



**ORDINARY MEETING OF COUNCIL
TO BE HELD ON TUESDAY, 11 MAY 2004 AT 7.00PM
LEVEL 3, COUNCIL CHAMBERS**

A G E N D A

**** ** * ** * ** ***

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 4 May 2004

Minutes numbered 205 to 226

MINUTES FROM THE MAYOR

PETITIONS

REPORTS FROM COMMITTEES

Minutes of Inspections Committee

File: S02131

Meeting held 8 May 2004

Minutes to be circulated separately.

GENERAL BUSINESS

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

GB.1 **Draft Management Plan 2004 To 2008, Incorporating Budget And Fees And Charges 2004/2005** **1**

File: S03096

To place Council's 2004-2008 Draft Management Plan, incorporating the Budget and Fees and Charges for 2004/2005 on public exhibition.

Recommendation:

That Council adopt the Draft Management Plan, incorporating the Budget and Fees and Charges for 2004/2005 for the purpose of public exhibition.

GB.2 **ALGWA Women's Conference 2004** **18**

File: S02815

For Council to nominate delegates to the Australian Local Government Women's Association (NSW) 51st Annual State Conference.

Recommendation:

That Council determine its delegates to the Australian Local Government Women's Association Conference.

GB.3 **Sponsorship Of The Community Business Awards** **22**

File: S02091

To advise Council of a proposal from the Cumberland Newspaper Group to become a sponsor of the 2004 Hornsby and Upper North Shore Advocate and North Shore Times Community Business Awards.

Recommendation:

That Council approve \$3,000 from Working Funds to sponsor the 2004 Hornsby and Upper North Shore Advocate and North Shore Times Community Awards.

GB.4 20 Warwick Street, Killara - Demolition Of The Existing Dwelling And Torrens Title Subdivision Of The Site Into Two Allotments 33

File: DA 1652/03

Ward: Gordon

Applicant: Brian Leonard & Carnegie Credit Management Services

Owner: Brian Leonard & Carnegie Credit Management Services

To determine Development Application 1652/03 that proposes demolition of the existing house and subdivision of 20 Warwick Street into two Torrens Title allotments.

Recommendation:

Approval

GB.5 West Pymble Pool Stage 2 Preferred Tenderer 58

File: S02381

For Council to consider the appointment of a provider to undertake stage 2 works associated with the refurbishment and maintenance at West Pymble Pool.

Recommendation:

That Swimplex Constructions Pty Ltd be identified as the preferred tenderer for Stage 2 works and that all necessary documentation relating to the works be authorised by the Mayor and General Manager. Works are to commence in July 2004 following completion of Stage 1 of the pool works program.

GB.6 Offer To Acquire Commonwealth Bushland - Suakin Street, Pymble 67

File: P59534

To brief Council on the acquisition status of the Commonwealth Land to the rear of the Australian Government Analytical laboratories and the Army Depot Suakin Street, Pymble and to seek Councils approval to purchase the bushland.

Recommendation:

That Council approve the purchase of 2.3 hectares of land which forms part of the Australian Government Analytical Laboratories and the Army Depot in Suakin Street, Pymble at a purchase price of \$1000.

**GB.7 20 Bradfield Road, Lindfield - Subdivision To Create 29 Residential Lots,
2 Residual Lots And Ancillary Infrastructure**

89

File: DA 897/03

Ward: Roseville

Applicant: Proust & Gardner Consulting Pty Ltd

Owner: CSIRO Corporate Property

To determine a development application for a 31 lot subdivision and construction of the necessary infrastructure.

Recommendation:

Consent subject to conditions.

EXTRA REPORTS CIRCULATED AT MEETING

MOTIONS OF WHICH DUE NOTICE HAS BEEN GIVEN

NM.1 Management Plan And Budget

154

File: S02394

Notice of Motion from Councillor G Innes dated 19 April 2004.

I move that:

1. Council expresses its concern and disappointment at the short time available for the preparation of its Management Plan and Budget due to the deferring of the Local Government elections. This problem is exacerbated by the fact that six of the ten Councillors were elected for the first time.

The short time available places an undue pressure on both Councillors and Council Management and staff, and means that residents can only be consulted for the minimum period of time.

Whilst Council and staff will make their best endeavours in these circumstances to produce a Management Plan of the highest quality, the short time available will make this an even more difficult task.

2. Council directs the Mayor to write to the Minister for Local Government expressing the above sentiments.

**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**

**** ** ***

**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.*

DRAFT MANAGEMENT PLAN 2004 TO 2008, INCORPORATING BUDGET AND FEES AND CHARGES 2004/2005

EXECUTIVE SUMMARY

PURPOSE OF REPORT:	To place Council's 2004-2008 Draft Management Plan, incorporating the Budget and Fees and Charges for 2004/2005 on public exhibition.
BACKGROUND:	<p>Section 402 of the Local Government Act (1993) requires Councils to produce an Annual Management Plan which identifies its principal activities and objectives for the next four years.</p> <p>Section 405 of the Local Government Act (1993) requires the Draft Management Plan to be placed on public exhibition for a period of twenty eight days which allows for community feedback.</p>
COMMENTS:	Council has identified seven principal activities and a number of objectives have been formulated for each principal activity. Linked to these objectives are a number of outcomes and performance indicators that clearly identify how objectives will be achieved and how performance in achieving these objectives will be measured over the term of the Plan.
RECOMMENDATION:	That Council adopt the Draft Management Plan, incorporating the Budget and Fees and Charges for 2004/2005 for the purpose of public exhibition.

PURPOSE OF REPORT

To place Council's 2004-2008 Draft Management Plan, incorporating the Budget and Fees and Charges for 2004/2005 on public exhibition.

BACKGROUND

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

COMMENTS

Developing Council's Management Plan

Council has identified seven principal activities, namely:

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

A number of objectives have been formulated for each of the principal activities. Linked to these objectives are a number of outcomes and performance indicators that clearly identify how objectives will be achieved and how performance in achieving these objectives will be measured over the term of the Plan.

Council is required to resolve to place the Draft Management Plan and the Schedule of Fees and Charges on public exhibition for a period of twenty eight days and adopt the Plan prior to 30 June 2004.

CONSULTATION

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

FINANCIAL CONSIDERATIONS

Proposed Operating Budget

The operating budget for 2004/2005 has been developed within the framework established by 10 Year Financial Model, adopted by Council on 21 October 2003. This framework includes:

- An estimated employee award increase of 3.5%
- Net debt repayment of \$553,200
- New borrowings capped at \$1,600,000
- Rate peg increase of 3.25%
- \$1,100,000 allocated to Council's depreciation reserves
- Interest earned on depreciation and property reserves restricted to those reserves (\$516,600)
- 0.5% of general rate revenue maintained in the contingency reserve (\$176,000)
- Capital works program totaling \$8,874,500
- \$4,223,000 allocated to road projects
- Reductions in debt servicing costs allocated to projects of direct community benefit (\$1,556,200)
- Land and Environment Court legal costs budgeted at \$1,375,000
- Fees and Charges increased by 5% where appropriate

Council's proposed headline surplus for 2004/2005 is \$10,492,800. This represents a decrease of \$293,000 compared to the budget adopted in the Management Plan for 2003/2004.

However, Council proposes to restrict an additional \$526,700 to internally restricted reserves in the coming year.

Item 1

S03096
4 May 2004

Funding Statement	Management Plan 2003/2004	Revised Budget 2003/2004	Draft Budget 2004/2005
Total cash in	\$67,131,700	\$67,146,400	\$69,208,400
Total cash out	\$56,345,900	\$56,985,300	\$58,715,600
Headline Surplus	\$10,785,800	\$10,161,100	\$10,492,800
<i>Less:</i>			
Funds to Restricted Assets	\$5,153,900	\$5,669,900	\$5,300,600
Funds to Depreciation Reserves	\$720,000	\$720,000	\$1,100,000
Operating Net Surplus	\$4,911,900	\$3,771,200	\$4,092,200
Capital Projects	\$8,963,500	\$12,705,100	\$8,874,500
<i>Funded By:</i>			
Operating Net Surplus	\$4,911,900	\$3,771,200	\$4,092,200
Surplus Carried Forward	\$0	\$1,217,400	\$0
Section 94	\$406,500	\$657,200	\$27,600
Other Restricted Assets	\$3,645,100	\$7,059,300	\$4,763,400
Net Surplus	\$0	\$0	\$8,700

REVENUE

Council's proposed total revenue for 2004/2005 is \$69,208,400. This represents an increase of \$2,076,600 or 3.1% when compared to the Management Plan for 2003/2004.

A summary of the major revenue categories is shown below:

FUNDING STATEMENT					
Cash In	Management Plan 2003/2004	Revised Budget 2003/2004	Draft Budget 2004/2005	Change From Management Plan 2003/2004	Percentage Change
	\$	\$	\$	\$	
Rates	34,046,200	34,046,200	35,256,700	1,210,500	3.6%
Infrastructure Levy	1,646,100	1,646,100	1,695,500	49,400	3.0%
Annual Charges	7,986,900	7,986,900	8,659,100	672,200	8.4%
User Fees & Charges	13,541,400	13,373,700	14,130,500	589,100	4.4%
Interest Income	876,000	895,000	895,000	19,000	2.2%
Recurrent Grants	4,512,100	4,443,900	4,556,600	44,500	1.0%
Section 94 & CTW	2,001,000	2,001,000	2,000,000	(1,000)	0.0%
Capital Grants	722,000	953,600	415,000	(307,000)	(42.5)%
New Loans	1,800,000	1,800,000	1,600,000	(200,000)	(11.1)%
Total Cash In	67,131,700	67,146,400	69,208,400	2,076,600	3.1%

Item 1

S03096
4 May 2004***Rates***

In accordance with Section 566(3) of the Local Government Act, each year the Minister for Local Government announces the annual rate peg increase, this normally occurs in late April each year. However, at the time of writing this report the Minister is yet to announce the increase for 2004/2005.

An estimated increase of 3.25% has been included in the development of the draft 2004/2005 budget. When the actual increase is announced by the Minister, an adjustment will be made and reported back to Council with the final adoption of the budget in June.

Infrastructure Levy

Council's Infrastructure Levy is also subject to annual rate peg increases. Therefore, as is the case for Rates revenue, a 3.25% increase has been applied to the Infrastructure Levy.

Annual Charges - Domestic Waste

Revenue from Domestic Waste annual charges has increased by \$672,200 or 8.4%.

The standard garbage charge has increased from \$212 in 2003/2004 to \$230 for 2004/2005. This is due to an increase in costs (brought about by a change in service levels) in relation to Council's new ten year contract with Collex Waste Management. The increased costs of the service will be phased into the Domestic Waste annual charge over a three year period. Council will subsidise the cost of the new service to ratepayers over this period by drawing on funds previously collected and held in the Domestic Waste Reserve.

The Domestic Waste Reserve currently has a balance of \$3.5 million. In 2004/2005 Council will be drawing \$798,000 from this reserve to fund the Domestic Waste Service.

The table below provides a comparison of charges between the 2003/2004 and 2004/2005 financial years:

WASTE MANAGEMENT CHARGES	2004/2005	2003/2004
Residential with Green Waste	\$230	\$212
Vacant Land	\$80	\$75
Residential no Green Waste	\$170	\$152
Additional Green Waste	\$80	\$70
Flats, Home Units	\$210	\$200
2 nd Waste Service	\$330	\$310

User Charges and Fees

Council's User Charges and Fees have increased by \$589,100 or 4.4% in 2004/2005. Many of Council's fees are unable to be altered as they are statutory fees set by legislation. In addition, if a proposed increase in fees would diminish the competitive advantage that Council has in the marketplace, the fee has not been increased in 2004/2005.

The largest increases in 2004/2005 are in the areas of rental income and road and footpath restoration income. Decreases have occurred in golf course income, revenue from trade waste and the building permit area as a result of increased competition from the private sector.

Interest Income

Interest income has increased by \$19,000 or 2.2%. This is as a result of Council continuing to build up internally restricted reserves and the strong performance of Council's investments. The actual increase in the amount of funds on investment has seen earnings steadily increase over the previous three years.

Council's interest earned on investments (excluding interest charged on overdue rates) has increased from \$500,000 in 2000/2001 to \$825,000 in 2004/2005.

The continued allocation of interest earned on Council's depreciation and property reserves will result in an estimated \$516,600 transferred back to those reserves during 2004/2005.

Market analysts are expecting interest rates to remain fairly stable during the next 12-18 months and therefore Council can expect similar returns in 2004/2005.

Recurrent Grants

Recurrent grant income has increased by \$44,500 or 1.0%. This amount is broken down as follows:

- \$10,200 ↑ Financial Assistance
- \$6,000 ↑ Pensioner Rebates
- \$26,300 ↑ Specific Purpose Grants.

Each year the Grants Commission advise Council of the increase in the Financial Assistance Grant. At the time of writing this report the actual increase for 2004/2005 has not yet been advised and an estimated increase of 3% has been included in the draft budget.

