the bedroom and bathroom of 12/711 Pacific Highway. Additional landscaping is proposed as part of the development.

The re-assessment has revealed that the proposed development will have sufficient separation between the roof top terracing and adjoining properties, particularly 12/711 Pacific Highway so as to not result in any loss of privacy or in any additional noise levels.

SUMMARY

The issues raised at the site inspection have been satisfactorily addressed, and the application is recommended for approval subject to the conditions.

RECOMMENDATION

That development application No.1078/03 for the demolition of two existing dwellings and the construction of a residential flat building consisting of 12 x 3 bedroom units, be approved subject to the following conditions:

GENERAL CONDITIONS

1. The development to be in accordance with Development Application No. 1078/03 and Development Application Plans prepared by Vanovac Associates reference number Dwg No's DA 200 to DA 205 and Dwg No's DA 300 & DA 301 dated 12 December 2003.
2. All building works shall comply with the requirements of The Building Code of Australia
3. The works set forth in the plans and specifications and approved under this consent, once commenced, shall be completed within two (2) years from the date of commencement.
4. The approved building shall not be occupied unless the development has been completed in accordance with all conditions of consent and the approved plans and a Occupation Certificate has been issued.
5. 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.
6. 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.
7. 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.
8. Whilst work on Saturdays may be performed until 5.30pm, such work or any associated activities shall not involve the use of any noise generating processes or equipment.
9. For the purpose of public safety, a sign shall be erected on the site prior to any work commencing which is clearly visible from a public place stating that unauthorised entry to the site is not permitted and showing the name of the builder or another person responsible for the

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site and a telephone number for contact outside working hours. The sign may only be removed on satisfactory completion of the works.

10. A sign shall be erected in a prominent position on the site which states the name and contact details of the Principal Certifying Authority.
11. All excavations shall be properly guarded and protected with hoardings or fencing to prevent them from being dangerous to life and property.
12. Compliance with the notations overdrawn on the consent plans.
13. To maintain existing ground levels all excavated material shall be removed from the site.
14. Any excavation of rock involving hydraulic or compressed air rock hammers or other excavation equipment shall comply with the requirements of Council's Code for the Control and Regulation of Noise on Building Sites.
15. No rock breaking or other machinery for the excavation, drilling or removal of rock shall be used on the site without the prior approval of the Principal Certifying Authority. Should rock breaking or associated machinery be required, the following details are to be submitted to the Principal Certifying Authority for consideration:
 - a. The type and size of machinery proposed.
 - b. The routes of all trucks to convey material to and from the site.
 - c. A report by a Geotechnical Engineer detailing the measures recommended in undertaking the work so as to prevent any damage to any adjoining or nearby buildings.
16. With regard to the proposed rock breaking the following conditions are to be observed:
 - a. The Geotechnical Engineer shall supervise the works in progress.
 - b. A dilapidation report on adjoining or nearby properties shall be prepared prior to any excavation, rock breaking, or associated work commencing and shall be submitted to the Principal Certifying Authority.
 - c. All material removed from or imported to the site shall be loaded, unloaded or conveyed in such a manner that will minimise nuisance. Trucks shall be covered and site controls shall include shaker grids at the exits of the site. All materials falling to any part of the road or footpath or any public place shall be immediately cleaned up.
 - d. All material removed from or imported to the site shall be loaded, unloaded or conveyed in such a manner that will minimise nuisance. Trucks shall be covered and site controls shall include shaker grids at the exits of the site. All materials falling to any part of the road or footpath or any public place shall be immediately cleaned up.
17. 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.

18. 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.

19. 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.
20. The demolition is to be carried out in accordance with the guidelines contained in Australian Standard 2601-1991: The Demolition of Structures.
21. All demolition materials of value for re-use either on-site or elsewhere, shall be separated and made available for re-cycling.
22. Access to demolition sites shall be protected as directed by the Principal Certifying Authority by the use of suitable fences or hoardings.
23. 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.

24. Erosion control measures shall be provided on demolition sites to prevent the siltation of watercourses and drainage systems.
25. 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;

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- 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.
26. 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.
27. 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.
28. All combustible material shall be removed from the site on a daily basis. Material shall not be burnt on the site.
29. A sign must be erected in a prominent position on any work site on which work involved in the erection or demolition of a building is being carried out:
- a. stating that unauthorised entry to the work site is prohibited, and
 - b. showing the name of the person in charge of the work site and a telephone number at which that person may be contacted outside working hours.
30. Any such sign is to be removed when the work has been completed.
- This clause does not apply to:
- a. building work carried out inside an existing building, or
 - b. building work carried out on premises that are to be occupied continuously (both during and outside working hours) while the work is being carried out.
31. For stormwater control a (minimum) 200mm wide grated channel/trench drain with heavy duty removable galvanised grates is to be provided at the base of the ramped driveway and be connected to the stormwater drainage system.
32. For stormwater control all paved areas are to be drained to the main drainage system.
33. Stormwater runoff from all hard surfaces, or landscaped areas which are not at natural ground level, shall be piped to the street drainage system via the site drainage system, including on-site detention. Drainage line connections to the kerb shall conform and comply with the detailed requirements contained within Council's Plan No82/024 ("Connections of Drainage Lines to Kerb and R.C. Pipe"). Drainage crossings of the footway area shall be via suitably sized galvanised RHS. To ensure compliance with this condition, a Certificate from the

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installer is to be submitted to the Principal Certifying Authority prior to issue of the Final Compliance Certificate.

34. For stormwater control, an On-site Stormwater Detention is to be provided in accordance with Council's Stormwater Management Manual and generally in accordance with the stormwater drainage details by S&E Ivanov Consultancy, drawings 1 and 2, amendment B, dated 8/12/2003. An overflow is to be incorporated that will direct any excess flow to the downstream drainage system and subsoil drainage is to be provided from the underside of the sediment control sump to the outlet line or other approved location.

The system is to be cleaned regularly and maintained to the satisfaction of Council.

- NOTE 1: The on-site stormwater detention system and property drainage system is not to require excavation or fill underneath the canopy areas of any trees to be retained unless as approved by a qualified arborist's certification that such excavation will not affect the longevity of the subject tree(s).
- NOTE 2: If the applicant wishes to vary the prescribed storage and outflow volumes contained in Council's Stormwater Management Manual, a detailed analysis must be provided following the guidelines set out in Council's requirements for on-site detention with full computations accompanying the submission including a flood routing analysis.
- NOTE 3: All roof, driveway and other hard-surface runoff water is to be intercepted and directed to the on-site stormwater detention system. If some areas of hard-surface are unable to be directed to the detention system an adjustment to the rate of discharge is to be made to attain the required site discharge.
- NOTE 4: If a landscaped surface type detention system is used the storage volume required is to be increased by 20%.
- NOTE 5: The standard Council On-site Stormwater Detention Calculation Sheet is to be completed and included on design drawings.

35. 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 minimise and/or eliminate unnecessary erosion and loss of sediment. These facilities are to be maintained in working order during construction works and up to the completion of the maintenance period. All sediment traps are to be cleared on a regular basis and after each major storm, and/or as directed by the Principal Certifying Authority, with all silt being removed from the site, or to an approved location within the site.
36. The relocation or adjustment of any utility service facilities are to be carried out by the Applicant in accordance with the requirements of the utility authority at no cost to Council.
37. The public footways and roadways adjacent to the site are to be maintained in a safe condition, at all times, during the course of the works. A safe pedestrian circulation route and

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an area free of trip hazards must be maintained at all times on or adjacent to the public footways fronting the construction site. Where circulation is diverted on to the roadway clear directional signage and protective barricades must be installed in accordance with Aust 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.

38. The excavation and development works must be undertaken in accordance with the recommendations of the Geotechnical report to be prepared under the conditions of this consent.
39. Provision of suitable oil separator units in the drainage systems of basement carparking areas which are designed to remove oils and sediment from any water runoff from these areas prior to discharge to the stormwater system.
40. To prevent surface stormwater from entering the building, the finished habitable ground floor level(s) of the building shall be a minimum of 150mm above adjacent finished ground level(s). The entire outside perimeter of the building must have overland flow escape routes which will protect all finished floor levels from flooding during times of complete subsurface drainage blockage.
41. A maintenance period of six (6) months shall apply to the work in the public road carried out by the Applicant after it has been completed to Council's satisfaction. In that period, the applicant shall be liable for any section of the work which fails to perform in the manner outlined in Council's specifications, or as would reasonably be expected under the designed conditions.
42. 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 AS 2890.1 – "Off-Street car parking".
43. The access driveway must be widened to provide a minimum clear width of 5.5 metres for the first 6 metres from the frontage roadway (kerb alignment). The driveway may then taper back to the design width. This requirement is for provision for two vehicles to pass at a designated point on the driveway.
44. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained. 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.
45. A Tree Preservation Order exists within the Ku-ring-gai Council area whereby the removal, lopping or destruction of any tree exceeding 5.0 metres in height or 4.0 metres in canopy

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spread (except where exempt as defined under Council's Tree Preservation Order) without prior written consent of Council is prohibited.

46. Release of the Construction Certificate gives automatic approval to the removal ONLY of those trees located on the subject property within the footprint of a proposed new building/structure or within 3.0 metres of a proposed new dwelling. Where this application is for a building/structure other than a dwelling then ONLY trees within the area to be occupied by this building/structure may be removed. Other trees SHALL NOT be REMOVED or DAMAGED without an application being made under Council's Tree Preservation Order.
47. The landscape works shall be completed prior to issue of final Certificate of Compliance and maintained in a satisfactory condition at all times.
48. REMOVAL of the following tree/s from Council's nature strip to permit vehicular access shall be undertaken at no cost to Council by an experienced Tree Removal Contractor/Arborist holding Public Liability Insurance amounting to a minimum cover of \$10,000,000.

Tree/Location

Alectryon tomentosus (Rambutan) x 1
Henry St nature strip within proposed driveway crossover

49. Tree roots between 10mm and 50mm diameter, severed during excavation, shall be cut cleanly by hand and the tree subsequently treated with a root growth hormone and wetting agent, by an experienced Arborist/Horticulturist with a minimum qualification of the Horticulture Certificate or Tree Surgery Certificate.
50. 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/Location

Radius From Trunk

Eucalyptus species (Eucalypt)
South east site corner

9.0 metres

Ceratopetalum gummiferum (NSW Xmas Bush)
Adjacent to southern site boundary

3.0 metres

51. Excavation for the installation of CONDUITS/SEWER/STORMWATER/GAS within the specified radius of the trunk/s of the following tree/s shall be carried out using the thrust boring method. Thrust boring shall be carried out at least 600mm beneath natural ground surface at the tree/s to minimise damage to tree/s root system. Documentary evidence of compliance with this condition shall be submitted to Council with the final Certificate of Compliance.

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Tree/Location	Radius From Trunk
<i>Eucalyptus species</i> (Eucalypt) South east site corner	9.0 metres

52. The applicant shall ensure that at all times during the construction period no activities, storage or disposal of materials shall take place beneath the canopy of any tree protected under Council's Tree Preservation Order.
53. On completion of the LANDSCAPE WORKS/TREE PLANTING OR SCREEN PLANTING, a Landscape Architect or qualified Landscape Designer shall submit a report certifying correct installation, faithful to the landscape plan to the Principal Certifying Authority with a copy to Council, prior to issue of final Certificate of Compliance.
54. All builders' refuse, spoil and/or material unsuitable for use in landscape areas shall be removed from the site on completion of the building works.
55. To preserve the ongoing health and vigour of existing trees to be retained on site the proposed masonry wall within the front setback on the southern site boundary is to be deleted.
56. A construction management plan must be submitted for the approval of Council's Development Engineer before the commencement of demolition, excavation or construction works. The Plan must:
 - a. **Describe the anticipated impact of the construction works on:**
 - ☐ local traffic routes
 - ☐ pedestrian circulation adjacent to the building site;
 - ☐ and on-street parking in the local area; and;
 - b. **Describe the means proposed to:**
 - ☐ manage construction works to minimise such impacts;
 - ☐ provide for the standing of vehicles during construction;
 - ☐ provide for the movement of trucks to and from the site, and deliveries to the site; and
 - c. **Show the locations of:**
 - ☐ any site sheds and any anticipated use of cranes and concrete pumps;
 - ☐ any areas of Council property on which it is proposed to install a construction zone, or to erect structures such as hoardings, scaffolding or shoring, or to excavate.

The Plan must make provision for all materials, plants, etc. to be stored within the development site at all times during construction. Structures or works on Council property such as hoardings, scaffolding shoring or excavation need separate consent from Council. Standing of cranes and concrete pumps on Council property will need consent on each occasion.

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Note: A minimum of eight weeks will be required for assessment. Work must not commence until the Construction Management Plan is approved. Failure to comply with this condition may result in fines and proceedings to stop work.

- 57. To maximise privacy and to reduce the overlooking of adjacent properties, it is required that a planter box with a minimum planting width of 1.0 metre be included adjacent to the roof top terraces, to allow plantings for small shrubs to attain a minimum height of 1.0 metre.**

PRIOR TO COMMENCEMENT OF ANY DEMOLITION, EXCAVATION OR BUILDING WORKS

58. A Geotechnical Report with supporting information (including borehole investigations of founding material) must be prepared and submitted to the Principal Certifying Authority (PCA) for approval, prior to issue of a Construction Certificate and prior to commencement of any excavation on the site. The report must include geotechnical investigations to determine the design parameters appropriate to the specific development and site. This would typically include:
- ☐ Location of nearby foundations/footings (site and neighbouring)
 - ☐ Proposed method of excavation
 - ☐ Permanent and temporary support measures for excavation
 - ☐ Potential settlements affecting footings/foundations
 - ☐ Ground-water and associated impacts (if any)
 - ☐ Proposed batter slopes
 - ☐ Potential vibration caused by method of excavation
 - ☐ De-watering including seepage and off site disposal rate (where required)

The Report must also include professional recommendations on appropriate construction techniques to ameliorate any potential adverse impacts. The report is to be prepared by a suitably qualified and practising Geotechnical Engineer with previous experience in such investigations and construction techniques. All works must proceed in accordance with the recommendations of the geotechnical report to be prepared.

59. Prior the commencement of any works on the site and prior to issue of the Construction Certificate the Applicant shall submit, for concurrence by Council Engineers, a Construction and Traffic Management Plan specific to the subject site. This is due to the proximity of site to schools and the station. The plan must be prepared by a qualified civil/traffic engineer in general 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). The following matters must be addressed:

Heavy Vehicle Routes

Details of the proposed route of heavy vehicles servicing the site. Light traffic roads and those subject to a load limit are to be avoided.

Safe Ingress and Egress

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How the site will be safely accessed by all vehicles servicing the site including provision for forward ingress and egress and details of traffic control for the site, including provision of a flagperson to control vehicle movements to and from the frontage street.

How safe egress for vehicles will be controlled on those occasions where forward egress is not possible.

How pedestrians (particularly school children) will be safely managed across the frontage of the site.

Parking Control

The provision of on-site parking for employee, tradesperson and construction vehicles.
Maintenance of existing "No Parking" restrictions over the site frontage.

Stages

The Plan must recognise the different stages of the work, including site establishment, bulk excavation, concrete pours and tradesperson and landscaper access, and specify the traffic management requirements of each stage.

NOTE 1: The Traffic Control Plan shall be submitted to and reviewed by council, attention Development Engineer. A written response from Council shall be obtained prior to the issue of the Construction Certificate. The Plan shall be prepared by a suitably qualified and experienced traffic consultant and be certified by this person as being in accordance with the requirements of the above-mentioned documents and the requirements of this condition. Evidence of RTA concurrence, as required above, is to be lodged concurrently with Council. An assessment fee applies to the review of the Plan

NOTE 2: The traffic management measures contained in the approved plan shall be implemented in accordance with the plan prior to the commencement of any works on-site including excavation.

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. 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

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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. 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 TEN (10) ADDITIONAL DWELLINGS IS CURRENTLY \$259,935.30. The amount of the payment shall be in accordance with the Section 94 charges as at the date of payment. The charges may vary at the time of payment in accordance with Council's Section 94 Contributions Plan to reflect changes in land values, construction costs and the consumer price index.

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

1.	Preparation of New Residents Kit	\$10.98
2.	New Resident Survey	\$9.87
3.	New child care centre (including land acquisition and construction of facility)	\$252.13
4.	Additions/alterations to Acron Rd child care centre for additional 20 places	\$2.41
5.	New Library bookstock	\$17.95
6.	New Public Art	\$2.93
7.	Acquisition of Open Space - Gordon	\$7,851.00

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8.	Koola Park upgrade and reconfiguration	\$143.09
9.	North Turrumurra Sportsfield development	\$986.80
10.	Section 94 2000-2003 Study and Interim Plan preparation cost	\$49.34
11.	Section 94 Officer for period of Plan 2000-2003	\$118.42

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

OCCUPANCY RATES FOR DIFFERENT DWELLING SIZES

Small dwelling (under 75 sqm)	1.25 persons
Medium dwelling (75 - under 110 sqm)	1.75 persons
Large dwelling (110 – under 150sqm)	2.75 persons
Very Large dwelling (150sqm or more)	3.5 persons
New Lot	3.5 persons

64. Prior to issue of the Construction Certificate the Applicant shall submit, for approval by the Principal Certifying Authority (PCA), details showing the access driveway widened to provide a minimum clear width of 5.5 metres for the first 6 metres from the frontage roadway (kerb alignment). The driveway may then taper back to the design width.
65. Prior to issue of the Construction Certificate the Applicant shall submit, for approval by the Principal Certifying Authority (PCA), design details for provision of a (minimum) 3000 litre rainwater tank(s) within the subject property. This is to promote water-reuse on the site. The tank(s) shall designed to capture and retain runoff from at least one roof downpipe after which runoff bypasses the tank and reverts to the main drainage system. Design drawings are to be prepared by a suitably qualified and experienced civil/hydraulic engineer.

NOTE 1: The tank is to be located at or above existing natural ground level.

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

NOTE 3: The tank must not be located on the street façade of a block.

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

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

NOTE 6: The tank is to be a commercially manufactured tank designed for the use of water supply and to be installed in accordance with manufacturers specifications.

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

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

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NOTE 9: The tank is to be fitted with measures to prevent mosquito breeding.

NOTE 10: Upon completion, certification from a suitably qualified person is to be submitted to the Principal Certifying Authority with respect to this condition being satisfied

66. The property drainage system (including but not limited to gutters, downpipes, pits, joints, flushing, pumping facilities and all ancillary plumbing) shall be designed and based upon a 235mm/hour rainfall intensity for a duration of five (5) minutes (1:50 year storm recurrence) for impervious surfaces. Design drawings and calculations are to be prepared by a suitably qualified and experienced civil/hydraulic engineer in accordance with Council's Stormwater Management Manual and the national Plumbing and Drainage Code. These must be submitted to and approved by the Principal Certifying Authority (PCA) prior to issue of the Construction Certificate.

NOTE 1: The property drainage system is not to require excavation or fill underneath the canopy areas of any trees to be retained unless as approved by a qualified arborist's certification that such excavation will not affect the longevity of the subject tree(s).

NOTE 2: If the proposed drainage system involves piping underneath or within the building then the designer is to certify that the design is in accordance with AS3500.3.2:1998 and the BCA.

NOTE 3: All enclosed floor areas, including habitable and garage floor levels, are to be safeguarded from outside stormwater runoff ingress by suitable differences in finished levels, gradings and provision of stormwater collection devices.

67. Full construction drawings of the proposed method of achieving Council requirements for on-site stormwater detention and all supporting calculations are to be prepared by a suitably qualified and experienced civil/hydraulic engineer. These must be submitted to and approved by the Principal Certifying Authority (PCA) prior to issue of the Construction Certificate.