Specific purpose grants include Community Services grants, the RTA road safety grant, RTA block grant, street light subsidy, 3 x 3 program and bus route subsidy. The majority of specific purpose grants increase annually by CPI.

Section 94 Contributions

The 2004/2005 budget includes an estimate of \$2 million for Section 94 revenue.

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

Capital Grants

Capital grants have decreased by \$307,000 or 42.5% when compared to the original budget for 2003/2004. This decrease relates to the Roads to Recovery Programme.

The federal government introduced the Roads to Recovery Programme in January 2001 to address the problem of deteriorating road infrastructures. When first introduced it was to be a four year program ending in June 2005. As such Council is to receive the final installment of \$165,000 in 2004/2005. Previous years installments had been \$472,000.

However, the Australian Government announced in January this year that it will extend the Roads to Recovery Programme for an additional four years, until 30 June 2009. All councils will be eligible for additional spending from the programme. Nationally the funding will be distributed at a rate of \$300 million a year, however the exact amounts to be paid to each Council will not be announced until the federal budget is announced in May 2004. Budget adjustments for any additional funds will be reported back to Council with the final adoption of the budget in June.

Capital grants show a reduction of \$538,600 when compared to the revised budget of 2003/2004. This difference is made up of the above amount of \$307,000, plus carry forward grants from 2002/2003 of \$184,900 and \$46,700 of additional grants recognised at quarterly budget reviews during 2003/2004.

New Loans

Revenue from new borrowings has been reduced by \$200,000 or 11.1%. New borrowings for 2004/2005 have been capped at \$1,600,000 and will be used to fund:

- Capital road projects (\$1,582,500) and
- Fleet replacement (\$17,500).

Based on this reduced level of borrowings and principal debt repayments of \$2,153,200, Council will repay 'net debt' of \$553,200 in 2004/2005. This is in line with Council's debt reduction strategy that was adopted as part of the 10 Year Financial Model in October 2003.

EXPENDITURE

Council's proposed operating expenditure for 2003/2004 is \$58,715,600. This represents an increase of \$2,369,700 or 4.2% when compared to the Management Plan for 2003/2004.

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

FUNDING STATEMENT					
Cash Out	Management Plan 2003/2004 \$	Revised Budget 2003/2004 \$	Draft Budget 2004/2005 \$	Change From Management Plan 2003/2004 \$	Percentage Change
Employee Costs	25,086,400	25,577,100	26,681,600	1,595,200	6.4%
Operating Expenses	10,028,500	10,257,700	9,853,500	(175,000)	(1.7)%
Materials and Contracts	14,277,600	14,257,700	15,757,700	1,480,100	(10.4)%
Statutory Levies	2,110,500	2,084,900	2,139,500	29,000	1.4%
Pensioner Rebate	910,700	910,700	800,000	(110,700)	(12.2)%
Capital Acquisitions	625,300	625,300	636,400	11,100	1.8%
Interest Expense	763,800	728,800	693,700	(70,100)	(9.2)%
Principal Repayments	2,543,100	2,543,100	2,153,200	(389,900)	(15.3)%
Total Cash Out	56,345,900	56,985,300	58,715,600	2,369,700	4.2%

Employee Costs

Employee costs have increased by \$1,595,200 or 6.4%. The major variations in this category relate to:

- Employee Award increase of 3.5% ↑ \$741,000
- Workers Compensation Premium ↑ \$450,000
- Superannuation Guarantee Levy ↑ \$200,000
- Casual & Temporary salaries ↓ \$106,000

Item 1

S03096
4 May 2004

Operating Expenses

Operating expenses have decreased by \$175,000 or 1.7%. The major variations within operating expenses are as follows:

• Legal Fees	↓ \$154,900
• Consultants	↓ \$26,000
• Insurances	↑ \$50,100
• Merchant Bank Fees	↓ \$39,000
• External Plant Hire Costs	↓ \$40,000
• Conferences	↓ \$12,500
• Street Lighting Charges	↓ \$18,100
• Bad and Doubtful Debts	↓ \$25,000

Materials and Contracts

Materials and contractors costs have increased by \$1,480,100 or 10.4%. The major variations within materials and contracts are as follows:

• Contractors (\$1.5 million Domestic Waste)	↑ \$1,553,200
• Waste Disposal Costs (\$255,000 Domestic Waste)	↑ \$237,400
• Repairs & Maintenance (\$130,000 Domestic Waste)	↓ \$136,600
• Computer Costs (Information Technology)	↓ \$49,200
• Fuel	↓ \$25,500
• Equipment Purchases	↓ \$33,700

Statutory Levies

Statutory levies include the NSW Board of Fire Commissioners Levy and the Department of Urban Affairs and Planning, Environmental Planning Levy. It is anticipated that the NSW Board of Fire Commissioners Levy will increase again in 2004/2005. Official notification of the increase has not been received at this time.

Item 1

S03096
4 May 2004

Actual payments of this levy have increased by \$301,000 between 1999/2000 and 2003/2004, as illustrated below:

NSW BOARD OF FIRE COMMISSIONERS LEVY					
1999/2000	2000/2001	2001/2002	2002/2003	2003/2004	2004/2005
\$1,488,200	\$1,528,300	\$1,586,600	\$1,772,000	\$1,788,800	\$1,842,500**

** An estimated increase of 3% has been included in the draft budget 2004/2005.

Pensioner Rebate Expense

The budget in this category of expenditure reflects the actual cost to Council based on 2003/2004 pensioner claims.

Capital Acquisitions

Capital acquisitions include library book purchases, computer equipment purchases and other minor office equipment purchases. Expenditure in this category has increased by \$11,100 or 1.8% when compared to the 2003/2004 Management Plan. The largest variation relates to an increase in library book purchases of \$18,700.

Loan Expenses

Interest expense has fallen by \$70,100 or 9.2% and principal repayments by \$389,900 or 15.3%. This is in line with Council's debt reduction strategy adopted by Council as part of the 10 Year Financial Model in October 2003.

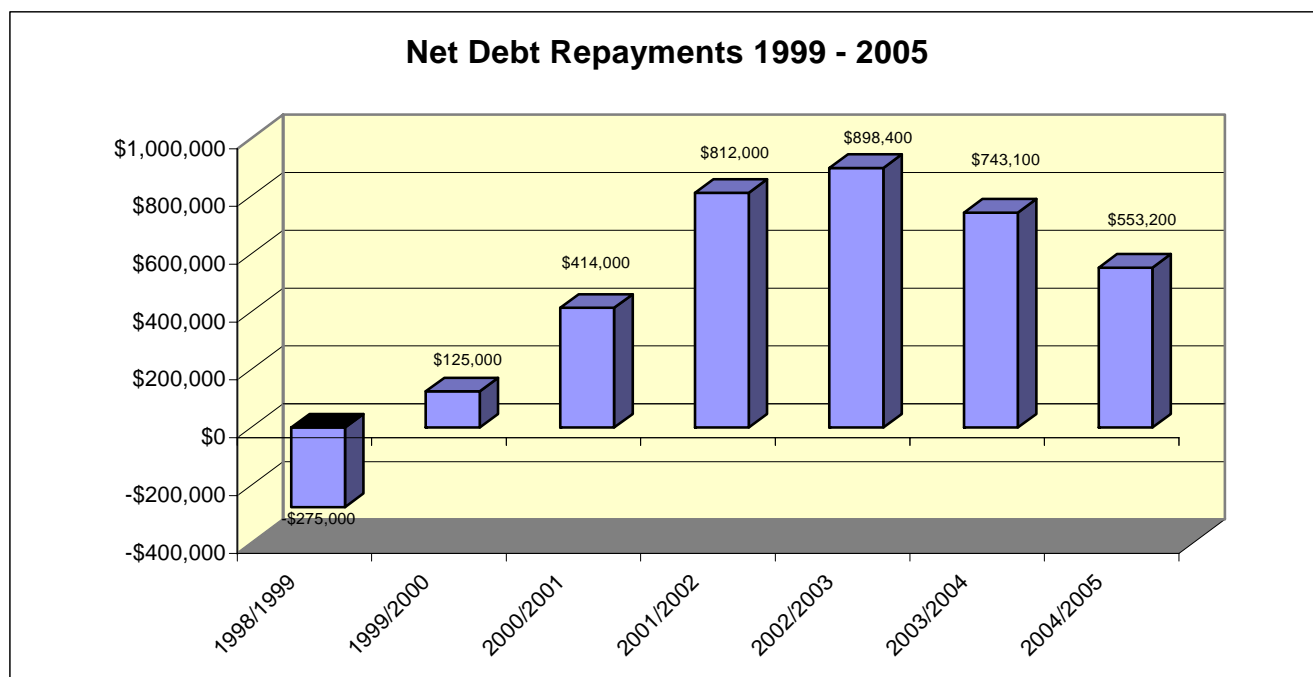
Net debt repayment in 2004/2005 will be \$553,200. This compares to \$743,100 in the current financial year and \$898,400 last year, as illustrated below:

NET DEBT REPAYMENT			
	2002/2003	2003/2004	2004/2005
New Loans	\$1,882,000	\$1,800,000	\$1,600,000
Principal Repayments	\$2,780,400	\$2,543,100	\$2,153,200
Net Debt Repayments	\$898,400	\$743,100	\$553,200

Council's net loan repayments in recent years are illustrated in the following graph.

Item 1

S03096
4 May 2004



Depreciation

Depreciation is a non-cash expense and as such, is excluded from the operating cash budget of Council. However it is included in the total operating budget of Council. The total depreciation budget for 2004/2005 is \$6,892,600.

The following table lists the depreciation budgets for 2003/2004 compared to the Draft Budget for 2004/2005:

DEPRECIATION			
Asset Type	2003/2004 \$	2004/2005 \$	Variation \$
Roads and Bridges	2,849,300	2,905,600	56,300
Plant and Equipment	1,239,100	1,134,900	(104,200)
Buildings and Installations	1,672,600	1,504,700	(167,900)
Drainage Assets	463,200	463,200	0
Furniture and Fittings	80,200	88,600	8,400
Office Equipment	70,000	105,300	35,300
Library Books	477,000	366,300	(110,700)
Other Assets	514,400	324,000	(190,400)
TOTAL	\$7,365,800	\$6,892,600	(\$473,200)

Item 1

S03096
4 May 2004

The largest variations above relate to library books, domestic waste bins and domestic waste trucks which have now been fully depreciated.

Funds Transferred to Reserves

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

The proposed budget for 2004/2005 includes \$6,400,600 transferred to restricted reserves as listed below:

• Depreciation Reserves	\$1,100,000
• Reductions in Borrowings/Works of Direct Community Benefit	\$1,566,200
• Section 94	\$2,000,000
• Infrastructure Restoration Fee	\$340,000
• Golf Course Improvement Levy	\$250,000
• Plant Replacement Reserve	\$327,800
• Building Reserve	\$250,000
• Interest on Reserves	\$516,600
• Election Reserve	\$50,000
TOTAL	\$6,400,600

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

• Buildings Reserve	\$160,000
• Drainage Reserve	\$200,000
• Footpath Reserve	\$200,000
• IT Reserve	\$380,000
• Roads Reserve	\$160,000
TOTAL	\$1,100,000

Proposed Capital Works and Projects for 2004/2005

Council's proposed budget for 2004/2005 includes projects of \$8,874,500.

This expenditure is both of a capital (\$8,024,500) and operating (\$850,000) nature and is broken down by asset type as follows:

PROJECTS SUMMARY BY ASSET TYPE 2004/2005			
Description	Capital \$	Operational \$	Total \$
Roads	4,223,000	-	4,223,000
Plant Replacement	1,050,000	-	1,050,000
Drainage Works	297,000	-	297,000
Footpaths	554,000	-	554,000
Traffic Facilities	143,500	-	143,500
Parks	200,000	-	200,000
Playgrounds	150,000	-	150,000
Tennis Courts	157,000	-	157,000
Sportsfields	320,000	-	320,000
Swimming Pool	300,000	-	300,000
Golf Course Improvement Works	250,000	-	250,000
Depot Relocation	-	150,000	150,000
Tree Planting Works	-	120,000	120,000
Planning Projects	-	250,000	250,000
Catchment Analysis & Management	-	250,000	250,000
Heritage DCP	-	80,000	80,000
IT Corporate System Replacement	380,000	-	380,000
GRAND TOTAL	\$8,024,500	\$850,000	\$8,874,500

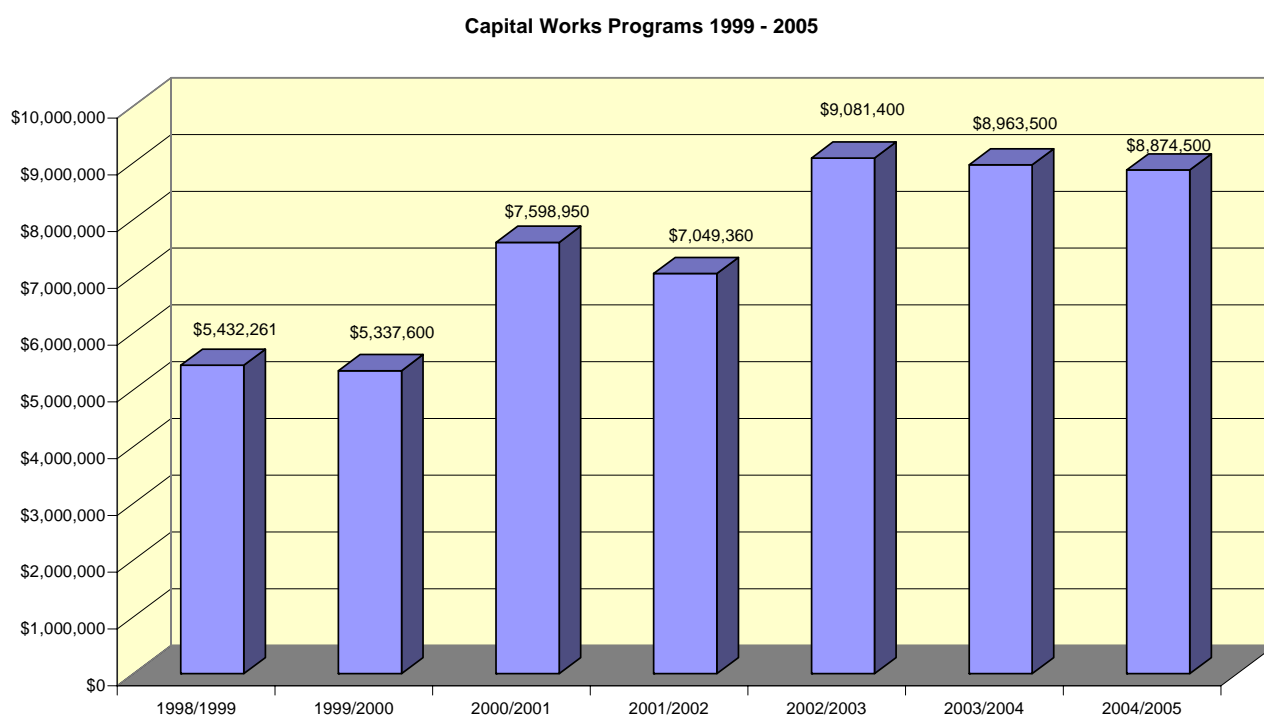
Item 1

S03096
4 May 2004

The above program is funded as follows:

PROPOSED FUNDING SUMMARY 2004/2005	
Funded by	\$
Operating Surplus	1,379,800
Loans	1,600,000
Infrastructure Levy	1,695,500
Reductions in Borrowings/Direct Community Benefit	1,566,200
Grants	415,000
Infrastructure Restoration Reserve	530,000
Plant Replacement Reserve	350,000
Drainage Reserve	297,000
Footpath Reserve	220,000
Building Reserve	150,000
Golf Course Levy	250,000
IT Reserve	380,000
Contingency Reserve (reduced to 0.5% of rating revenue as required)	41,000
TOTAL	\$8,874,500

The following graph shows annual amounts allocated to projects in Council's Management Plans 1998/1999 to 2004/2005.



Item 1

S03096
4 May 2004

Points to note in regard to the Draft Capital Works / Projects Budget 2004/2005 include:

- Council's has committed \$4,223,000 to capital road projects. This represents a CPI increase of 2.5% above the \$4,120,000 allocated by Council in 2003/2004.
- \$1,566,200 has been committed to works of Direct Community Benefit. This amount is funded from the reduction in debt servicing costs in 2004/2005 when compared to the base year, 2001/2002. Programs to be undertaken include: footpath works, traffic facilities, swimming pool, tennis court, sportsfield, and playground refurbishment, park development, and tree planting.
- \$150,000 will be utilised from Council's building reserve to fund works associated with the depot relocation project. These funds will be repaid to the building reserve upon the sale of Council's current Carlotta Ave depot site.
- The proposed new loan amount of \$1,600,000 in 2004/2005 has been allocated to fund the following programs:
 - Capital road projects \$1,582,500 and
 - Fleet replacement \$17,500.

Fees and Charges Document 2004/2005

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

Attached as **Appendix B** is a copy of Council's Draft Fees and Charges 2004/2005.

CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

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

SUMMARY

MANAGEMENT PLAN

- Council's Draft Management Plan has been developed in accordance with Sections 402, 403 and 404 of the Local Government Act (1993).
- Council's seven principal activities are:

Item 1

S03096
4 May 2004

- Civic Leadership
 - Integrated Planning
 - Community Development
 - Natural Environment
 - Built Environment
 - Financial Sustainability
 - Council's Corporate Services
-
- Each principal activity has a number of objectives which are linked to outcomes and performance indicators that clearly identify how objectives will be achieved and how performance in achieving these objectives will be measured over the term of the Plan.
 - Quarterly reviews measuring the extent to which performance targets have been met, will be reported to Council within two months after the end of each quarter.

BUDGET

- Council's Draft Budget for 2004/2005 has been developed using the framework of the 10 Year Financial Model, adopted by Council in October 2003.
- The draft budget does not rely on funding from asset sales.

RECOMMENDATION

- A. That Council adopt the Management Plan 2004-2008, incorporating the Budget and Fees and Charges for 2004/2005 for the purpose of public exhibition.
- B. That the Management Plan, Budget and Fees and Charges be placed on public exhibition for 28 days commencing Friday, 14 May 2004.
- C. That an advertisement be placed in the 'North Shore Times' advising public exhibition details.
- D. That following public exhibition, a further report be submitted to Council for adoption of the 2004-2008 Management Plan, Budget and Fees and Charges.
- E. That the \$1,100,000 allocated to Council's depreciation reserves be allocated as follows:

Building Reserve	\$160,000
Drainage Reserve	\$200,000

Item 1

S03096
4 May 2004

Footpath Reserve	\$200,000
IT Reserve	\$380,000
Roads Reserve	\$160,000
Total	\$1,100,000

- F. That the \$150,000 funding from the Building Reserve for the depot relocation projects be repaid to the Building Reserve upon the sale of Council's Carlotta Ave depot site.

Brian Bell
General Manager

John McKee
Director Finance & Business

Melissa Crain
Manager Business Development

Attachments: **A. Draft Management Plan 2004-2008 (bound separately)**
 B. Draft Fees & Charges (bound separately)

ALGWA WOMEN'S CONFERENCE 2004

EXECUTIVE SUMMARY

PURPOSE OF REPORT:	For Council to nominate delegates to the Australian Local Government Women's Association (NSW) 51st Annual State Conference.
BACKGROUND:	Correspondence has been received from the hosts of this year's event, Parramatta City Council, calling for nominations to attend this year's conference.
COMMENTS:	Preliminary Program for the Conference is attached to this Report.
RECOMMENDATION:	That Council determine its delegates to the Australian Local Government Women's Association Conference.

PURPOSE OF REPORT

For Council to nominate delegates to the Australian Local Government Women's Association (NSW) 51st Annual State Conference

BACKGROUND

Correspondence has been received from the hosts of this year's event, Parramatta City Council, calling for nominations to attend this year's conference.

COMMENTS

Preliminary Program for the conference is attached to this Report.

CONSULTATION

N/A

FINANCIAL CONSIDERATIONS

The cost of attending the conference is \$450.00 per delegate, if registered prior to 19 May 2004. Registration after 19 May 2004 is \$535.00 per delegate. Sufficient funds exist within this year's budget to meet the costs of attendance at this conference.

CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

N/A

SUMMARY

N/A

RECOMMENDATION

That Council determine its delegates to the Australian Local Government Women's Association (NSW) Conference.

Brian Bell

General Manager

Attachments: Preliminary Program ALGWA Conference

SPONSORSHIP OF THE COMMUNITY BUSINESS AWARDS

EXECUTIVE SUMMARY

PURPOSE OF REPORT:	To advise Council of a proposal from the Cumberland Newspaper Group to become a sponsor of the 2004 Hornsby and Upper North Shore Advocate and North Shore Times Community Business Awards.
BACKGROUND:	The Cumberland Newspaper Group was previously associated with the North Shore Business Awards, which were organised through Precedent Productions. In 2003 the Cumberland Newspaper Group established the Community Business Awards which were featured in the Hornsby Advocate and the North Shore Times while the North Shore Business Awards remained a feature of the Sydney Weekly Courier.
COMMENTS:	The Community Business Awards will acknowledge local businesses, facilitate networking opportunities and bring together businesses in a diverse range of industries.
RECOMMENDATION:	That Council approve \$3,000 from Working Funds to sponsor the 2004 Hornsby and Upper North Shore Advocate and North Shore Times Community Awards.

PURPOSE OF REPORT

To advise Council of a proposal from the Cumberland Newspaper Group to become a sponsor of the 2004 Hornsby and Upper North Shore Advocate and North Shore Times Community Business Awards.

BACKGROUND

The Cumberland Newspaper Group was previously associated with the North Shore Business Awards that were organised through Precedent Productions. In 2003 the Cumberland Newspaper Group established the Community Business Awards which were featured in the Hornsby Advocate and the North Shore Times while the North Shore Business Awards remained a feature of the Sydney Weekly Courier.

COMMENTS

The Community Business Awards will acknowledge local businesses, facilitate networking opportunities and bring together businesses in a diverse range of industries. As a sponsor, Council will receive promotional and editorial coverage to the value of \$18,000 throughout the award campaign from 23 June to 14 October 2004.

The aims of the Community Business Awards are to:

- Introduce a networking opportunity among businesses, particularly for sponsors
- Develop relationships between sponsors, local business owners and the public
- Recognise outstanding businesses for product and customer service in the local area
- Give customer feedback to businesses through the nomination and judging process
- Assist in improving the standards in local business

As a sponsor, Council will receive the following benefits:

- A dedicated editorial about Ku-ring-gai Council in both publications
- Recognition as a “sapphire” sponsor in all editorial coverage
- 10cm x 3 column (mono) advertisement, to appear in the finalists’ and winners’ features of both publications, valued at \$1,891.20
- 10cm x 2 column (mono) advertisement, designed by Ku-ring-gai Council, carrying the “Proud sponsor of the 2004 Hornsby and Upper North Shore Advocate Community Business Awards” and “Proud sponsor of the 2004 North Shore Times Community Business Awards” tag to appear once a month for each publication until the end of this year, valued at \$6,934.40 (from February to December 2004)
- Ku-ring-gai Council’s logo will appear in order of rank on the entry coupon, finalist pack information, invitation, presentation program for each publication
- A 30 second TVC (supplied by the sponsor) or a 30 second audio/visual footage from a selected spokesperson at Ku-ring-gai Council
- A selected representative to present an award to winners at each of the presentation evenings

Item 3

S02091
4 May 2004

- Two complimentary tickets to the presentation evening

CONSULTATION

Not applicable.

FINANCIAL CONSIDERATIONS

Support sponsorship for the Community Business Awards is \$3,000. This cost has not been allocated in the Mayoral or Communications budget for the current year. Council would need to vote monies from existing working funds. The balance in working funds currently stands at \$247,100.

CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

Finance and Business Development has been consulted regarding the financial implications of this proposal.

SUMMARY

Council has been approached to sponsor the 2004 Hornsby and Upper North Shore Advocate and North Shore Times Community Business Awards. This sponsorship would demonstrate Council's support for the local business community along with providing a range of promotional opportunities for Council.

RECOMMENDATION

That Council approve \$3,000 from Working Funds to sponsor the 2004 and Upper North Shore Advocate and North Shore Times Community Awards.

Janice Bevan
DIRECTOR COMMUNITY SERVICES

Attachments: Sponsorship Proposal

DEVELOPMENT APPLICATION

SUMMARY SHEET

REPORT TITLE:	20 WARWICK STREET, KILLARA - DEMOLITION OF THE EXISTING DWELLING AND TORRENS TITLE SUBDIVISION OF THE SITE INTO TWO ALLOTMENTS
WARD:	Gordon
DEVELOPMENT APPLICATION N^o:	1652/03
SUBJECT LAND:	20 Warwick Street, Killara
APPLICANT:	Brian Leonard & Carnegie Credit Management Services
OWNER:	Brian Leonard & Carnegie Credit Management Services
DESIGNER:	Jackson Architects
PRESENT USE:	Residential
ZONING:	Residential 2B
HERITAGE:	No
PERMISSIBLE UNDER:	Ku-ring-gai Planning Scheme Ordinance
COUNCIL'S POLICIES APPLICABLE:	Ku-ring-gai Planning Scheme Ordinance, Subdivision Code
COMPLIANCE WITH CODES/POLICIES:	Yes
GOVERNMENT POLICIES APPLICABLE:	State Environmental Planning Policy 55
COMPLIANCE WITH GOVERNMENT POLICIES:	Yes
DATE LODGED:	16 December 2003
40 DAY PERIOD EXPIRED:	25 January 2004
PROPOSAL:	Demolition of the existing dwelling and Torrens Title subdivision of the site into two allotments
RECOMMENDATION:	Approval

Item 4

DEVELOPMENT APPLICATION N^o 1652/03
PREMISES: 20 WARWICK STREET, KILLARA
PROPOSAL: DEMOLITION OF THE EXISTING
DWELLING AND TORRENS TITLE
SUBDIVISION OF THE SITE INTO TWO
ALLOTMENTS
APPLICANT: BRIAN LEONARD & CARNEGIE CREDIT
MANAGEMENT SERVICES
OWNER: BRIAN LEONARD & CARNEGIE CREDIT
MANAGEMENT SERVICES
DESIGNER JACKSON ARCHITECTS

PURPOSE FOR REPORT

To determine Development Application 1652/03 that proposes demolition of the existing house and subdivision of 20 Warwick Street into two Torrens Title allotments.