68. DRIVEWAYS AND FOOTPATHS: Approval of this Development Application is for works wholly within the property and 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.

Footpath and driveway levels at the property boundary/road alignment are to be obtained from Council prior to release of the Construction Certificate. All footpaths and driveways are to be constructed strictly in accordance with Council's specifications "Construction of Gutter Crossings and Footpath Crossings". This is issued with alignment levels after completing the necessary application form at Customer Services and payment of the appropriate fee.

The grading of such footpaths or driveways outside the property are to comply with Council's standard requirements. The suitability of the grade of such paths or driveways inside the

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property is the sole responsibility of the applicant, and this may be affected by the alignment levels fixed by Council.

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 (if applicable) of the proposed driveway at the boundary alignment. Failure to submit this information may delay processing.

69. Submission, for approval by the Principal Certifying Authority (PCA) prior to issue of the Construction Certificate, of a Soil and Erosion Control Plan prepared in accordance with the NSW Department of Housing document "Managing Urban Stormwater – Soils and Construction" (1998) by a suitably qualified and experienced engineer or surveyor. Such controls should include but not be limited to appropriately sized sediment basins, diversion systems, appropriate controls for each stage of works identified and barrier fencing which maximises and protects areas which are not to be disturbed. The plan must also specify inspection and maintenance regimes and responsibilities and rehabilitation measures.
70. Provision to Council, prior to the issue of a Construction Certificate, of a \$10,000.00 (ten thousand dollars) bond. This is to cover the restoration by Council of any damage to Council's infrastructure in the public road along the frontage, or within close proximity to the subject development, caused as a result of construction works relating to the subject development. The bond shall be refundable following completion of all works relating to the proposed development, or at the end of any maintenance period stipulated by consent conditions, upon approval by Council's Engineers. Council shall have full authority to make use of the bond for such restoration works as deemed necessary by Council in the following circumstances:
 - a. Where the damage constitutes a hazard in which case Council may make use of the bond immediately.
 - b. The damage has not been repaired, or incomplete works have not been completed, by the Applicant within 48 hours of the issue by Council in writing of instructions to undertake such repairs or works.
71. Provision of a basement stormwater pump-out system for the driveway ramp runoff. The system is to comprise both duty and back-up pumps and be designed for the 100 year runoff and have an emergency alarm system. The system is to include a holding well which has a storage capacity equivalent to the runoff volume from a 2 hour 100 year ARI storm event so that the basement is safeguarded from flooding during power failure for such a storm over such a period. Design drawings which include holding well volume calculations, inflow and outflow calculations, pump specification and duty curves are to be prepared by a qualified civil/hydraulic engineer and submitted for approval by the Principal Certifying Authority (PCA) prior to issue of the Construction Certificate.

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72. An amended plan and specification of the proposed landscape works for the site shall be prepared in accordance with Council's Development Control Plan No 38, by a Landscape Designer to enhance the amenity of the built environment and protect the Ku-ring-gai landscape character. The plan must be submitted to Council prior to the release of the Construction Certificate and be approved by Council's Landscape Development Officer prior to the commencement of works. A Landscape Assessment fee of \$460.00 will be payable on lodgement of the required landscape plan, in accordance with the following schedule.

Landscape Plan Certification Fees

Minor Landscaping Works	\$50.00
New Dwellings/Dual Occupancies	\$120.00
Multi-Unit Housing	\$100.00 plus \$30.00 per unit
Commercial	\$100.00 plus 10 cents per m ²

73. A plan detailing screen planting of the unit building adjacent to the southern and northern site boundaries shall be submitted to Council prior to the release of the Construction Certificate and approved by Council's Landscape Development Officer, prior to completion of building works. The plan shall incorporate species capable of attaining a height of 12.0 metres.
74. The property shall support a minimum number of 12 trees that will attain 13.0 metres in height on the site, to preserve the tree canopy of Ku-ring-gai, in accordance with Council's policy of Tree Retention/Replenishment on Residential Allotments adopted 26 April 1988. The existing tree/s, and additional tree/s to be planted, shall be shown on the Landscape Plan/Site Plan. The plan shall be submitted to Council prior to release of Construction Certificate and approved by Council's Landscape Development Officer, prior to commence of work.
75. The trees to be planted shall be maintained in a healthy and vigorous condition until they attain a height of 5.0 metres whereby they will be protected by Council's Tree Preservation Order. Any of the trees found faulty, damaged, dying or dead shall be replaced with the same species.
76. A CASH BOND/BANK GUARANTEE of \$10 000.00 shall be lodged with Council as a Landscape Establishment Bond prior to the release of the Construction Certificate to ensure that the landscape works are installed and maintained in accordance with the approved landscape plan or other landscape conditions.

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

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.

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77. A cash bond/bank guarantee of \$8 000.00 shall be lodged with Council prior to the release of the Construction Certificate to ensure that the following trees are maintained in the same condition as found prior to commencement site development work.

The bond will be returned following issue of the final Certificate of Compliance, provided the trees are undamaged.

In the event that any specified trees are found damaged, dying or dead as a result of any negligence by the applicant or its agent, or as a result of the construction works at any time during the construction period, Council will have the option to demand the whole or part therefore of the bond.

Tree/Location

Eucalyptus species (Eucalypt)
South eastern site corner

78. The size of the garbage storage area is to comply with the requirements of Development Control Plan No.40 – Waste Management. Details of designated areas for recyclables and collection containers are to be submitted to Council for approval prior to the release of the Construction Certificate.

CONDITIONS TO BE COMPLIED WITH PRIOR TO WORK COMMENCING

- 79 A photographic archival record of the building and landscape elements to be demolished is to be submitted, to the satisfaction of Council's heritage officer, prior to the commencement of demolition work or work commencing.

The photographic archival recording is to be bound in an A4 format and is to include the following:

- Site plan at a scale of 1:200 (or 1:500 if appropriate) of all structures and major landscape elements including their relationship to the street and adjoining properties.
- Postcard sized photographs of:
 - i. Each elevation;
 - ii. Each structure and landscape feature;
 - iii. Internal or external details if nominated in Council's heritage officer's assessment report; and
 - iv. Views to the subject property from each street and laneway or public space

Each photograph to be mounted, labelled and cross referenced in accordance with recognised archival recording practice.

One original coloured photographic set and a coloured photocopy are to be submitted to the satisfaction of Council's heritage officer prior to the commencement of demolition work. The

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original will be retained by Council and the coloured photocopy will be provided to the Kuring-gai Historical Society.

80. Prior to the commencement of any work, the Principal Certifying Authority shall be notified in writing of the name and contractor licence number of the owner/builder who intends to carry out the approved works.
81. To preserve the following tree/s, no work shall commence until the area beneath the canopy of the following tree/s is fenced off at the specified radius from the trunk to prevent any activities, storage or the disposal of materials within the fenced area. The fence/s shall be maintained intact until the completion of all demolition/building work on site.

Tree/Location	Radius in Metres
<i>Ceratopetalum gummiferum</i> (NSW Xmas Bush) Adjacent to southern site boundary	3.0 metres
<i>Eucalyptus species</i> (Eucalypt) South east site corner	7.0 metres

82. The tree protection fence shall be constructed of galvanised pipe at 2.4 metre spacings and connected by securely attached chain mesh fencing to a minimum height of 1.8 metres prior to work commencing.
83. Upon completion of the installation of the required tree protection measures you are required to contact Council on telephone 9424 0888 or facsimile 9418 1117 to arrange an inspection of the site, in this regard a minimum of 24 hours notice is required. Following the carrying out of a satisfactory inspection and subject to the payment of all relevant monies and compliance with any other conditions of approval, work may commence.

CONDITIONS TO BE COMPLIED WITH PRIOR TO OCCUPATION, ISSUE OF THE OCCUPATION CERTIFICATE

84. Prior to the release of any occupation certificate, a compliance certificate must be obtained from an accredited certifier, certifying that the building works for the building to be occupied comply with the plans and specifications approved by this development consent; and any construction certificate associated with this consent for the buildings to be occupied. If the PCA is not the Council, then this compliance certificate must be submitted to the Council at the same time as the occupation certificate is submitted to the Council in accordance with Clause 151(2) of the E P & A Act regulations.

Without further written Consent of Council the development is to comply with the following indices:

- a. Maximum floor space ratio (1.08:1).
- b. Maximum floor space area (1831m²).
- c. Maximum number of car parking spaces (25).

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- d. Minimum number of visitor car parking spaces (4).
- e. Maximum built-upon area (47%).
- f. Maximum height of top floor ceiling not to exceed RL 125.61

A Surveyor's Certificate is to be submitted to the Principal Certifying Authority confirming compliance with a, b, e and f above prior to occupation.

85. A contractor with specialist excavation experience must undertake the excavations for the basement level. A suitably qualified and practising geotechnical engineer must supervise the excavation procedure. At the completion of the works and prior to occupation or issue of the Occupation Certificate, this engineer is to provide certification to the Principal Certifying Authority (PCA) that excavation and construction of the basement level, including temporary and permanent shoring and retention measures, have been carried out :-

According to the relevant Australian Standards and guidelines, and

According to the recommendations of the geotechnical report prepared prior to the commencement of works, and

In a manner that ensures that the structural amenity of adjoining structures and property is properly maintained.

86. Prior to occupation or the issue of the Occupation Certificate the Applicant shall submit, for approval by the Principal Certifying Authority (PCA), certification from a qualified civil/traffic engineer that the as-constructed carpark, including driveway ramp grades, complies with Australian Standard 2890.1 – 1993 “Off-street car parking”.

87. Construction of the property stormwater drainage works is to be supervised and upon completion certified by a suitably qualified and experienced hydraulic engineer or surveyor, prior to occupation or issue of the Occupation Certificate, that:

- ☐ The works were carried out and completed in accordance with the approved plans.
- ☐ All enclosed floor areas, including habitable and basement floor levels, are safeguarded from outside stormwater runoff ingress by suitable differences in finished levels, gradings and provision of stormwater collection devices.
- ☐ A Works-as-Executed drawing of the property stormwater drainage system is also to be furnished by the Certifier prior to Occupation.

88. Construction of the On-site Stormwater Detention System is to be supervised and upon completion a Certificate and Works-as-Executed (WAE) plan is to be submitted to the Principal Certifying Authority for approval, prior to occupation or issue of the Occupation Certificate. Certification is to be provided by a suitably qualified civil/hydraulic engineer and the WAE plan is to be prepared by a registered surveyor. The certifying engineer must also complete and submit Council's standard On-site Stormwater Detention Certification sheet.

The Certificate is to be with respect to compliance with:

- ☐ Compatibility of the drainage system with the approved plans
- ☐ The soundness of the structure.

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- ☐ The adequacy of the outlet control mechanism to achieve the discharge as specified.
- ☐ The capacity of the detention storage as specified.
- ☐ The size of the orifice or pipe control fitted.
- ☐ The maximum depth of storage over the outlet control.
- ☐ The adequate provision of debris screen(s).
- ☐ The inclusion of weepholes in the base of the outlet control pit.
- ☐ The provision of an emergency overflow path.
- ☐ All enclosed floor areas, including habitable and garage floor levels, being safeguarded from outside stormwater runoff ingress by suitable differences in finished levels, gradings and provision of stormwater collection devices.

The Works-as-Executed drawing(s) are to include all relevant levels including:

- ☐ invert levels
- ☐ surface or pavement levels
- ☐ floor levels including adjacent property floor levels
- ☐ maximum water surface level to be achieved in the storage zone
- ☐ dimensions of basin(s), tank(s), pit(s), etc.
- ☐ location(s) of basin(s), tank(s) and distances from buildings, boundaries, and easements, etc.
- ☐ storage volume(s) provided and supporting calculations
- ☐ size of orifice(s)

89. The creation of a Positive Covenant and Restriction on the Use of Land under the Conveyancing Act 1919, burdening the property with the requirement to maintain the on-site stormwater detention, re-use and pollution control facilities on the property (which expressions include all pipes, pits, pumps, rising mains, ancillary and delivery plumbing, tanks, holding structures) prior to occupation or issue of the Occupation Certificate. 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" (and modified to include items above) and to the satisfaction of Council. For existing Titles, the Positive Covenant and the Restriction on the use of Land is to be created through an application to the Land Titles Office in the form of a request using forms 13PC and 13RPA.
90. In order to maintain Council's database of as-constructed on-site stormwater detention systems, if the Principal Certifying Authority is not Council then a copy of the approved stormwater detention design, the works-as-executed drawings and the Engineer's certification of the as-constructed system is to be provided to Council, attention Development Engineer, prior to occupation, issue of the Occupation Certificate and/or Subdivision Certificate.
91. Prior to occupation or issue of the Occupation Certificate, all redundant driveway crossings and kerb laybacks must be reinstated as verge and kerb and/or gutter to the satisfaction of Council's Engineer. Works to match existing adjacent infrastructure. All bridge gutter crossings must be removed, and the road shoulder levelled and regraded to suit.
92. Prior to occupation or issue of the Occupation Certificate, an easement for waste collection is to be provided. This is to permit legal access for Council, and Council's contractors, and their

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vehicles over the subject property for the purpose of collecting waste from the property. The terms of the easement are to indemnify Council, and Council's contractors, against damages to private land or property whilst in the course of carrying out waste collection services. The terms of the easement are to be generally in accordance with Council's draft terms for an easement for waste collection.

93. Any infrastructure within the road reserve which has been damaged as a result of construction works on the subject site must be repaired to the full satisfaction of Council.

BUILDING CONDITIONS

94. The following are required details and must be submitted to the Principal Certifying Authority *prior to issue of the Construction Certificate*. Any matter listed below must have a Certificate attached from a suitably qualified person to the effect that the design or matter complies with the relevant design Standard or Code which the Certificate must identify.
- a. Details prepared by a practicing structural engineer for all or any reinforced concrete, structural steel or timber framing..
 - b. Retaining walls and associated drainage.
 - c. Wet area waterproofing details complying with the Building Code of Australia.
 - d. Mechanical ventilation details complying with Australian Standard 1668-1993 Mechanical Ventilation & Airconditioning.
 - e. Glazing details complying with AS 1288-1989 Glass in Buildings and Installation Code.
 - f. Stormwater disposal details complying with Council's Stormwater Management Manual and/or other conditions of this consent.
95. The building works are to be inspected during construction by the Council, an accredited certifier or other suitably qualified person/s (as applicable) and a Compliance Certificate shall be issued prior to proceeding to the subsequent stages of construction, encompassing not less than the following stages:
- a. All sediment and erosion control and tree protection measures and installations in place on the site prior to the commencement of any earthworks, excavations or other work.
 - b. Any pier holes and/or foundation material.
 - c. Any steel reinforcement prior to placement of concrete. This includes all reinforcement of floors, slabs, trenches, columns, beams and stairs (if components of this structure).
 - d. Any structural components (i.e. timber framework, structural steelwork or the like) before fixing any lining or covering.
 - e. Any stormwater drainage works prior to covering.
 - f. The completed landscape works in accordance with the approved plans.
 - g. The completed structure prior to occupation.

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

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

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

96. To ensure compliance with this determination the building shall be set out by a Registered Surveyor and the Survey Report shall be lodged with the Principal Certifying Authority prior to the external wall construction proceeding above floor level.

S Cox
Development Control Officer

G Smith
Team Leader, Gordon Ward

M Miocic
**Director
Environment & Regulatory
Services**

Attachments: Previous Council Report

SUPPLEMENTARY REPORT

127 BANNOCKBURN ROAD, TURRAMURRA

EXECUTIVE SUMMARY

PURPOSE OF REPORT:	To provide a response to Council's resolution of 24 February 2004 to enable determination of Development Application No 228/03
BACKGROUND:	On 24 February 2004, Council, at its Ordinary Meeting, resolved to defer consideration of the DA for 127 Bannockburn Road, Turramurra pending further consideration of recommendation prepared by the independent consultant and consideration of conditions suggested by the objector. A meeting was held between the independent consultant, Council's Officer and the Applicant on the 2 March 2004.
COMMENTS:	Comments regarding the conditions recommended by the independent consultant and objector are contained within this report.
RECOMMENDATION:	That Development Application No 228/03 for the alterations and additions to an existing dwelling and construction of a new dwelling to create a Detached Dual Occupancy at Lot 20 in DP 16889 being 127 Bannockburn Road, Turramurra be approved for a period of two years subject to the conditions within this report, subject to the applicant withdrawing the appeal.

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PURPOSE OF REPORT

To provide a response to Council's resolution of the 24 February 2004 to enable determination of development application 228/03.

BACKGROUND

On 24 February 2004, Council, at its Ordinary Meeting, resolved to defer consideration of this development application as follows:

"That the matter be deferred to the Council meeting of 9 March 2004 to allow the applicant and staff to consider the current recommendation and additional conditions proposed by the objector."

A meeting was held between the applicant, Council's Officer and the independent consultant on the 2 March 2004 where the following matters were discussed:

Current Recommendation

Condition 45 in the report prepared by the independent consultant (annexure to this report) required the submission of amended plans to address a number of concerns with the proposed development. The condition reads as follows:

45. *Amended plans be provided for approval prior to the release of the construction certificate, detailing the following:*
- a. *Conversion of the double garage to dwelling 1 to a single garage of 3.0m maximum internal width to increase the area of private open space,*
 - b. *Reduction in width of rear deck to dwelling 1 such that it only provides for the opening of the doors and a landing for the stairs accessing the rear yard to ensure privacy to the adjoining property and the private open space of dwelling 2,*
 - c. *The relocation of the French door by a minimum of 1.5m to the south to ensure privacy to the private open space of dwelling 2,*
 - d. *Lowering of the rear deck and the floor level of the kitchen and family room of dwelling 2 by 0.35m, to a RL of 160.8 for the deck and RL 160.9 for the kitchen and family room, to ensure privacy to the adjoining property,*
 - e. *Either the provision of a skylight to the kitchen of dwelling 1 or the removal of the wall between the kitchen and the family room, to ensure an appropriate level of solar access,*
 - f. *The provision of a solid, 1.2m high balustrade to the rear deck of dwelling 1, and*

A number of options were discussed during the meeting, with the applicant advising that they would accept an amendment to the condition as follows:

1. That the garage be reduced to a single garage.
2. That the deck and French doors to dwelling No.1 remain as proposed.

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3. That a 1.5m high privacy screen be provided around the deck.
4. That a privacy screen be provided on the site's northern boundary adjacent to the family room of Dwelling No.2.

Council's Independent Consultant has advised:

The amendments sought by the applicant provide an alternative solution to the privacy concerns raised by the application with regard to Dwelling 2 on the site and the adjoining property to the north.

A 1.5m privacy screen around the elevated balcony of Dwelling 1 would provide a suitable degree of privacy to the private open space area of Dwelling 2. The use of such a privacy treatment would eliminate the need for the reduction in size of the balcony, the change in balustrade material and the relocation of the French doors. Therefore, the alternative solution provided by the applicant is supported.

It is noted, however, that the stairs leading to the ground level private open space would still need to be redesigned given the reduction of the double garage to a single garage and the amended condition should reflect this.

Secondly, the applicant has indicated a preference for the provision of a privacy screen to the top of the dividing boundary fence with the adjoining property to the north, rather than altering the floor level of part of Dwelling 2 and the level of the balcony. As the adjoining property owner has requested a screen to the fence, this alternative solution is also supported. It is noted that the screen on the fence is only required adjacent to the family room of Dwelling 2, given the slope of the site and the existing level of landscape screening to this boundary.

Additional conditions proposed by the objector

Mr David Green, an owner of 129 Bannockburn Road, Turrumurra addressed the Council at the Ordinary Meeting of Council on the 24 February 2004 and suggested a number of conditions to alleviate his concerns. These conditions were as follows:

- 1. An acoustic screen should be erected on the deck or boundary to reduce acoustic impact.**

Council's Independent Consultant has advised:

There is no justification for the erection of an acoustic screen along the edge of the balcony or on the boundary fence. Any noise generated by the development will be residential in nature and is unlikely to result in a significant loss of amenity for the adjoining property. Should noise become an issue at any time in the future due to a party or the like, the adjoining property owner would have the normal recourse of any resident in an urban area of calling the Police.