EXECUTIVE SUMMARY

- The application was lodged concurrently with application DA1653/03. DA1653/03 proposes the erection of a dual occupancy development on each of the resultant allotments created by DA 1652/03. This report only discusses the proposed subdivision.
- Forty-six (46) individual letters of objection and one petition with 218 signatures were received in response to the development application.
- The development is Integrated Development under the provisions of the Rivers & Foreshore Improvements Act, 1948.
- The development complies with the Ku-ring-gai Planning Scheme Ordinance;
- An appeal against the deemed refusal of this Development Application has been lodged in the Land and Environment Court. The hearing date has been set at 1st - 3rd June 2004. A Statement of Issues has been lodged with the Court.
- Approval of the subdivision application is recommended subject to standard conditions, and a special condition involving the restoration of the riparian zone.

HISTORY

There is no history relevant to this Development Application.

THE SITE

Zoning:	Residential 2B
Visual Character Study Category:	1945-1968
Lot Number:	D
DP Number:	324517
Area:	2928 square metres
Side of Street:	Western
Cross Fall:	South to north and east to west

Item 4

Stormwater Drainage:	Down to the watercourse located on the northern part of the site
Heritage Affected:	No
Required Setback:	N/A
Integrated Development:	Yes
Bush Fire Prone Land:	No
Endangered Species:	Yes
Urban Bushland:	No
Contaminated Land:	No

SITE DESCRIPTION

No. 20 Warwick Street, Killara has a site area of 2928 square metres with a frontage to Warwick Street of 41.7m and a depth of approximately 70m. The site is located on the lower and western side of Warwick Street adjacent to its intersection with Lyon Close.

The site is rectangular in shape, and falls from front to back, and also from south to north. The total fall in the land is approximately 13m and includes a 3.5m high bank which forms the boundary between the subject site and the road reserve. This bank then gives way to a level lawn area that is approximately 10m to 12m wide. A further bank approximately 2m high then leads to the site proper which falls at a constant rate to the site's north western corner.

Located adjacent to and running parallel with the site's northern side boundary is a watercourse which is piped for approximately its first 18m onto the property. The watercourse is approximately 2m wide.

The property supports a number of large and significant trees comprising both native and introduced species. The introduced species on the property include a large liquid amber and a cedrus.

The native species include remnant elements of the Blue Gum High Forest which is an endangered ecological community. Specific trees include Eucalyptus saligna (Sydney Blue Gum), Eucalyptus paniculata (Grey Ironbark), Pittosporum undulatum (Sweet Pittosporum) and Oplismenus aemulus (Basket Grass). The riparian zone is also heavily overgrown with herbaceous noxious plant and weed species.

Currently erected on the property is a large one to two storey brick and tile dwelling with a garage located underneath. The dwelling is approximately 50-60 years old and is located towards the centre of the existing allotment. The existing dwelling house is not heritage listed and is not considered to be of heritage significance.

THE PROPOSAL

The proposal seeks approval for the demolition of the site's existing structures and the Torrens Title subdivision of the site into two allotments of land.

Item 4

Proposed Lot A has an area of 1383 m². Lot A is located at the front of the site and has frontage of 41.7 m to Warwick Street.

Proposed Lot B has an area of 1545 m². Lot B is a battle-axe allotment located to the rear of Lot A. Lot B has a 5m frontage to Warwick Street via an access handle along the southern boundary.

CONSULTATION - COMMUNITY

In accordance with Council's policy, adjoining owners were given notice of this application at the same time as the application for two dual occupancies.

The level of public objection has been significant with over 46 individual letters of objection being received and one petition with 218 signatures.

The following comments have been received:

The following objections, which can be related to subdivision, were raised:

Mrs C McDonald - 23 Buckingham Road KILLARA NSW 2071
C J Armitage - 27 Buckingham Road KILLARA NSW 2071
Mr D Ashton - c/- 22 Warrick Street KILLARA NSW 2071
Craig Barker - 36 Spencer Road KILLARA NSW 2071
D J Riddell - 36 Buckingham Road KILLARA NSW 2071
J G Shaw - 22A Warwick Street KILLARA NSW 2071
C & Y Sng - 39 Warwick Street KILLARA NSW 2071
Dr G & Mrs E Szuladzinski - 5 Warwick Street KILLARA NSW 2071
Mr S & Mrs S Kossard - 2 Lyon Close KILLARA NSW 2071
Dr S Barratt Staff Specialist Anaesthetist - Royal North Shore Hospital
ST LEONARDS NSW 2065
Mr J E & Mrs W L Free - 2 Warwick Street KILLARA NSW 2071
Ms A van Veen - 12 Warwick Street KILLARA NSW 2071
Gordon Killara Residents Group - 15 Highbridge Road KILLARA NSW 2071
U M Wells - 19 Warwick Street KILLARA NSW 2071
R C & A Wallace - 18 Spencer Road KILLARA NSW 2071
Mr P McNamara - 31 Buckingham Avenue KILLARA NSW 2071
D & J Stamp - 4 Lyon Close KILLARA NSW 2071
Mr & Mrs McKenna - 9 Warwick Street KILLARA NSW 2071
B Lewis - 27 Spencer Road KILLARA NSW 2071
S & K Mura - 26 Spencer Road KILLARA NSW 2071
T & E Holden - 14 Spencer Road KILLARA NSW 2071
A Kneeshaw - 22 Spencer Road KILLARA NSW 2071
R & R Hopwood - 24 Spencer Road KILLARA NSW 2071
R & J Harkness - 18 Warwick Street KILLARA NSW 2071
F & G McDonnell - 11 Warwick Street KILLARA NSW 2071
K & P Strauss - 56 Spencer Road KILLARA NSW 2071
D Maher - 17 Calvert Avenue KILLARA NSW 2071

Item 4

Mrs S Barker - 4 Calvert Avenue KILLARA NSW 2071
P Burgess - 21 Buckingham Avenue KILLARA NSW 2071
A Coward - 3 Warwick Street KILLARA NSW 2071
A Cannon - 6 Lyon Close KILLARA NSW 2071
C Cheung - 43 Warwick Street KILLARA NSW 2071
S & J Bradley - 15 Norfolk Street KILLARA NSW 2071
P & H Mahony - 13 Norfolk Street KILLARA NSW 2071
Mr T & Mrs M Chan - 30 Spencer Road KILLARA NSW 2071
F & S Khoo - 3 Lyon Close KILLARA NSW 2071
J & H Mitchell - 2 Ridgeland Avenue KILLARA NSW 2071
D Whiteside - 58 Spencer Road KILLARA NSW 2071
D Chadwick - 12 Calvert Avenue KILLARA NSW 2071
A & R Crittenden - 16 Warwick Street KILLARA NSW 2071
P Brigden - 21 Norfolk Street KILLARA NSW 2071
Mr R J & Mrs M E Wright - 3 Calvert Avenue KILLARA NSW 2071
Mr M & Mrs B Shaw - 5 Ridgeland Avenue KILLARA NSW 2071
Mrs G Cordner - 35 Spencer Road KILLARA NSW 2071
Mr P M Haynes - 8 Highbridge Road KILLARA NSW 2071
D H & J M Philipp - 90 Spencer Road KILLARA NSW 2071
B Braham - 22 Buckingham Road KILLARA NSW 2071
Mr M & Mrs P Holden - 12 Spencer Road KILLARA NSW 2071
Mr P W & Mrs S R Young - 14 Warwick Street KILLARA NSW 2071
Mr D & Mrs S Tamas - 5 Lyon Close KILLARA NSW 2071
S E Shaw - 22A Warwick Street KILLARA NSW 2071

Inconsistency with the objectives of the KPSO

Comment:

The development is considered to have satisfied the objectives of Schedule 9 of the KPSO for the Residential 2(b) area, being to maintain and where appropriate, improve the existing amenity and environmental character of the zone.

Site unsuitable for the proposed development

Comment:

The two allotments to be created are of a generous size, not inconsistent with the diversity of allotment sizes and types in the locality. The topography and vegetation cover, whilst a constraint, does not preclude the approval of the proposed subdivision.

Poor site accessibility

Comment:

Due to the constraints of the site, Council's Development Engineer recommends that the access handle proposed for Lot B also be used for Lot A. **Condition 29** requires the creation of a right of

Item 4

way over Lot B in favour of Lot A for access purposes. Council is advised that the access handle along the southern boundary of the site reflects an existing driveway location. There is no objection to the use of this access handle for vehicular and pedestrian access.

Excessive traffic generation

Comment:

Council can be satisfied that the subdivision of the site into two allotments of land will have a negligible impact upon traffic flows and generation on Warwick Street or the surrounding street network. Council is advised that the development of the individual allotments for a more intense use of the land such as dual occupancy development is a matter for consideration against that development application.

Dangerous pedestrian and vehicular access to topography of Warwick Street

Comment:

The proposed subdivision does not preclude the provision of safe, appropriate vehicular and pedestrian access to the two resultant allotments of land.

Unacceptable impacts of construction

Comment:

This application proposes only the subdivision of the site and the demolition of the existing house. The imposition of standard conditions of consent will minimise impacts upon surrounding properties.

Development out of character with the neighbourhood;

Comment:

Subdivision of the site into two torrens title allotments is considered to be compatible with the pattern of subdivision in the area.

Development will establish an undesirable precedent;

Comment:

The subdivision of the site into two allotments will not create an undesirable precedent for development in Ku-ring-gai.

Development is contrary to the Residential B zone objectives;

Comment:

Item 4

The subdivision of the site into two allotments is consistent with the aims and objectives of the Ku-ring-gai Planning Scheme Ordinance being to permit new residential development only where it is compatible with the existing environmental character of the locality and has a sympathetic and harmonious relationship with adjoining development. The proposal does not preclude this from being achieved as a result of the creation of two generously sized allotments.

Access corridor should be 7.32m to comply with Council's policy;

Comment:

For a two lot battle-axe subdivision, Clause 58(b)(iii) of the Ku-ring-gai Planning Scheme Ordinance, requires an access handle of 4.6m to the hatchet shaped allotment. Council's Subdivision Code requires a 7.32 m wide access handle for the battle-axe allotment in a two lot subdivision where the handle is shared. Council's Engineers are satisfied that the proposed 5.05m wide access corridor provides appropriate access to both Lots A and B.

Subdivision does not comply with minimum size requirements;

Comment:

The site fully complies in terms of minimum size requirements with the KPSO and Council's Subdivision Code.

CONSULTATION - WITHIN COUNCIL

«Details of Council Consultation»

Council's Landscape Development Officer

Council's Landscape Development Officer raises no objection to the proposed development.

The Landscape Development Officer believes that the restoration of the riparian zone which is a requirement of Department of Infrastructure, Planning and Natural Resources in relation to the subdivision would have benefits.

Some concern is expressed about the future impact of dwellings on the large trees which exist on the property and this is a matter for consideration in DA 1653/03 being Stage 2 of the overall development proposal.

Council's Development Engineer

No objection was raised to the subdivision of the site.

There are a number of engineering requirements associated with the proposal:

1. Upgrading of the access driveway, to be shared between the 2 allotments and joint access ensured by the creation of Reciprocal Rights of Carriageway under Section 88B of the

Item 4

Conveyancing Act. This is considered necessary at subdivision stage so that any future developments particularly on the rear lot will have ready and proper access to the street and to minimize potential conflicting dispute between the two property owners should the created lots be sold.

2. 500mm high retaining wall 6m from the front boundary and an associated 2m wide open drainage swale, for flood control reasons. This is considered necessary at subdivision stage so that any future developments are not affected by flood waters. The cost of this work should be borne by the developer and not by the future property owner. The required works are based on a flood study by AFCE Environmental Building, submitted in regard to the application.
3. Upgrading of the headwall and pipe outlet, also for flood control reasons.

A single driveway to service both lots and upgrading of the drainage arrangements is justified because of the intensification of the use of the site (**refer Conditions 27, 28, 29, 43**).

PROVISIONS OF RELEVANT LEGISLATION

The Environmental Planning & Assessment Amendment Act 1979

1. Environmental Planning Instruments

This application is a Local Development under Part 4 of the Environmental Planning & Assessment (Amendment) Act and the proposal requires development consent under the Ku-ring-gai Planning Scheme Ordinance.

State Environmental Planning Policy 55 (SEPP 55)

There is no site history to suggest that the site is likely to be contaminated.