- 2. The first floor bedroom window should be screened or relocated to prevent overlooking into the rear garden of 129 Bannockburn Road.**

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Council's Independent Consultant has advised:

It is not considered to be necessary to screen or relocate the first floor bedroom window due to the level of usage of the room being low and, as such, not posing a significant privacy problem.

3. A Eucalyptus sapling within the boundaries of 129 Bannockburn Road should be protected.

Council's Landscape Development Officer has inspected the subject site and made an assessment of the proposed development on the existing vegetation, including vegetation on the adjoining properties. No objection was raised in response to the proposed development, nor were any specific conditions recommended due to concerns regarding the construction of the development in relation to the tree.

Council's Landscape Development Officer has advised that the setback of the proposal and the provision of a suspended deck, with minimal excavation, is unlikely to result in any adverse impacts to the tree. Furthermore, it is unlikely that the proposed development is within the critical or primary root zone of the tree. If the tree is greater than 5.0 metres in height (as indicated by the Applicant), it is protected under Council's Tree Preservation Order and a standard condition advising the applicant of this is included in the recommended (see Condition 21). Additionally, Conditions 25 and 29 require protective measures for all trees protected under Council's Tree Preservation Order.

COMMENTS

The position of the independent consultant engaged by Council in regards to the options raised by the Applicant and the response to the objector's conditions is supported by Council's Officer. It is therefore recommended that the application be approved subject to the conditions contained within the recommendation of this report. Former Condition 45 (now Condition 42) has been amended to reflect the agreement made regarding alternative options to address the consultant's concerns.

RECOMMENDATION

That Development Application No 228/03 for the alterations and additions to an existing dwelling and construction of a new dwelling to create a Detached Dual Occupancy at Lot 20 in DP 16889 being 127 Bannockburn Road, Turramurra be approved for a period of two years subject to the following conditions and the applicant withdrawing the appeal:

GENERAL CONDITIONS

1. The development to be in accordance with Development Application No 228/03 and Development Application plans prepared by Lindsay Little & Associates Pty Ltd, reference number Job No 2756/02 Sheets 1, 2 and 3, dated 18 November 2002 and lodged with Council on 5 September 2003.
2. All building works shall comply with the Building Code of Australia.

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3. The works set forth in the plans and specifications and approved under this consent, once commenced, shall be completed within two (2) years from the date of commencement.
4. The opening of any footway, roadway, road shoulder or any part of the road reserve shall not be carried out without a Road Opening Permit being obtained from the Council (upon payment of the required fee) beforehand.
5. 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.
6. 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.
7. **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.

8. 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.
9. A sign shall be erected in a prominent position on the site which states the name and contact details of the Principal Certifying Authority.
10. 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.
11. All excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with appropriate professional standards.

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

12. The demolition is to be carried out in accordance with the guidelines contained in Australian Standard 2601-1991: The Demolition of Structures.
13. 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.
14. For the purpose of energy efficiency and child safety all new or replaced hot water systems shall deliver hot water to a maximum 50°C at the outlet of all sanitary fixtures used for personal hygiene.
15. For the purpose of water conservation all water closets installed within the building/addition are to have a maximum 6/3 litre dual flush cistern.
16. For the purpose of water conservation all shower heads are to be fitted with reduced water flow devices.
17. So as to ensure safe egress and ingress within the development and to ensure the security of the occupants, adequate lighting is to be provided to all paths, accessways, parking areas and building entries. Spillage from any such lighting shall be contained within the property boundaries.
18. A Tree Preservation Order exists within the Ku-ring-gai Council area whereby the removal, lopping or destruction of any tree exceeding 5.0 metres in height or 4.0 metres in canopy spread (except where exempt as defined under Council's Tree Preservation Order) without prior written consent of Council is prohibited.

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

19. The landscape works shall be completed prior to issue of final Certificate of Compliance and maintained in a satisfactory condition at all times.
20. Topsoil shall be stripped from areas to be developed and stock-piled within the site. Stock-piled topsoil on the site shall be located outside drainage lines and be protected from run-on water by suitably positioned diversion banks. Where the period of storage will exceed fourteen (14) days stock-piles are to be seeded or sprayed with an appropriate emulsion solution to minimise particle movement.

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21. Any imported fill material shall be restricted to material from the local soil landscape on which the site is located or be derived from sandstone geology sites.
22. Tree roots between 10mm and 50mm diameter, severed during excavation, shall be cut cleanly by hand and the tree subsequently treated with a root growth hormone and wetting agent, by an experienced Arborist/Horticulturist with a minimum qualification of the Horticulture Certificate or Tree Surgery Certificate.
23. Paving works within the specified radius of the trunk/s of the following tree/s shall be constructed to ensure that existing water infiltration and gaseous exchange to the tree/s root system is maintained. Details for the paving shall be submitted to the Principal Certifying Authority for approval by a suitably qualified professional prior to the commencement of paving construction:

Tree/Location	Radius From Trunk
<i>Eucalyptus saligna</i> (Sydney Blue Gum) Southern boundary nature strip	5.0 metres

24. No mechanical excavation of the proposed structure shall be undertaken within the specified radius of the trunk/s of the following tree/s until root pruning by hand along the perimeter line of such works is completed:

Tree/Location	Radius From Trunk
<i>Eucalyptus saligna</i> (Sydney Blue Gum) Southern boundary nature strip	5.0 metres

25. To preserve health and condition of the following trees, excavation within the primary root zone shall be directly supervised by an experienced Arborist/Horticulturist with a minimum qualification of the Horticulture Certificate or Tree Surgery Certificate. Documentary evidence of compliance with this condition shall be submitted to the Principal Certifying Authority with a copy to Council, prior to issue of final Certificate of Compliance.

Tree/Location	Radius From Trunk
<i>Eucalyptus saligna</i> (Sydney Blue Gum) Southern boundary, nature strip	5.0 metres

26. 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.
27. On completion of the landscape works, a Landscape Architect or qualified Landscape Designer shall submit a report certifying correct installation, faithful to the landscape plan to

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the Principal Certifying Authority with a copy to Council, prior to issue of final Certificate of Compliance.

28. All builders' refuse, spoil and/or material unsuitable for use in landscape areas shall be removed from the site on completion of the building works.
29. For stormwater control the accessway directly in front of the garages should be graded away from the door and towards an escape route. It is to be configured so that overland flow, off the accessway does not flow towards the garage door.
30. For stormwater control all paved areas are to be drained to the main drainage system.
31. For stormwater control, (where the grade of the driveway slopes towards the footway), a 150mm wide grated drain with heavy duty removable galvanised grates is to be located within the property at the intersection of the driveway and Council's footway to collect all surface water from the driveway. The drainage line shall be connected to the main drainage system.
32. For stormwater control, an On-site Stormwater Detention System is to be provided in accordance with Council's Stormwater Management Manual.

OSD systems are to be provided for both the existing and the new residence.

Separate detention systems are to be provided for each residence, unless the OSD is cited in a common area and an appropriate legal instrument is set up to ensure the various parties equitably share the ongoing maintenance of the facility.

An overflow is to be incorporated that will direct any excess flow to the downstream drainage system and subsoil drainage is to be provided from the underside of the sediment control sump to the outlet line or other approved location.

The system is to be cleaned regularly and maintained to the satisfaction of Council.

NOTE 1: The on-site stormwater detention system and property drainage system is not to require excavation or fill underneath the canopy areas of any trees to be retained unless as approved by a qualified arborist's certification that such excavation will not affect the longevity of the subject tree(s).

NOTE 2: If the applicant wishes to vary the prescribed storage and outflow volumes contained in Council's Stormwater Management Manual, a detailed analysis must be provided following the guidelines set out in Council's requirements for on-site detention with full computations accompanying the submission including a flood routing analysis.

NOTE 3: All roof, driveway and other hard-surface runoff water is to be intercepted and directed to the on-site stormwater detention system. If some areas of hard-surface

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are unable to be directed to the detention system an adjustment to the rate of discharge is to be made to attain the required site discharge.

NOTE 4: If a landscaped surface type detention system is used the storage volume required is to be increased by 20%.

NOTE 5: The standard Council On-site Stormwater Detention Calculation Sheet is to be completed and included on design drawings.

33. Stormwater runoff from all hard surfaces, or landscaped areas, which are not at natural ground level, shall be piped to the street drainage system. To ensure compliance with this condition, a Certificate from a suitably qualified person is to be submitted to the Principal Certifying Authority.

The stormwater line in the footway area, from the boundary pit to the kerb and gutter, shall be by way of a Steel Hot Dipped Galvanised Rectangular Hollow Section, of the appropriate size. This condition shall override any other condition or reference to uPVC pipe connections.

Stormwater drainage lines in the footway, are only permitted in uPVC pipe, from the point where the obvert of the subject pipe, has more than 300mm of cover to the finished ground level. The sections of the pipe laid deeper than 300mm, can be laid in uPVC sewer grade pipe.

In the drainage line across the footway, where (1) a bend is placed, or (2) where the pipe changes from a uPVC pipe to a RHS), a cleaning eye shall be provided directly upstream of the subject location.

34. During construction of the crossing the contractor is to make provision for safety of pedestrians and passing vehicles. As a minimum traffic control measures must be provided in accordance with Figure 1 "Closing a footpath", (being on Page 20 & 21), of SAA HB81.1 - 1996 - Field Guide for Traffic Control at Works on Roads – Part 1.

The traffic management measures shall be implemented prior to the commencement of any works on-site including excavation.

35. Vehicular crossing to be a minimum 3.7 meters wide in accordance with Council's Specification.
36. If the proposed works are configured such that they will disrupt or disturb currently laid services for the existing dwelling, the applicant is to provide an alternative route for the effected services.
37. 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 minimise and/or eliminate unnecessary erosion and loss of sediment. These facilities are to be maintained in working order during construction works and up to the completion of the maintenance period. All sediment traps are to be cleared on a regular basis and after each major storm, and/or as

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directed by the Principal Certifying Authority, with all silt being removed from the site, or to an approved location within the site.

38. The relocation or adjustment of any utility service facilities are to be carried out by the Applicant in accordance with the requirements of the utility authority at no cost to Council.
39. The public footways and roadways adjacent to the site are to be maintained in a safe condition, at all times, during the course of the works.
40. The area marked on the plans for dwelling 1 as sub floor area is not to be used as part of the dwelling without further consent, and is only to be used a foundation space.
41. No fencing is approved under this application to the Bannockburn Road frontage or to the Sandford Road frontage. The existing timber paling fence to the Sandford Road frontage in front of proposed dwelling 2 is to be removed to ensure an appropriate streetscape presentation.

Any proposed fencing, other than fencing exempt under the provisions of the KPSO, will require separate approval.

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

42. Amended plans be provided for approval prior to the release of the construction certificate, detailing the following:
 - a. Conversion of the double garage to Dwelling 1 to a single garage of 3.0m maximum internal width to increase the area of private open space and the redesign of the access stairs from the deck to the rear yard as required to ensure the private open space area is not divided.
 - b. Either the provision of a skylight to the kitchen of Dwelling 1 or the removal of the wall between the kitchen and the family room, to ensure an appropriate level of internal solar access.
 - c. The provision of a solid, 1.5m high privacy screen to the eastern side of the rear deck of Dwelling 1, and
 - d. The provision of a 600mm high privacy screen to the top of the boundary fence with the property to the north, for the length of the family room of Dwelling 2.
43. Screen landscaping to reach and be maintained at a height of 2.5m is to be provided along the northern boundary for the length of the family room. Details of the planting are to be provided for approval with the construction certificate. The screen planting shall be completed prior to the issue of the final Certificate of Compliance or occupation of Dwelling 2 and shall be maintained in a satisfactory condition at all times.

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44. 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.
45. 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).
46. 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.
47. A contribution is to be paid for the provision, extension or augmentation of community facilities, recreation facilities, open space and administration that will, or are likely to be, required as a consequence of development in the area.

TOTAL CONTRIBUTION FOR THIS DEVELOPMENT OF ONE ADDITIONAL DWELLING IS CURRENTLY \$9,789.78. 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

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Contributions Plan for Residential Development, effective from 20 December 2000, calculated for additional person as follows:

1. Preparation of New Residents Kit	\$10.98
2. New Resident Survey	\$9.87
3. New child care centre (including land acquisition and construction of facility)	\$252.13
4. Additions/alterations to Acron Rd child care centre for additional 20 places	\$2.41
5. New Library bookstock	\$17.95
6. New Public Art	\$2.93
7. Acquisition of Open Space - Turramurra/Warrawee	\$1,966.00
8. Koola Park upgrade and reconfiguration	\$143.09
9. North Turramurra Sportsfield development	\$986.80
10. Section 94 2000-2003 Study and Interim Plan preparation cost	\$49.34
11. Section 94 Officer for period of Plan 2000-2003	\$118.42

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

OCCUPANCY RATES FOR DIFFERENT DWELLING SIZES

Large dwelling (110 - under 150sqm) 2.75 persons

48. Details of the proposed method of ensuring that the bathroom on the first floor and the ensuite located on the ground floor of Unit 2 comply with Part 3.8 "Health & Amenity" of the Housing Provisions of the Building Code of Australia and are to be submitted to and approved by the Principal Certifying Authority.
49. The Construction Certificate shall not be released until a Site Management Plan is submitted to the Principal Certifying Authority and approved by a suitably qualified professional.

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

50. A plan and specification of the proposed landscape works for the site shall be prepared in accordance with Council's Development Control Plan No 38, by a Landscape Designer to enhance the amenity of the built environment and protect the Ku-ring-gai landscape character. The plan must be submitted to Council prior to the release of the Construction Certificate and be approved by Council's Landscape Development Officer prior to the commencement of works. The plan shall incorporate screen planting species capable of achieving heights as follows:
 - a. Northern boundary to private open space of Dwelling 1 = 2.0 metres
 - b. Northern boundary adjacent to deck of Dwelling 2 = 2.0-3.0 metres (2.5 metres for the length of the family room)
 - c. Eastern boundary of Dwelling 1 = 2.0 metres
 - d. Western boundary of Dwelling 2 = 2.0 metres

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e. Eastern boundary of Dwelling 2 = 2.0 metres

51. To preserve the natural slope of the land the proposed retaining wall along the eastern side of Dwelling 2 driveway is to be deleted. Amended plans to be submitted to the Principal Certifying Authority for approval prior to issue of Construction Certificate.

52. To preserve the health and condition of the following tree/s, the proposed driveway to Dwelling 1 is to be setback the specified distance, measured from the centre of the trunk.

Tree/Location	Radius From Trunk
<i>Eucalyptus saligna</i> (Sydney Blue Gum) Southern boundary, nature strip	4.0 metres

53. To preserve the existing tree/s, existing ground levels are to be retained within the specified radius of the following trees. Amended plans to be submitted to the Principal Certifying Authority for approval prior to issue of Construction Certificate.

Tree/Location	Radius From Trunk
<i>Eucalyptus saligna</i> (Sydney Blue Gum) Southern boundary, nature strip	5.0 metres
<i>Pittosporum undulatum</i> (Sweet Pittosporum) North east corner of site	4.0 metres
<i>Tibouchina granulosa</i> (Lasiandra) North boundary, adjoining property	3.0 metres

54. The property shall support a minimum number of 3 trees that will attain 13.0 metres in height on the site, to preserve the tree canopy of Ku-ring-gai, in accordance with Council's policy of Tree Retention/Replenishment on Residential Allotments adopted 26 April 1988. The existing tree/s, and additional tree/s to be planted, shall be shown on the Landscape Plan/Site Plan. The plan shall be submitted to Council prior to release of Construction Certificate and approved by Council's Landscape Development Officer, prior to commence of work.

55. The 3 trees to be planted shall be maintained in a healthy and vigorous condition until they attain a height of 5.0 metres whereby they will be protected by Council's Tree Preservation Order. Any of the trees found faulty, damaged, dying or dead shall be replaced with the same species.

56. A CASH BOND/BANK GUARANTEE of \$1000.00 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.

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

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.

57. A CASH BOND/BANK GUARANTEE of \$2000.00 shall be lodged with Council prior to the release of the Construction Certificate to ensure that the following trees are maintained in the same condition as found prior to commencement site development work.

The bond will be returned following issue of the final Certificate of Compliance, provided the trees are undamaged.

In the event that any specified trees are found damaged, dying or dead as a result of any negligence by the applicant or its agent, or as a result of the construction works at any time during the construction period, Council will have the option to demand the whole or part therefore of the bond.

Tree/Location	Radius From Trunk
<i>Eucalyptus saligna</i> (Sydney Blue Gum) Southern boundary, nature strip	5.0 metres

58. The drainage concept design, by AFCE Drawing No. 333425, sheets 1 & 2 dated April 2003, is generally satisfactory, however the following issues are to be addressed prior to the issue of the Construction Certificate:
- i) The Hydraulic Concept Design for the OSD is to be revised to reflect the redesign dated 15/7/03. This change can occur on the Construction Certificate details. In this regard finished floor level must be at least 200mm higher than the top water level of overflow weir in the adjacent OSD storage.
 - ii) Concrete footpath, 1.2m wide, is to be provided along the full frontage of Sanford Rd.
 - iii) The roof gutter, down pipe and drainage system of the dwelling is to be sized to catch and convey the 50 year ARI storm event to the OSD system. An engineer is to provide certification the Construction Certificate plans, that this has been achieved.
 - iv) Suitable kerbs or other approved "cut off" systems are to be provided in the OSD design to ensure a maximum possible amount of overland flow is directed to the OSD system. These kerbs etc, are to be sized for all storms up to the 50 year ARI storm event. An engineer is to provide certification the Construction Certificate plans, that this has been achieved.
 - v) A boundary pit is to be provided at the point where line P1-P2 crosses the front boundary.

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- vi) The stormwater outlet to the street from the Boundary pit to be by way of hot dipped galvanised steel section, of appropriate dimensions, except for that part of the line where the obvert of the pipe is deeper than 300mm.
- vii) Earth mounding will not be acceptable as the storage perimeter wall. Any perimeter walls must be in masonry on a reinforced concrete footing.
- viii) Where OSD storage is by way of underground storage,
 - a. Inflow pipes to the storage chamber are to be located below inspection grates.
 - b. If soil and turf are to cover the tank, then a minimum depth of soil to be 350mm.
- ix) Drainage design details are to be compatible with the landscaping plans.
- x) Councils landscape officer is to consider the final location of all drainage infrastructure including (a) drainage lines, (b) OSD tanks and (c) OSD basin walls. Only after the Council Landscape Officer's approval, can the Construction Certificate be issued.
- xi) The access grate above the control chamber is to be a grate of 600mm x 900mm or greater. Apart from the grate above the control chamber, other grates to have the following minimum sizes, depending on the pit depth as follows:-

Depth of Chamber below grate	Min grate and Pit size
Less than 300mm	300 square
Less than 450mm	450 square
Equal to or Less than 600mm	600 square
Greater than 600mm	600 x 900

59. For stormwater retention and quality control, provision of a five (5) metre long first-flush absorption trench *for each dwelling*, designed to capture and retain the first-flush stormwater runoff from the subject property after which runoff bypasses the trench and reverts to the main drainage system. Design drawings shall be submitted and approved by the Principal Certifying Authority with the Construction Certificate.

NOTE 1: The first-flush system may be achieved by the use of a separate low-level outlet from a pit located on the main drainage system.

NOTE 2: Where practicable, runoff from driveway and landscaped areas is to be directed to the retention system in preference to roof runoff.