Ku-ring-gai Planning Scheme Ordinance (KPSO)

The following table shows the compliance of the proposal against the relevant provisions of the KPSO.

Clause	Development Standard	Proposal	Compliance
58B(3)(b)(i)	Min. Lot Size for street front Lot = 836m ²	1383m ²	Yes
	Min. width of street front lot at a distance of 12.2m from the street = 18m	36.75m	Yes
58(3)(b)(ii) (i)	Min. Lot Size for a Battle-axe Lot excluding the access handle = 1170m ²	13615m ²	Yes
	Min. Width of Access Handle = 4.6m	5.05m	Yes

Item 4

In terms of the KPSO, the development for a two-lot subdivision satisfies the objectives of Schedule 9, which aim to maintain and, where appropriate, improve the existing amenity and environmental character of residential zones.

Section 78A(8) EPAA - Critical Habitat

Submission of a fauna and flora report is a requirement under Section 78(8)(b) of the Environmental Planning and Assessment, and a matter for consideration under Section 79C. The requirement for submission of a Fauna and Flora report applies to both demolition and subdivision which is included in the definition of development (Section 4 of the Environmental Planning & Assessment Act) and on the basis that there could be impact on threatened species, population or ecological communities as a result of works associated with the development.

The necessary report was provided by Mark Couston of Footprint Green. It deals with the overall development comprising subdivision, demolition and construction of four dwellings. A subdivision in itself can have no impact on any Threatened Species or existing vegetation. Drainage works and demolition can cause some impacts which can be controlled by conditions.

Rivers and Foreshore Improvement Act, 1948

A Part 3A Permit is required because the proposed development is within 40m of a natural watercourse and is therefore Integrated Development.

The Environmental Planning and Assessment Act requires referral to the Department of Infrastructure, Planning and Natural Resources, which is the body responsible for the issue of the 3A Permit.

Department of Infrastructure, Planning and Natural Resources raises no objection to the proposed development subject to adherence with their General Terms of Approval (**refer Condition 54**).

Subdivision Code

Lot areas and widths comply. The handle width is required to be 7.32 metres, but is proposed to be only 5.05 metres.

For a 2 lot subdivision this is considered adequate. The KPSO, as above, overrides the more onerous provision in the Code in respect of the requirement for handle width.

2. Likely Impacts

The two-lot subdivision has no impact on the amenity of the adjoining properties or upon the character of the surrounding area. Issues arising from demolition of the existing house can be controlled through conditions of the consent.

Item 4

3. Suitability of The Site

The site is considered suitable for a two-lot subdivision and meets all of the relevant development standards.

4. Public Submissions

Council received forty-six (46) letters of objection and a petition of 218 signatures expressing strong opposition to this development and the Development Application for two dual occupancies.

5. Public Interest

The development is compliant with Council's controls and has no detrimental impact on the surrounding environment. On this basis there is no justifiable reason to refuse the Development Application for reasons associated with the public interest.

Approval of a two-lot subdivision would be considered to be in the public interest because of the likely benefits to the restoration of the riparian zone, and improvement to drainage and flooding controls on the site.

CONCLUSION

The two-lot subdivision development proposed by DA 1652/03 is considered acceptable. Approval of the subdivision application does not in any way pre-empt the assessment or determination of the application for construction of the two dual occupancies, on the resulting allotments of land (DA 1653/03).

RECOMMENDATION

That Development Application 1652/03 for the subdivision of one lot into two lots and demolition of existing dwelling on lot D, DP 324517, being 20 Warwick Street, Killara, be approved subject to the following conditions.

GENERAL

1. The development to be in accordance with Development Application No 1652/03 and Development Application plans prepared by Jackson Architects, reference number Project No 200317, Drawing No DA100-A9 Revision A, dated November 2003 and lodged with Council on 16 December 2003.
2. 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.

Item 4

3. All disturbed areas, which are not to be built upon or otherwise developed, shall be rehabilitated to provide permanent protection from soil erosion within fourteen (14) days of final land shaping of such areas.
4. 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.
5. 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.
6. The demolition is to be carried out in accordance with the guidelines contained in Australian Standard 2601-1991: The Demolition of Structures.
7. Access to demolition sites shall be protected as directed by the Principal Certifying Authority by the use of suitable fences or hoardings.
8. 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.
9. 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.
10. 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.

11. Erosion control measures shall be provided on demolition sites to prevent the siltation of watercourses and drainage systems.
12. 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:

Item 4

- 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.
13. 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.
 14. 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.
 15. 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.
 16. All combustible material shall be removed from the site on a daily basis. Material shall not be burnt on the site.
 17. 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.
 18. Trees and vegetation on a site shall not be disturbed except with the approval of the Council.
 19. Adequate precautions shall be taken to ensure the protection of adjoining premises and persons therein from damage and injury during the process of demolition.
 20. 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.
 21. 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.
 22. A photo record of the vegetation on site is to be submitted to Council for archival purposes.
 23. 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:

Item 4

- a. stating that unauthorised entry to the work site is prohibited, and
- b. showing the name of the person in charge of the work site and a telephone number at which that person may be contacted outside working hours.

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

This clause does not apply to:

- a. building work carried out inside an existing building, or
 - b. building work carried out on premises that are to be occupied continuously (both during and outside working hours) while the work is being carried out.
24. All demolition materials of value for re-use either on-site or elsewhere, shall be separated and made available for re-cycling.
25. If the Principal Certifying Authority is Council then the appropriate fees contained in Councils Schedule of Fees and Charges are payable to Council prior to issue of the approved plans. A re-inspection fee per visit may be charged where remedial work is unprepared at the requested time of inspection or where remedial work is unsatisfactory and a further inspection is requested. Engineering fees must be paid prior to the final approval of the works.
26. Provision of permanent stormwater pollution control measures for each proposed lot which are designed to provide a meaningful reduction in nutrients and suspended solids in accordance with Council's Stormwater Management Manual.
27. For stormwater control, a 150mm high kerb is to be provided to the proposed driveway. Stormwater runoff from all paved areas is to be connected to the main drainage system via on-site detention system of any future dwelling to be constructed.
28. The following engineering works are to be carried out by the applicant, as shown on drawing no. 342746-D1 by AFCE Environment + Building, dated 24 October 2003:
- a. Installation of a permanent 500mm high masonry wall parallel to and approximately six (6) metres from the Warwick Street (front) boundary.
 - b. Provision of an open two (2) metres wide drainage swale adjacent to (Warwick Street side) the proposed wall for the propose of the overland flow conveyance to the watercourse.
 - c. Provision of a standard concrete headwall and energy dissipator at the existing Council pipe outlet.
29. Construction of the driveway within the access handle to the proposed Lots and creation of Reciprocal Rights of Carriageway under Section 88B of the Conveyancing Act, over that part of the handle required to provide access to proposed Lot A. The driveway crossing shall have a minimum width of 3.7m in order to comply with Council's specification. The driveway is to have a minimum width of 2.9 metres and to be designed so that it is structurally adequate for design vehicles up to a fully laden concrete truck. Passing opportunities must be provided in accordance with Australian Standard 2890.1 – 1993 "Off-street car parking".

Item 4

30. The relocation or adjustment of any utility service facilities must be carried out by the Applicant in accordance with the requirements of the utility authority at no cost to Council.
31. 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.

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

32. Submission for approval by the Principal Certifying Authority prior to issue of the Construction Certificate of design documentation prepared by a suitably qualified and experienced civil engineer for the stormwater pollution control works in accordance with Council's Stormwater Management Manual.
33. Submission for approval by the Principal Certifying Authority prior to issue of the Construction Certificate of design documentation for the driveway to the proposed new Lots. The designing engineer is to certify that the proposed driveway is structurally adequate for design vehicles up to a fully laden concrete truck, and complies with Australian Standard 2890.1 – 1993 "Off-street car parking" in terms of passing opportunities, ramp grades and driveway width etc.
34. **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 issue 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 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 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.

Item 4

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.

CONDITIONS TO BE COMPLIED WITH PRIOR TO WORK COMMENCING

35. 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>Acer buergeranum</i> (Trident Maple) Close to the existing dwelling's northern corner.	4 metres
<i>Cedrus deodara</i> (Himalayan Cedar) Close to the existing dwelling's northern corner.	5 metres
<i>Franklinia axillaris</i> (Gordonia) Near the existing dwelling's northwestern end.	6 metres
<i>Brachychiton acerifolius</i> (Flame Tree) Near the existing dwelling's southwestern side.	2 metres

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

Tree/Location	Radius From Trunk
<i>Jacaranda mimosifolia</i> (Jacaranda) Near the existing dwelling's southwestern side.	4 metres

37. 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.
38. 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.

Item 4

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

39. Lot number/s A & B shall support a minimum number of 7 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 trees, and additional trees to be planted, shall be shown on the Landscape Plan/Site Plan. The plan shall be submitted to Council and approved by Council's Landscape Development Officer. Tree planting shall be completed prior to release of the Certificate of Subdivision.
40. Removal of all weeds identified as noxious from the watercourse and an area extending 10.0 metres from the top of the bank. This shall be done under the supervision of a suitably qualified consultant.
41. The linen plan release fees set out in Councils adopted Schedule of Fees and Charges is payable to Council, prior to issue of the Subdivision Certificate.
42. Submission of certification from a suitably qualified and experienced civil engineer prior to issue of the Subdivision Certificate that the stormwater pollution control works were carried out in accordance with the approved drawings.
43. Creation of a Restriction-on-Use under Section 88B of the Conveyancing Act 1919 prior to issue of a Subdivision Certificate. The restriction is to be over the 100 year ARI flood zone identified in the flood study by AFCE Environment + Building, Job Number 342746 dated 24 October 2003. The restriction must prevent the placement of any structures, walls, fences, fill or other items which may impede the 100 year ARI flood, within that zone. Ku-ring-gai Council is to be named as the authority empowered to release, vary or modify the restriction.
44. Submission of certification from a suitably qualified and experienced civil engineer to the Principal Certifying Authority for approval, prior to issue of a Subdivision Certificate, that:
 - a. No fill, structures or other items which may obstruct overland flow have been placed in the flood zone identified in the flood study by AFCE Environment + Building, dated 24 October 2003.
 - b. A permanent 500mm high masonry wall parallel to and approximately six (6) metres from the Warwick Street (front) boundary has been constructed in accordance with the flood report by AFCE Environment + Building, dated 24 October 2003.
 - c. An open two (2) metres wide drainage swale adjacent to (Warwick Street side) the proposed wall for the purpose of the overland flow conveyance to the watercourse has been constructed in accordance with the flood report by AFCE Environment + Building, dated 24 October 2003.
 - d. A standard concrete headwall and energy dissipator at the existing Council pipe outlet has been constructed in accordance with the flood report by AFCE Environment + Building, dated 24 October 2003.

Item 4

45. Construction of the driveway access to the proposed new Lots is to be supervised and upon completion certified by the designing engineer that the works have been constructed in accordance with the approved plans. Certification is to be provided to the Principal Certifying Authority prior to issue of a Subdivision Certificate.
46. The submission of an original Plan of Subdivision plus five (5) copies suitable for endorsement by the certifying authority.

Note 1: The Plan of Subdivision must be lodged with Council's Standard Lodgement Form, available from Council's Customer Services.

Note 2: The following details must be submitted with the Plan of Subdivision:

- a. The 88B Instrument.
- b. Any Engineers and/or Surveyors Certification and "Works-as-Executed" plans required by other conditions in this consent.
- c. The Section 73 Compliance Certificate.

Note 3: Council will check the consent conditions and failure to submit the required information will delay issue of the Subdivision Certificate and require payment of re-submission fees.

47. The submission of an instrument under Section 88B of the Conveyancing Act with the Plan of Subdivision, plus five (5) copies, creating any required easements, rights-of-carriageway, positive covenants, restrictions etc, with Ku-ring-gai Council being named as the authority whose consent is required to release, vary or modify the same.
48. Creation of burdens including drainage easements, service easements and rights-of-carriageway as required. A registered surveyor is to certify prior to the issue of the subdivision certificate that all interallotment drainage lines, services or driveways are fully contained within the proposed burdens and/or that future provision of such are fully covered by the proposed burdens. Alternatively if the surveyor is of the opinion that no interallotment easements or rights-of-carriageway are required then certification to this effect from the surveyor is to be submitted.
49. Creation of suitable drainage easements with minimum widths in accordance with Council's Stormwater Management Manual over all of the inter-allotment and Council drainage systems.
50. 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.

Item 4

The Section 73 Certificate must be submitted to the Principal Certifying Authority prior to the issue of the Subdivision Certificate.

51. The developer shall submit to Council a letter from the energy supply authority and either Telstra or Optus confirming that satisfactory arrangements have been made for the provision of underground telephone and power services, prior to the issue of the Subdivision Certificate.
52. The provision of separate underground electricity, gas, telstra, sewer and water services, or appropriate conduits for the same, to each allotment. The certifier to verify that these services are provided to every lot prior to the issue of the Subdivision Certificate. The provision of these measures is to be certified by a consulting engineer or a registered surveyor prior to the issue of a Subdivision Certificate.
53. Prior to 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 and at no cost to Council.
54. Compliance with the general terms of approval issued by Department of Infrastructure, Planning and Natural Resources.

The proponent shall present proof of receiving the 3A Permit before any Construction Certificate is issued.

An 88B Instrument shall be created over the Riparian Zone preventing any development in these areas, and to ensure the Riparian Zone is protected and maintained without disturbance.

Note : The General Terms of Approval is not the actual 3A Permit. The applicant must obtain and complete to the satisfaction of the Department, an application for a Part 3A Permit after any consent has been issued by the Council and before commencement of any works. The permit will be issued upon request and subject to payment of a fee, by Nikki Allwood, phone contact 9895 6250. It can take up to 4 to 6 weeks for the Permit to be finalised.

U Lang
**Executive Planner –
Gordon Ward**

M Prendergast
**Manager
Development Assessment
Services**

M Miocic
**Director
Environment & Regulatory
Services**

WEST PYMBLE POOL STAGE 2 PREFERRED TENDERER

EXECUTIVE SUMMARY

PURPOSE OF REPORT:	For Council to consider the appointment of a provider to undertake stage 2 works associated with the refurbishment and maintenance at West Pymble Pool. No Bookmark
BACKGROUND:	In accordance with Council's resolution of 2 December 2003, a selective tender process has been undertaken for the provision and installation of structural works to the 50m swimming pool incorporating a balance tank upgrade, new backwash tank and 50m pool joint repair/ replacement works at West Pymble Pool. Three organisations were invited to tender and two submissions were received by the due date, with one being received after the closing date and consequently not considered.
COMMENTS:	A tender evaluation panel, including a specialist consultant, has recommended a preferred tender for the works. The report also considers funding and timing of works.
RECOMMENDATION:	That Swimplex Constructions Pty Ltd be identified as the preferred tenderer for Stage 2 works and that all necessary documentation relating to the works be authorised by the Mayor and General Manager. Works are to commence in July 2004 following completion of Stage 1 of the pool works program.

PURPOSE OF REPORT

For Council to consider the appointment of a provider to undertake stage 2 works associated with the refurbishment and maintenance at West Pymble Pool.

BACKGROUND

West Pymble Swimming Pool, located within Bicentennial Park was opened in late 1969 and is the only public swimming pool in the Ku-ring-gai local government area.

In 2002 Geoff Ninnies Fong and Partners were commissioned to undertake a facility condition audit of the West Pymble Pool and develop a long term asset maintenance program for the facility in recognition of its aging infrastructure. The report further addressed prioritised works required to ensure compliance with NSW Public Health guidelines in light of increased standards for public health at community swimming pool facilities. The work was also a task identified in Councils Management Plan 2002/2006.

On 19 November 2002 Council considered a report on all asset classes and appropriate funding strategies for their long term management and maintenance. The needs of the West Pymble Pool, as one of the communities' most significant assets were considered within this report. The report considered staging of works over a five year period with priority works focussing on filtration and reticulation associated with the small pools (babies, toddlers and learners) in stage 1 and structural works to the 50m pool incorporating a balance tank upgrade, new backwash tank and 50m pool joint repair/replacement works in stage 2.

The capital works allocation required for the pool as recommended in the Council report of 19 November 2002 is \$300,000 per year over the next five years totalling \$1.5 million.

On 25 June 2003 Council considered a report that summarised the current and proposed activities related to the operations of the West Pymble Pool. In addition the report sought Council resolution to initiate a selective tender process for rectification and enhancement of the pools in accordance with the facility condition audit and five year asset management plan for stage 1 works.

Following the tender process, Council at its ordinary meeting of 9 September 2003 resolved:

- A. *That Swimplex Constructions Pty Ltd be identified as the preferred tenderer to undertake Stage 1 works at West Pymble Pool as outlined in the report and subject to details within confidential attachment – financial considerations.*
- B. *That the Mayor and General Manager be authorised to execute all necessary documents relating to the contract.*
- C. *That the Seal of Council be affixed to all necessary documents.*
- D. *That the works proceed as outlined in Option 2 in the report from April to July 2004.*
- E. *That costs over the available budget be drawn from allocation towards Stage 2 pool works in the 2004/2008 Management Plan.*
- F. *That tenderers be advised of Council's decision.*

On 2 December 2003 Council considered a report proposing that a selective tender process for stage 2 works, at West Pymble Pool be undertaken. Council resolved in relation to the report:

Item 5

S02381
28 April 2004

- A. *That a selective tender process be used for the selection of suitably qualified persons or organisations to implement stage 2 of pool works as outlined in this report.*
- B. *That a further report be referred to Council to consider tender submissions, the preferred tenderer and associated funding implications during February 2004.*

Concurrent with the above asset management program, Council also considered a report at its ordinary meeting of Council on 2 December 2003 on the draft West Pymble Pool Business Strategy. At this meeting Council resolved:

- A. *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.*
- B. *That a further report be referred to Council to consider comments received during the exhibition period, associated funding implications, and endorse the business strategy in February 2004.*

Council subsequently resolved to undertake a feasibility plan for development of the site and this has been included in the draft Management Plan for 2004/05. It is also suggested that years 4 and 5 of the asset management program be reviewed once Council's long term direction for development of the pool is determined. Funds for years 4 and 5 of the program may assist in redevelopment of the facility.

Concurrent with Council's resolution of 2 December 2003, Geoff Ninnes Fong & Partners Pty Ltd, a specialist project manager/consultant was engaged to assist staff with the development of the Expression of Interest, tender documentation and assessment, and to project manage the implementation of stage 2 works.

It is anticipated stage 2 works will be implemented once stage 1 works have been completed with stage 2 works to be completed by August 2004, prior to the commencement of the 2004/05 swimming season.

Expressions of Interest

An Expression of Interest (Attachment 1) was prepared and advertised in December 2003 under the Local Government Tenders in the Sydney Morning Herald with a closing date of 6 January 2004. This was undertaken concurrent with Council's consideration to implement a selective tender process for the stage 2 works.

Due to the Christmas/New Year period only one submission was received which was immediately judged as non compliant. An extension of time in relation to the Expression of Interest of two weeks was granted to allow suitable firms an opportunity to submit an Expression of Interest. On 20 January 2004 two submissions were received:

1. Wright Pools Pty Ltd (WPPL)
2. Swimplex Constructions Pty Ltd (SCPL)

On 22 January 2004 a late submission was received from:

Item 5

S02381
28 April 2004

1. Hydrocare Pool Services Pty Ltd

Hydrocare were sent a letter informing them they would not be considered due to their submission being received well past the closing date.

Each Expression of Interest was assessed. Prior to receiving the Expression of Interest, selection criteria were determined including the relative weighting for each.

- Proven performance and demonstrated experience in major pool structural upgrades.
- Three case histories of completed projects.
- Company profile including business history that demonstrates financial viability
- Relevant insurances
- Past occupational health and safety, environmental and industrial relations records.
- Known or planned commitments between June and October 2004.
- Three contactable and relevant references.

Confidential Attachment 2 provides a summary of the average score for each criterion and the combined total.

From the Expression of Interest process two organisations were selected and invited to submit a tender for the works proper.

An Invitation to Tender (Attachment 3) with accompanying technical specifications was sent to both companies on 2 February 2004 with a closing date of 24 February 2004.

The invitation to tender document sought to clarify the tasks required by the successful contractor and to provide financial information and costings relating to the works based on the technical specifications.

Itemised task prices were required against each of the following elements:

The works comprise three distinct and separate elements, as follows:

- A. 50m pool control joint repair and rectification;
- B. upgrading of existing balance tank to 50m pool;
- C. construction of a new reinforced concrete backwash water detention tank, including its integration into the overall water treatment process and system.

Works comprise:

A. 50m pool joint works

- provision of a rate for repair and rectification of joints;
- identification of pool movement control joints extent;
- determination of joint condition, extent and length of defective joints;
- rectification and repair using procedures and materials approved by the specialist

Item 5

S02381
28 April 2004

Engineer.

B. Upgrade of existing balance tank

- Waterblast internal faces of tank;
- Treat existing cracking with Xypex;
- Treat corroded reinforcement with corrosion proofing epoxies;
- Coat internal tank surfaces with a cementitious paint as specified.

C. New backwash tank construction

- Demolish and remove existing circular concrete backwash tanks;
- Procure geotechnical report on founding conditions for new tank;
- Construct new reinforced concrete tank where and as detailed;
- Test water tightness of tank;
- Integrate backwash tank into existing water treatment system, with supply of all necessary pipes, meters, valves, flanges etc. and all connections, etc.;
- Provide submersible backwash water disposal pump in backwash tank and connect to sewer in compliance with all Sydney Water Requirements.

Comments

In assessing tenders, the following weighted criterion was used:

- Price 60%
- Experience 10%
- Reliability 10%
- Product quality 20%

Tenderers were informed that tenders considered unsatisfactory in any one of the four criteria listed above would not be considered. On 24 February 2004, one conforming Tender was received by Council.

That tender was assessed by the evaluation panel including Council's retained expert against the seven criteria as set in the Invitation to Tender. The result of the tender evaluation by the panel is identified in confidential Attachment 4. The weighting of each criteria was determined prior to reviewing any tender. The Tender Evaluation Panel have recommended that Council identify Swimplex Constructions as the preferred tenderer to undertake the next phase of asset management works at the pool.

Timing of Works

It is proposed that Stage 2 works will commence early in July 2004 following the completion of the Stage 1 project. This should allow sufficient time for the works to be complete prior to the commencement of the 2004/05 swimming season in September.

Item 5

S02381
28 April 2004

The timing of these works has been discussed with the lessee of the pool who is supportive of the works program and like staff is keen to ensure all works are undertaken outside of the swimming season to minimise disruption to users and ensure continuity of service to the users of the facility.

CONSULTATION

Development of the Expression of Interest and Tender documentation involved staff, the specialist project manager/consultant and the current pool lessees.

FINANCIAL CONSIDERATIONS

Subject to Council's adoption of the Management Plan for 2004/09, including financial details, funds will be available. The draft Management Plan outlines a commitment of \$300,000 towards the pool asset management program. As per existing Council resolution, some expenditure for Stage 1 works and consultant fees will be met from funds from the 2004/05 budget. The tendered price including potential variations can be accommodated from remaining funds once adopted. The contract with the preferred tenderer will be conditional on Council allocating sufficient funds in the Management Plan. Further specific financial details are contained in confidential Attachment 5.

CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

Open Space liaised with Finance and Business development in the preparation of this report.

Director's Comments

Having reviewed the process undertaken by staff in managing the tender and their recommendation, I am satisfied that the evaluation has sufficiently investigated the proposals and recommended a tender capable of delivering the required works to time, quality and budget.

The tenderer being recommended, Swimplex Constructions Pty Limited is currently implementing Stage 1 works at the Pool in accord with Council's resolution of 9 September 2003.

I note that some variation in the price may occur for pool joint works depending on the final process for rectification and repair approved by the specialist engineer, but a satisfactory allowance has been provided for in the lump sum. The Director's recommendations contain minor variations only to those of the evaluation panel.

SUMMARY

A selective tender process has been undertaken to identify a preferred tender to undertake Stage 2 of a comprehensive asset management program at West Pymble Pool. Required works identified in the tender include pool joint repair to the 50 metre pool, upgrade of the existing balance tank and construction of a new backwash tank.

Item 5

S02381
28 April 2004

Following an expression of Interest process, two firms were invited to provide a response to the tender proper. Only one complying tender has been received which has been evaluated against the identified criteria.

The evaluation panel has recommended that Swimplex Constructions Pty. Limited be identified as the preferred tenderer to undertake the work. The work should be completed in July 2004, subject to adoption of Council's budget for 204/05, to allow completion prior to the opening of the pool in mid September.

On the basis of the facility condition audit and asset maintenance program, it was recommended that stage 1 would comprise the supply and installation of a new pool filtration plant and associated structural works. Stage 2 involves the supply and installation of structural works to the 50m pool including upgrade of balance tank, new backwash tank and pool joint repair/replacement, to ensure compliance with current health standards as well as ensuring sound long term asset management.

RECOMMENDATION

- A. That Swimplex Constructions Pty Ltd be identified as the preferred tenderer to undertake stage 2 works at West Pymble Pool as outlined in the report in their tender response.
- B. That the Mayor and General Manager be authorised to execute all necessary documents relating to the contract.
- C. That the Seal of Council be affixed to all necessary documents.
- D. That the works commence July 2004 for completion prior to the commencement of the 2004/05 swimming season
- E. That the tenderers be advised of Council's decision.