NOTE 3: The trench shall be 700mm wide x 700mm deep and fitted with half round PVC (230mm radius) dome sections backfilled with crushed or round river gravel to within 150mm of surface level, surrounded with suitable geofabric and finished with topsoil.

NOTE 4: The trench is to be at least 5 metres from private property boundaries and 3 metres from the footings of any structure.

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NOTE 5: A suitably designed litter and coarse sediment 450mm square grated arrestor pit is to be provided immediately upstream of the trench.

NOTE 6: The trench is not to require excavation underneath the canopy areas of any trees to be retained unless as approved by a qualified arborist's certification that such excavation will not affect the longevity of the subject tree(s).

NOTE 7: Upon completion, certification from a suitably qualified person is to be submitted to the Principal Certifying Authority with respect to this condition being satisfied.

NOTE 8: This requirement does not apply where the Applicant considers installation to be impractical.

OR

For stormwater retention, provision of a 2000 litre rainwater tank *for each dwelling*, designed to capture and retain runoff from at least one roof downpipe after which runoff bypasses the tank and reverts to the main drainage system. Design drawings shall be submitted and approved by the Principal Certifying Authority (PCA) **prior** to issue of the Construction Certificate.

NOTE 1: The tank is to be located at or above existing natural ground level.

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

NOTE 3: The tank must not be located on the front facade of a dwelling.

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

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

NOTE 6: The tank is to be a commercially manufactured tank designed for the use of water supply and to be installed in accordance with manufacturers specifications.

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

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

NOTE 9: The tank is to be fitted with measures to prevent mosquito breeding.

NOTE 10: Upon completion, certification from a suitably qualified person is to be submitted to the Principal Certifying Authority with respect to this condition being satisfied

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NOTE 11: This requirement does not apply where the Applicant considers installation to be impractical.

60. To prevent surface stormwater from entering the building, the finished habitable ground floor level(s) of the building shall be a minimum of 150mm above adjacent finished ground level(s). The entire outside perimeter of the building must have overland flow escape routes which will protect all finished floor levels from flooding during times of complete subsurface drainage blockage. This requirement is to be demonstrated on submitted Construction Certificate drawings.
61. The property drainage system shall be designed and based upon a 235mm/hour rainfall intensity for a duration of five (5) minutes (1:50 year storm recurrence) for impervious surfaces and in accordance with Council's Stormwater Management Manual. Design drawings and calculations are to be prepared by a suitably qualified and experienced hydraulic engineer and submitted for approval by the Principal Certifying Authority (PCA) **prior** to issue of the Construction Certificate.

NOTE 1: The property drainage system is not to require excavation or fill underneath the canopy areas of any trees to be retained unless as approved by a qualified arborist's certification that such excavation will not affect the longevity of the subject tree(s).

NOTE 2: If the proposed drainage system involves piping underneath or within the building then the designer is to certify that the design is in accordance with AS3500.3.2:1998 and the BCA.

NOTE 3: All enclosed floor areas, including habitable and garage floor levels, are to be safeguarded from outside stormwater runoff ingress by suitable differences in finished levels, gradings and provision of stormwater collection devices.

62. Full design drawings of the proposed method of achieving the requirements for on-site stormwater detention and supporting calculations are to be prepared by a suitably qualified and experienced hydraulic engineer and submitted for approval by the Principal Certifying Authority (PCA) **prior** to issue of the Construction Certificate.
63. For any new crossing or driveway works adjacent to the boundary the following will apply.

DRIVEWAYS AND FOOTPATHS: Approval of this Development Application is for works wholly within the property and does not imply approval of footpath or driveway levels, materials or location regardless of whether this information is shown on the Application.

Footpath and driveway levels at the property boundary/road alignment are to be obtained from Council's Technical Services Department prior to release of the Construction Certificate. All footpaths and driveways are to be constructed strictly in accordance with Council's specifications, "Construction of Gutter Crossings and Footpath Crossings" which is issued with alignment levels after payment of the appropriate fee.

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The grading of such footpaths or driveways outside the property is to 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 this may be affected by the alignment levels fixed by Council.

Note: 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.

64. The applicant is to provide Plans with the Construction Certificate application from a suitably qualified and experienced engineer, detailing the configuration of the footway and footpath crossings. These works are to be configured to comply with
 - i) Extend the concrete footpath along the full frontage of Sanford Rd.
 - ii) Trim the footway to be smooth and not uneven.
65. Submission for approval with the Construction Certificate of a Soil and Erosion Control Plan prepared in accordance with the NSW Department of Housing document "Managing Urban Stormwater – Soils and Construction" (1998) by a suitably qualified and experienced engineer or surveyor. Such controls should include but not be limited to appropriately sized sediment basins, diversion systems, appropriate controls for each stage of works identified and barrier fencing which maximises and protects areas which are not to be disturbed. The plan must also specify inspection and maintenance regimes and responsibilities and rehabilitation measures.
66. The floor plans shall be amended to depict the separation of the proposal in the roof form as indicated in the site plan and elevations.

CONDITIONS TO BE COMPLIED WITH PRIOR TO WORK COMMENCING

67. The submission of the approved plans to Sydney Water, before any work is commenced to ensure that the proposed structure meets that Authority's By-Laws. Failure to submit these plans before commencing work will render the owner liable to a penalty and may result in the demolition of work.
68. Prior to commencing any construction or subdivision work, the following provisions of the Environmental Planning & Assessment Act, 1979 (the 'Act') are to be complied with:
 - a. A Construction Certificate is to be obtained in accordance with Section 81A(2)(a) of the Act.
 - b. A Principal Certifying Authority is to be appointed and Council is to be notified of the appointment in accordance with Section 81A(2)(b) of the Act.
 - c. Council is to be notified in writing, at least two (2) days prior to the intention of commencing buildings works, in accordance with Section 81A(2)(c) of the Act.

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- d. Should the development be certified by a Principal Certifying Authority other than Council, a fee for each Part 4A Certificate is to be paid to Council on lodgement of those Certificates with Council.

69. Prior to the commencement of any work, the Principal Certifying Authority shall be notified in writing of the name and contractor licence number of the owner/builder who intends to carry out the approved works.
70. External finishes and colours are to be sympathetic to the surrounding environment. Samples of materials and finishes are to be submitted to and approved by Council prior to the commencement of work.
71. To preserve and enhance the natural environment, a geofabric filter fence shall be installed along contour immediately downslope of construction and disturbed areas prior to any earthworks or construction commencing. Both ends shall be turned uphill by 1.0 metre. Approved geofabric, such as CSR - Humes "Propex" Terram 1000, Polyfelt TS500, Bidim U24 or Terratrack 2415 or equivalent is to be stretched between posts placed at 2.0 to 3.0 metre centres. The base of the fabric must be buried at least 200mm in the ground on the upslope side. Geofabric material shall be replaced at intervals not exceeding 18 months, or as directed by the Principal Certifying Authority.

The geofabric filter fence shall be maintained in an operational condition until the development activities have been completed and the site fully stabilised. Sediment shall be removed from the structure when 40% capacity has been reached.

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

Tree/Location	Radius in Metres
<i>Eucalyptus saligna</i> (Sydney Blue Gum) Southern boundary, nature strip	5.0 metres
<i>Pittosporum undulatum</i> (Sweet Pittosporum) North east corner of site	4.0 metres
<i>Tibouchina granulosa</i> (Lasiandra) North boundary, adjoining property	3.0 metres

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

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74. Upon completion of the installation of the required tree protection measures you are required to contact Council on telephone 9424 0888 or facsimile 9418 1117 to arrange an inspection of the site, in this regard a minimum of 24 hours notice is required. Following the carrying out of a satisfactory inspection and subject to the payment of all relevant monies and compliance with any other conditions of approval, work may commence.

CONDITIONS TO BE COMPLIED WITH PRIOR TO OCCUPATION

75. The approved building shall not be occupied unless the development has been completed in accordance with all conditions of consent and the approved plans and a Occupation Certificate has been issued.
76. Prior to the release of any occupation certificate, a compliance certificate must be obtained from an accredited certifier, certifying that the building works for the building to be occupied comply with the plans and specifications approved by this development consent; and any construction certificate associated with this consent for the buildings to be occupied. If the PCA is not the Council, then this compliance certificate must be submitted to the Council at the same time as the occupation certificate is submitted to the Council in accordance with Clause 151(2) of the E P & A Act regulations.
77. Construction of the road, footpath and/or drainage works in the public road in accordance with the Council approved drawings and to the satisfaction of Council's Development Engineer prior to:
- a. Surrounding survey detail including all trees within seven (7) metres of the proposed drainage system.
 - b. Longitudinal section showing existing ground levels and proposed invert levels.
 - c. Means to preserve the root systems of trees within seven (7) metres of the drainage system.
 - d. New pipes are to be sized to have adequate capacity to carry design flowrates, or detention system overflows where detention systems are to be provided, from the subject property.
 - e. Driveways and Power poles are to be shown.
 - f. Any footway crossings that are to be crossed are to be either (a) bored under or (b) cut and then the full crossing is to be completely reinstated.

In this regard details are to be shown as to how this condition is to be satisfied. The details are to be submitted to and approved by the PCA prior to the issue of the construction certificate.

This work is to be undertaken to the satisfaction of Council's Development Engineer.

The works are to be supervised by the designing engineer or surveyor and certified upon completion that the as-constructed works comply with Council's requirement. A registered surveyor is to also submit a works-as-executed drawing of the as-constructed works.

The works are to included:-

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- a. Trim footway so that it is not undulating.
- b. Extend the concrete footpath, (1.2m wide), along the full frontage of Sandford Rd.
- c. Remove the sandstone flagging and bricks from the footway.

78. Construction of the property stormwater drainage works is to be supervised and upon completion certified by a suitably qualified and experienced hydraulic engineer or surveyor, prior to Occupation, that:

- a. The works were carried out and completed in accordance with the approved plans.
- b. All enclosed floor areas, including habitable and garage floor levels, are safeguarded from outside stormwater runoff ingress by suitable differences in finished levels, gradings and provision of stormwater collection devices.