Steven Head
Director Open Space

Attachments:

- 1. Expression of Interest Newspaper advertisement**
- 2. Expression of Interest assessment - Confidential**
- 3. Invitation to tender**
- 4. Tender evaluation and Panel Report - Confidential**
- 5. Financial Considerations - Confidential**

OFFER TO ACQUIRE COMMONWEALTH BUSHLAND - SUAKIN STREET, PYMBLE

EXECUTIVE SUMMARY

PURPOSE OF REPORT:	To brief Council on the acquisition status of the Commonwealth Land to the rear of the Australian Government Analytical laboratories and the Army Depot Suakin Street, Pymble and to seek Councils approval to purchase the bushland.
BACKGROUND:	At the ordinary meeting of Council held on 6 November 2001, Council resolved in part: <i>"That Council authorise the General Manager or her delegate to open negotiations with the Department of Finance and administration to acquire the bushland adjacent to the Australian Government Analytical Laboratory"</i> .
COMMENTS:	Council has received a proposal from the Department of Finance and Administration to purchase the subject site at a purchase price of \$1,000.
RECOMMENDATION:	That Council approve the purchase of 2.3 hectares of land which forms part of the Australian Government Analytical Laboratories and the Army Depot in Suakin Street, Pymble at a purchase price of \$1000.

PURPOSE OF REPORT

To brief Council on the acquisition status of the Commonwealth Land to the rear of the Australian Government Analytical laboratories and the Army Depot Suakin Street, Pymble and to seek Councils approval to purchase the bushland.

BACKGROUND

At the Ordinary Meeting of Council held 6 November 2001, Council resolved as follows:

- “A. That Council authorise the General Manager or her delegate to open negotiations with the Department of Finance and Administration to acquire the bushland adjacent to the Australian Government Analytical Laboratory.*
- B. That the site be acquired at no cost or token cost to Council.*
- C. That the Mayor and the General Manager or their delegates be authorised to execute documentation necessary for Council to acquire the subject site.*
- D. That Council authorises the affixing of the common seal of Council to all necessary documentation.*
- E. That the Mayor and General Manager be authorised to open negotiations in accordance with Council’s discussions.*
- F. That Council seek legal advice on the most effective way of obtaining the land.”*

(Copy of resolution **attached** as appendix B)

The initial proposal made by The Department of Finance and Administration was to sell the bushland to the rear of the AGAL site. (Refer area A **attached** as appendix A)

Council proposed that the area of excision and transfer should also include the Commonwealth land to the rear of the Army Depot (Refer area B **attached** as appendix A).

The Department of Finance and Administration were requested to liaise with the Army for the transfer of area B to council. This proposal has been accepted by The Department of Finance and Administration and a final survey is being prepared.

Accordingly, Council’s land acquisition will include all the land outside the curtilage of the AGAL site and the Army Depot.

Item 6

P59534
5 May 2004

In accordance with the above resolution, Council forwarded a letter to The Department of Finance and Administration on 29 November 2001 and opened negotiations on the basis that:

- “1. The subject land (refer **attached** plan) be transferred to Council at no cost. It is suggested that the mechanics of the transaction be by dedication of the bushland to Council as public reserve.
2. It is requested that the Department of Finance and Administration liaise with the army for the transfer (at no cost to Council) of the tract of bushland adjacent to AGAL site to the rear of the Army Depot to Council. (Refer area marked B on the attached plan)
3. For its part Council, with the support of the Bushcare Volunteers undertakes to maintain and to upgrade the old bullock track.”

(For full text of correspondence refer to the **attached** Appendix C)

During the period November 2001 to present there have been ongoing discussions between the Department of Finance and Administration and Council staff.

The Department of Finance and Administration advised Council by letter of 27 April 2004 that it was agreeable to divest itself of the Bushland (23,000sqm subject to survey) in Council's favour for \$1,000. (Refer to **attached** Appendix D for full text of correspondence).

The offer remains open until 5:00 pm 1 June 2004.

Conditions of Sale are:

- “▪ KRG agree to classify the property as “Community Land” (Natural Area/Bushland) under the Local Government Act within 9 months of the date of transfer of the property;
- KRG agree to use its best endeavors to have the bushland rezoned for agreed environmental purposes within 18 months of the date of transfer of the property;
- KRG enter the property on its Heritage Register within 12 months of the date of transfer of the property;
- KRG agree to complete a conservation Management Plan for the Bushland within 12 months of the date of transfer of the property; and
- KRG agree to the creation of a covenant on title at the completion of this sale which requires KRG to protect the areas heritage values.”

COMMENTS

Acquisition of this bushland by Council is significant in that:

- It contains threatened ecological plant communities (Sydney Turpentine Ironbark Forest (STIF) and Blue Gum High Forest (BGHF));

Item 6

P59534
5 May 2004

- It provides habitat for threatened fauna species such as the Powerful Owl and Barking Owl (recorded on site) and other more common fauna;
- The site would provide a useful “biolinkage” for flora and fauna in the local area and is contiguous with other areas of bushland;
- It is one of the few remaining areas of bushland left in the centre of the highly urbanized midsection of Ku-ring-gai;
- It is a relatively large remnant of bushland and one of the largest remaining areas of Sydney Turpentine Ironbark Forest (STIF) or Blue Gum High Forest (BGHF);
- The site’s vegetation will provide a buffer for the creek and the headwaters of the blackbutt subcatchment;
- The bushland will be useful for the conservation of local biodiversity, particularly for the STIF and ridge top communities, all of which are in decline.
- It will provide a green space for the community for recreation and education;
- It will help maintain the visual amenity of the area;
- The bushland will provide a physical/visual barrier between residential areas and the light industrial area.

On 12 July 2000 Dr Brendan Nelson MP wrote to the Minister for Finance and Administration on Council’s behalf seeking owners permission to undertake bush regeneration on the bushland to the rear of AGAL site and to re-establish the Old Bullock Track.

The permission of the owner was a prerequisite for Council to apply for a Natural Heritage Trust grant for \$87,500. The grant application proved to be unsuccessful.

CONSULTATION

Council staff have consulted with The Department of Finance and Administration regarding the potential acquisition of the subject land.

FINANCIAL CONSIDERATIONS

The most significant financial considerations associated with this matter relate to requirements to manage the site including; preparation of a Plan of Management, progressing rezoning of the land, creation of a covenant and preparation of a conservation management plan.

Costs for undertaking this work, excluding physical management of the site area are estimated to be in the vicinity of \$20,000. Costs for physical management of the site have not yet been analysed. It is planned that existing natural areas budgets will be prioritized to address the physical needs of the site.

Item 6

P59534
5 May 2004

It is recommended that all costs associated with the purchase of the subject site including works carried out to fulfill the conditions of sale be funded from the property reserve.

CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

N/A

SUMMARY

Council has received a proposal by the Department of Finance and Administration to purchase bushland which is located at the rear of the AGAL site and the Army Depot within (Lot 21 in DP 1053372) at a purchase price of \$1,000.

The conditions of purchase reflect the future use of the land as being “Community Land” both within the meaning of the Local Government Act and the dictionary definition of “community” in that, the conditions of sale are that:

- “▪ *KRG agree to classify the property as “Community Land” (Natural Area/Bushland) under the Local Government Act within 9 months of the date of transfer of the property;*
- *KRG agree to use its best endeavors to have the bushland rezoned for agreed environmental purposes within 18 months of the date of transfer of the property;*
- *KRG enter the property on its Heritage Register within 12 months of the date of transfer of the property;*
- *KRG agree to complete a conservation Management Plan for the Bushland within 12 months of the date of transfer of the property; and*
- *KRG agree to the creation of a covenant on title at the completion of this sale which requires KRG to protect the areas heritage values.”*

and

That the terms of sale be based on 10% deposit payable on exchange of contracts with completion 30 days after the exchange of contracts.

The above offer closes 5.00 PM 1 June 2004.

RECOMMENDATION

- A. That Council approve the purchase of 2.3 Hectares of land (subject to survey) which forms a part of the Australian Government Analytical Laboratories and the Army Depot (Lot 21 in DP 1053372) Suakin Street, Pymble at a purchase price of \$1,000.

Item 6

P59534
5 May 2004

- B. That council note and accept the conditions of the purchase detailed in this report.
- C. That Council authorise the Mayor and the General Manager or their nominees to sign all documentation associated with the transfer of land (part of Lot 21 in DP 1053372).
- D. That Council authorise the affixing of the Common Seal of Council to the Contract for Sale of Land and associated documents.
- E. That funding for costs associated with the purchase be sourced from council's property reserve. Costs to include compliance with conditions of sale and related legal fees.

Brian Bell
General Manager

John McKee
Director Finance and Business

Keith Woosnam
Commercial Services Coordinator

Steven Head
Director Open Space

Attachments: **Appendix A - Report to Council on 6 November 2001.**
 Appendix B - Council resolution of 6 November 2001.
 Appendix C - Council's correspondence to the Department of Finance and
 Administration dated 29 November 2001.
 Appendix D - Correspondence received from the Department of Finance
 and Administration dated 27 April 2004.

DEVELOPMENT APPLICATION

SUMMARY SHEET

REPORT TITLE:	20 BRADFIELD ROAD, LINDFIELD - SUBDIVISION TO CREATE 29 RESIDENTIAL LOTS, 2 RESIDUAL LOTS AND ANCILLARY INFRASTRUCTURE
WARD:	Roseville
DEVELOPMENT APPLICATION N^o:	897/03
SUBJECT LAND:	20 Bradfield Road, Lindfield
APPLICANT:	Proust & Gardner Consulting Pty Ltd
OWNER:	CSIRO Corporate Property
DESIGNER:	Proust & Gardner Consulting Pty Ltd
PRESENT USE:	Scientific Research
ZONING:	Residential 2(b) and Special Uses (a)
HERITAGE:	No
PERMISSIBLE UNDER:	Ku-ring-gai Planning Scheme Ordinance
COUNCIL'S POLICIES APPLICABLE:	Development Control Plan 17, Subdivision Code
COMPLIANCE WITH CODES/POLICIES:	Satisfactory level of compliance
GOVERNMENT POLICIES APPLICABLE:	SEPP 19, SEPP 55.
COMPLIANCE WITH GOVERNMENT POLICIES:	Yes
DATE LODGED:	18 July 2003
40 DAY PERIOD EXPIRED:	27 August 2003
PROPOSAL:	Subdivision to create 29 residential lots, 2 residual lots and ancillary infrastructure
RECOMMENDATION:	Consent subject to conditions.

DEVELOPMENT APPLICATION N^o	897/03
PREMISES:	20 BRADFIELD ROAD, LINDFIELD
PROPOSAL:	SUBDIVISION TO CREATE 29 RESIDENTIAL LOTS, 2 RESIDUAL LOTS AND ANCILLARY INFRASTRUCTURE
APPLICANT:	PROUST & GARDNER CONSULTING PTY LTD
OWNER:	CSIRO CORPORATE PROPERTY
DESIGNER	PROUST & GARDNER CONSULTING PTY LTD

PURPOSE FOR REPORT

To determine a development application for a 31 lot subdivision and construction of the necessary infrastructure.

EXECUTIVE SUMMARY

- Subdivision of the CSIRO site into 29 residential and two residual allotments and the construction of ancillary civil infrastructure.
- Three submissions were received in response to the notification of the application.
- An appeal to the Land and Environment Court against Council's deemed refusal has been lodged. The matter is yet to be listed for hearing.
- Recommended for approval, subject to conditions.

HISTORY

During World War II, the Royal Air Force established an Initial Training School and Embarkation Depot on the site. It was subsequently occupied by the Commonwealth Migrant Hostel, St Vincent de Paul Society, Creative Leisure Movement and the NSW Housing Commission until 1971. These organisations were evicted from occupancy of the site to allow for the construction of the current National Measurements Laboratory in 1970.

The northern section of the site was left vacant after the demolition of the migrant hostels. This part which is proposed for subdivision into residential lots was rezoned by Local Environmental Plan No. 149 on 18 October 1997 from Special Uses "A" (Commonwealth Purposes) to Residential 2(b).

During the rezoning process a Plan of Management, Master Plan and Memorandum of Understanding between Council and the CSIRO was developed for the entire site to "*provide a basis for the future development of the site presently occupied by the CSIRO*" (copies of these documents are attached).

The Memorandum of Understanding identified three distinct areas within the CSIRO site:

Site A

Item 7

This part comprises land (4.425ha) now zoned Residential 2 (a) and is subject to the provisions of Development Control Plan 17. It was specified that this area be remediated prior to the subdivision and sale of the individual allotments. Remediation was completed and a Site Audit Statement, issued on 11 February 2003, declared the site suitable for residential use. This issue is discussed in more detail under the heading "SEPP 55".

Site B

The CSIRO buildings currently occupy this area of the site (20.41ha). The land is zoned Special Uses (Commonwealth Purposes) and is also subject to the provisions of Development Control Plan 17.

It was agreed that the CSIRO would only develop the site in accordance with the zoning, the Masterplan and Development Control Plan 17. The Masterplan set aside buffer zones that would screen and soften the impact on nearby residential areas.

Site C

The Memorandum of Understanding identifies a portion of bushland (1.398ha) at the southern part of the CSIRO land which is to be dedicated to National Parks and Wildlife Service. The Memorandum specifically states that Council will *"seek agreement of the National Parks and Wildlife Service to accept the land for incorporation in the adjoining National Park"*.