A Works-as-Executed drawing of the property stormwater drainage system is also to be furnished by the Certifier prior to Occupation.

79. Construction of the On-site Stormwater Detention System is to be supervised and upon completion a Certificate and Works-as-Executed drawing issued by a suitably qualified and experienced engineer or surveyor is to be submitted to the Principal Certifying Authority prior to occupation or issue of an Occupation Certificate.

NOTE 1: The Certificate is to be with respect to compliance with:

- a. The soundness of the structure.
- b. The adequacy of the outlet control mechanism to achieve the discharge as specified.
- c. The capacity of the detention storage as specified.
- d. The size of the orifice or pipe control fitted.
- e. The maximum depth of storage over the outlet control.
- f. The adequate provision of a debris screen.
- g. The inclusion of weepholes in the base of the outlet control pit.
- h. The provision of an emergency overflow path.

NOTE 2: The certifying engineer and surveyor is to also complete and submit Council's standard On-site Stormwater Detention Certification sheet.

NOTE 3: The Works-as-Executed drawing(s) are to include all relevant levels including:

- a. Invert levels
- b. surface or pavement levels
- c. floor levels including adjacent property floor levels
- d. maximum water surface level to be achieved in the storage zone
- e. dimensions of basin(s), tank(s), pit(s), etc.
- f. location(s) of basin(s), tank(s) and distances from buildings, boundaries, and easements, etc.
- g. storage volume(s) provided and supporting calculations
- h. size of orifice(s)

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- i. Extent of the New concrete footpath, (1.2m wide), along the full frontage of Sandford Road.

80. In order to maintain Council's database of as-constructed on-site stormwater detention systems, if the Principal Certifying Authority is not Council then a copy of the approved stormwater detention design, the works-as-executed drawings and the Engineer's certification of the as-constructed system is to be provided to Council, attention Development Engineer, prior to occupation, the issue of the Occupation Certificate or the issue of a subdivision certificate.
81. Prior to occupation, the issue of an Occupation Certificate or the issue of a Subdivision Certificate, all disused driveway crossings, pipe crossing and/or kerb laybacks are to be reinstated as footway and kerb and/or gutter to the satisfaction of Council's Development Engineer.

Any infrastructure within the road reserve along the frontage of the subject site or within close proximity which has been damaged as a result of construction works on the subject site is to be repaired to the satisfaction of Council's Development Engineer.

Unless the Council Crossing inspector directs otherwise, the redundant sections of layback shall be reinstated in the following manner.

- A The pavement is to be saw cut parallel to the lip of kerb.
 - B The existing concrete gutter is to be removed.
 - C The existing layback is to be removed.
 - D New "cast in situ" integral K&G is to be poured and connected to the adjoining sections of upright kerb with suitable bitumen jointing.
82. The creation of a Positive Covenant and Restriction on the Use of Land under Section 88B of the Conveyancing Act 1919, burdening the property with the requirement to maintain the on-site stormwater detention facilities on the property prior to occupation or the issue of an occupation or subdivision certificate. 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" and to the satisfaction of Council. For existing Titles, the Positive Covenant and the Restriction on the use of Land is to be created through an application to the Land Titles Office in the form of a request using forms 13PC and 13RPA.

Where the provided OSD is not a separate system for each Dwelling, the 88B instrument is to be created so that it clearly defines; both lots, each have 50% responsibility for the OSD system. The responsibility includes (a) maintenance, (b) upkeep and (c) replacement of the OSD system if it deteriorates to be unserviceable after a time.

83. For any of the legal instruments created as a requirement of this determination, Ku-ring-gai Council is to be named as the only authority empowered to release, vary or modify such instruments.

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84. The dual occupancy development approved under this determination is to be completed to “lock-up” stage (being that stage where the building has the following components: external walls, cladding roofing, and all doors and windows with locks, installed, erected or constructed in their approved completed form) prior to a Subdivision Certificate being released by Council under any separate subdivision application.
85. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained. 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.

The Section 73 Certificate must be submitted to the Principal Certifying Authority prior to occupation of the development/ release of the plan of subdivision.

86. The screen planting shall be completed prior to the release of an Occupation Certificate and be maintained in a satisfactory condition at all times.

BUILDING CONDITIONS

Note: If Council is the Principle Certifying Authority, the following building conditions shall form part of this consent.

87. The following are required details and must be submitted to the Principal Certifying Authority *prior to issue of the Construction Certificate*. Any matter listed below must have a Certificate attached from a suitably qualified person to the effect that the design or matter complies with the relevant design Standard or Code which the Certificate must identify.
- a. Details prepared by a practicing structural engineer for all or any reinforced concrete,
 - b. Upper floor joist details, engineered or complying with AS 1684-1992 National Timber Framing Code.
 - c. Retaining walls and associated drainage.
88. The building works are to be inspected during construction by the Council, an accredited certifier or other suitably qualified person/s (as applicable) and a Compliance Certificate shall be issued prior to proceeding to the subsequent stages of construction, encompassing not less than the following stages:
- a. All sediment and erosion control and tree protection measures and installations in place on the site prior to the commencement of any earthworks, excavations or other work.
 - b. Any pier holes and/or foundation material.

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- c. Any steel reinforcement prior to placement of concrete. This includes all reinforcement of floors, slabs, trenches, columns, beams and stairs (if components of this structure).
- d. Any structural components (i.e. timber framework, structural steelwork or the like) before fixing any lining or covering.
- e. Any stormwater drainage works prior to covering.
- f. The completed landscape works in accordance with the approved plans.
- g. The completed structure prior to occupation.

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

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

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

- 89. Any mechanical ventilation installed in a dwelling shall comply with the requirements of Part 3.8.5.0 of the Building Code of Australia Housing Provisions. Documentary evidence of compliance is to be obtained from a suitably qualified person and submitted to the Principal Certifying Authority prior to the issue of an Occupation Certificate.
- 90. To ensure compliance with this determination the building shall be set out by a Registered Surveyor and the Survey Report shall be lodged with the Principal Certifying Authority prior to the external wall construction proceeding above floor level.
- 91. To ensure compliance with this determination a Registered Surveyor's Report confirming reduced levels as shown on the approved plans with particular regard to the future finished level of the ground and first floors shall be submitted to the Principal Certifying Authority on completion of that floor.
- 92. All structural timber members subject to weather exposure shall have a durability class rating of 2 or better in accordance with Australian Standard 1684.2-1999 (National Timber Framing Code), or be preservative treated in accordance with Australian Standard 1604-1980 (Preservative Treatment for Sawn Timbers, Veneers and Plywood).
- 93. For the purpose of safety and convenience a balustrade of 1.0 metre minimum height shall be provided to any landing, verandah, balcony or stairway of a height exceeding 1.0 metre above finished ground level. The design may consist of vertical or horizontal bars but shall not have any opening exceeding 125mm. For floors more than 4.0 metres above the ground, any horizontal elements within the balustrade or other barrier between 150mm and 760mm above the floor must not facilitate climbing.
- 94. For the purpose of safe ingress and egress the stairs are to be constructed within the following dimensions:

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Risers:	Maximum 190mm	Minimum 115mm
Going (Treads):	Maximum 355mm	Minimum 240mm

Note: Dimensions must also comply with limitations of two (2) Risers and one (1) going equalling a maximum 700mm or minimum 550mm. The Risers and Goings shall be uniform throughout the length of the stairway.

95. For fire safety an automatic fire detection and alarm system shall be installed throughout the dwelling in accordance with the following requirements:

- a. A smoke alarm system complying with Part 3.7.2 of the Building Code of Australia Housing Provisions; or
- b. Smoke alarms which:
 - i. comply with Australian Standard 3786 or listed in the Scientific Services Laboratory Register of Accredited Products (all accredited products should have scribed on them the appropriate accreditation notation); and
 - ii. are connected to the mains and have a standby power supply; and
 - iii. are installed in suitable locations on or near the ceiling and as prescribed under Part 3.7.2 of the Building Code of Australia Housing Provisions.

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

96. Termite protection which will provide whole of building protection in accordance with Australian Standard 3660 - *"Protection of Buildings from Subterranean Termites"* is to be provided.

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

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

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

97. The following are required details and must be submitted to the Council on completion of the works. Any matter listed below must have a Certificate attached from a suitably qualified person to the effect that the design or matter complies with the relevant design Standard or Code which the Certificate must identify.

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- a. Wet area waterproofing details complying with the Building Code of Australia.
- b. Glazing details complying with AS 1288-1989 Glass in Buildings and Installation Code.
- c. A registered surveyors report confirming the development does not exceed 46% built upon area.

R Josey
Acting Team Leader, Wahroonga Ward

M Miocic
**Director
Environment & Regulatory Services**

Attachments: **Report prepared by consultant for proposed development**
 Report to Council meeting 18 November 2003
 Site location plan
 Elevations
 Photographs taken on the site inspection

NOTICE OF MOTION

SYDNEY TURPENTINE IRONBARK FOREST

Notice of Motion from Councillor A Little dated 3 March 2004.

I move:

That as a matter of urgency, Council nominate Sydney Turpentine Ironbark Forest as a critically endangered ecological community under the Environment Protection and Biodiversity Conservation Act 1999.

RECOMMENDATION

That the above Notice of Motion as printed be adopted.

Andrew Little
Councillor for Roseville Ward

NOTICE OF MOTION

RAILWAY STATION LIFTS

Notice of Motion from Councillor A Little dated 3 March 2004.

With regard to part C of minute number 88, Railway Station Lifts – Implementation

I move:

That the General Manager and the Mayor seek a meeting with the Minister for Transport and Barry O'Farrel MP as soon as possible, to discuss Ku-ring-gai Council and State Rail working together in developing guidelines that allow for improved access to all railway stations in Ku-ring-gai and recognise the heritage significance of the whole North Shore Railway Line.

RECOMMENDATION

That the above Notice of Motion as printed be adopted.

Andrew Little
Councillor for Roseville Ward