The application for subdivision was lodged on 18 July 2003. Additional information was requested from the applicant on 23 and 29 December 2003. At a workshop on 29 January 2004 attended by various Council officials and the applicant, it was resolved that additional information would be submitted to progress the assessment of the application. The information included a visual impact assessment, vegetation appraisal and also addressed concerns raised in respect of fire, ecological and traffic issues.

This information was submitted to Council on 8 March 2004.

On 23 February 2004 an appeal to the Land and Environment Court was lodged on the basis of deemed refusal. The second call-over is scheduled for 6 May 2004. A hearing date has not yet been fixed.

THE SITE

Zoning:	Residential 2(b) and Special Uses (a)
Visual Character Study Category:	1945-1968
Lot Number:	1 & 12
DP Number:	558081 & 562918
Area:	25.6519 ha
Side of Street:	Eastern
Cross Fall:	West to east
Stormwater Drainage:	Towards Lady Game Drive
Heritage Affected:	No
Required Setback:	As per Development Control Plan 17
Integrated Development:	Yes

Item 7

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

SITE DESCRIPTION

The CSIRO's Division of Applied Physics occupies the majority of the site (20.41 ha) and is referred to as **Site B** in the Memorandum of Understanding. Most of the research and development work is conducted within the central laboratory buildings but there are some external receiving units and outdoor monitoring stations on the site.

Substantial visual buffer zones exist along the perimeter. These zones vary in width, ranging from 10 metres to 40 metres and are densely vegetated.

Easements for sewerage and electricity purposes traverse the site.

The northern part of the site (**Site A**, 4.425 ha) was filled and levelled for the construction of the RAAF accommodation in the past. It is generally flat to gently sloping, having undergone remediation work to remove contaminated soil. Stormwater run-off from this portion of the site is captured in three ponds that are located towards the southern boundary. The eastern portion has a moderate slope down towards Lady Game Drive and the southern portion slopes down towards a drainage line.

The area has been cleared of indigenous native vegetation so that locally occurring native species only form a minor part of the site vegetation.

Site C covers an area of approximately 1.398 ha and constitutes the southern-most area of the site. It adjoins Lane Cove River State Recreation Area and an unmade road to the east. It supports relatively unspoilt vegetation of the Hawkesbury Sandstone Ridge Top Community.

THE PROPOSAL

The proposal involves a Torrens Title subdivision creating 31 allotments (part of Site A), the construction of internal roads, a stormwater drainage and detention system and ancillary civil infrastructure to service the residential part of the subdivision.

The following reports formed part of the submission:

Development Application (Submission Summary) (July 2003)	Proust & Gardner Consulting Pty Ltd
Post Remediation Earthworks / Geotechnical Assessment (7/02/2003)	URS Australia Pty Ltd
Flora & Fauna Assessment (05/2003)	Wildsearch Consultants

Item 7

Pre-development Tree Assessment Report (04/2003)	Pittendrigh Shinkfield Bruce Pty. Ltd
Traffic Report (07/2003)	Masson Wilson Twiney
Indicative Road & Drainage Works Indicative Utility Services (06/2003)	Proust & Gardner Consulting Pty Ltd
Design of Stormwater Detention and Quality Treatment Systems (5/06/2003)	URS Australia Pty Ltd
Bush Fire Safety Compliance Report (07/2003)	Roger Fenwick (Bush Fire Management Consultant)
Stormwater Detention & Quality Treatment Systems (27/08/2002)	URS Australia Pty Ltd
Visual Impact Assessment (03/03/2004)	Pittendrigh Shinkfield Bruce Pty. Ltd

Lots 1 to 29 (part of Site A) are residential and residual allotments. No's. 30 (Site B) and 31 (Site C) will contain the complex of buildings and infrastructure housing the CSIRO and the bushland allotment, respectively.

The lot numbering and lot sizes of the proposal are as follows:

Lot No.	Lot Size
Lot 1	1297m ² (1452 m ² including access handle)
Lot 2	1481m ²
Lot 3	960m ²
Lot 4	966m ²
Lot 5	966m ²
Lot 6	966m ²
Lot 7	1008m ²
Lot 8	1114m ²
Lot 9	1087m ²
Lot 10	1002m ²
Lot 11	1004m ²
Lot 12	1050m ²
Lot 13	1158m ²
Lot 14	1001m ²
Lot 15	957m ²
Lot 16	1055m ²
Lot 17	1027m ²
Lot 18	1023m ²
Lot 19	1063m ²
Lot 20	1023m ²
Lot 21	1252m ²

Item 7

Lot 22	1375m ²
Lot 23	1355m ²
Lot 24	1044m ²
Lot 25	1038m ²
Lot 26	1012m ²
Lot 27	1129m ²
Lot 28	1204m ²
Lot 29	1161m ²
Lot 30	20,491m ²
Lot 31	13,980m ²
Roads	5500m ² (estimated) - widths vary 12 metres to 16 metres

The subdivision layout of the whole site is shown on attached diagram "Figure 13". A more detailed diagram of the residential component (Lots 1 to 29) is attached as diagram "Figure 14".

The proposal also includes the construction of a wetland type detention system which is to detain and treat stormwater discharge from the subdivision site. Two separate systems are proposed (albeit side by side), one to drain the 29 lot residential subdivision site, the other to drain the remaining residual CSIRO allotment (refer attached "Figure 19").

CONSULTATION - COMMUNITY

In accordance with Council's policy, adjoining owners were given notice of the application and submissions were received from the following:

The following comments have been received:

1. D.L. Jacques - 29 Lady Game Drive, Lindfield
2. M. Pryor - 23 Lady Game Drive, Lindfield
3. The 416 Group - 36 Albert Drive, Killara, Lindfield

The following concerns were raised in the submissions:

The additional traffic created by 29 residential allotments will exacerbate an already dangerous situation at the round-about located at the junction of Lady Game Drive / Moore Avenue / Highfield Road.

The report prepared by Masson Wilson Twiney Traffic Transport Consultants found that development would have minimal impact on the surrounding road system. Council's Development Engineer and the Ku-ring-gai Local Traffic Committee concurred with these findings and no upgrading of the surrounding roads is considered necessary to accommodate the proposal.

There is a need for more medium density development in the area and disappointment is voiced over the absence of a higher density housing component in the proposal.

The application under consideration is permissible under the existing zoning. In terms of Clause 43 (2) of the Ku-ring-gai Planning Scheme Ordinance a *dwelling-house shall not be erected in Zone*

Item 7

No 2(b) - on any allotment which has an area of less than 836 square metres; and Clause 58B(2) specifically defines an allotment as a lot occupied or intended to be occupied by a single dwelling-house. The proposal is compliant with the Ku-ring-gai Planning Scheme Ordinance.

The current zoning of the site does not allow medium density development. However, dual occupancy development would be permissible on the new allotments of land, subject to the provisions of SEPP 53.

It is suggested that safeguards be put in place to prevent future over-development of the site through further subdivision and dual occupancy developments.

Future dual occupancy development on the site cannot be prohibited through this application. State Environmental Planning Policy No. 53 by which Dual Occupancy applications are made, sets aside local planning controls that would prevent the development of medium density housing (to the extent of the inconsistency). Clause 58B(5) of the KPSO also expressly provides for subdivision of dual occupancy developments.

The Council is urged to condition as part of this development application the acquisition of proposed Lot 31 (Site C) as well as a triangular parcel of land (approximately 1ha) which constitutes part of the eastern boundary of proposed Lot 30 (Site B).

The intention of the Memorandum of Understanding is that the land be dedicated to the NSW National Parks and Wildlife Service and incorporated into the Lane Cove National Park.

With regard to the suggestion that the additional land located on Lot 30 (Site B) be dedicated, Council's Manager Environmental Policy has indicated this land is not essential as there is an adequate provision of conservation open space within the municipality.

CONSULTATION - WITHIN COUNCIL

Landscape Development Officer

Council's Landscape Development Officer made the following comments dated 22 March 2004:

Access

As previously indicated the proposed driveways from Bradfield Road do not conform to DCP17, which excluded vehicular access from Bradfield Road to individual lots. The intent of this provision was to minimize potential impacts on the existing vegetation in this area.

While it would be preferred that driveways be minimized from Bradfield Road, few trees and no significant trees will require removal as a direct consequence of driveway construction. In general the impacts of construction of driveways on trees would be able to be minimised by appropriate construction methods and supervision by a qualified arborist. This area of vegetation would be within the 12m buffer zone as prescribed in the DCP (Refer Condition No 71).

Tree Retention

Item 7

As noted previously the vegetation to the south east between the storm water wetland area and the site on lots 21 – 23, will require thinning for bushfire hazard reduction purposes. There was some concern regarding the extent of clearing required, given that part of this vegetation was on private lots with no road buffer. The bushfire management report by Roger Fenwick Bushfire Consultant provides for a minimized clearing regime for this area, outlining very specific clearing provisions. This proposal has been endorsed by the Rural Fire Service (Refer Condition No 102).

The mature Coral Trees Erythrina x sykesii shown to be removed (which form a line of older planting to the southern boundary of the site), while an important landscape element within the site, are an exempt species under Council's Tree Preservation Order and are classified as an Urban Environmental Weed under Council's Weed Policy. This tree species also tends to be structurally weak and subject to major branch failure. Retention of the trees would require complete redesign of the subdivision, these trees are not considered of such importance that would justify refusal of the proposed subdivision, on this basis.

The majority of trees which might be deemed significant in regards to size or prominence are located within the 12m buffer zone to Bradfield Road. These trees are retained.

Other individual trees proposed to be removed within the internal area of the site are variable in terms of form, health and suitability for retention.

Visual Buffer Zones

These zones have been incorporated as part of the subdivision and are included in the conditions (Refer Condition No 96).

Urban Design & Heritage Adviser

I have no objection in principle to the subdivision of this land but the road layout is not good in my view. The creation of two cul de sac is out of character with residential development patterns in this area and reduces the permeability of the site. I suggest redesigning the subdivision to create a through-route and to maximize the number of blocks with northern orientation.

The applicant did not accept the suggestion offered by Council's Urban Design & Heritage Adviser that the road pattern be amended.

DCP 17 specifies that only one access road be constructed off Bradfield Road and that no access be allowed off Moore Street. A cul de sac road pattern is therefore unavoidable.

Of the proposed 29 residential allotments, less than half have an east-west orientation. This is not considered to be a reason of such significance as to warrant refusal of the development application, because it is possible to design a dwelling-house for the east-west orientated allotments which maximises solar access and energy efficiency.

Development Control Engineer

Item 7

Council's Development Control Engineer made the following comments dated 4 March 2004:

Comments on this subdivision are broken into the relevant categories, outlined below.

Traffic and Vehicular Access

The proposal was referred to the Ku-ring gai Local Traffic Committee, where no objections were raised to the current proposal. It is noted that the submitted proposal differs from the intent of the DCP17 for the site, in that it provides 12 lots with direct (vehicular access) frontage to Bradfield Rd. This is opposed to one internal access point being provided into the site for all vehicles.

The Traffic Committee meeting of 2/10/2003 raised no objection to the proposal put forward. Council's Development Engineers agree with the recommendation of the Traffic Committee based on the carrying capacity, sight distances and current traffic movements along Bradfield Rd.

Drainage

The proposal put to Council is to construct a wetland type detention system which is to detain and treat stormwater discharge from the subdivision site. Two separate systems are proposed (albeit side by side), one to drain the 29 lot residential subdivision site, the other to drain the remaining residential CSIRO site.

I have liaised with Technical Services regarding the proposed system for the residential subdivision site, and in principle they have no issue with its construction, however they have stated that they are not willing to be responsible for the ongoing maintenance of a system created to benefit a development site. In this respect, a burden cannot be placed on the title of each proposed Torrens lot to maintain the proposed wetland. The logistics of such an arrangement are not feasible. In addition, public roads are to be dedicated within the subdivision site, and accordingly Council would need to share some maintenance and upkeep burden from the combined system, if approved.

*Therefore, it will be a requirement that **the proposed wetland detention system for the residential subdivision (only) be deleted from the proposal.** As an alternative, each proposed residential lot shall construct suitable on-site stormwater management measures when they are developed. Such measures will be in accordance with Councils adopted stormwater management policy at that time. In that way, the maintenance of such stormwater management systems will be the responsibility of the individual owner.*

*Overall, the submitted wetland treatment drainage proposal shall remain, except that the component proposed to drain the proposed residential lot subdivision be deleted and replaced with suitable drainage infrastructure (**Refer Condition 58**).*

*A positive covenant and restriction on use shall be created over the remaining wetland treatment system, with a burden on the CSIRO site to regularly maintain the system (**Refer Condition 86**).*

Internal drainage systems to be constructed as required.

Council Infrastructure

Item 7

The development frontage in Bradfield Road will require some formalisation under the proposal (and under the site DCP). Internal roadways and public amenities (street lighting) will need to be constructed, as will the necessary drainage infrastructure.

Summary

*There are no engineering objections to the subdivision, subject to engineering conditions (**Refer Nos 36 to 45**).*

(A plan of the proposed detention system is attached as “Figure 19”).

Council’s Planning and Environment (Environmental Policy) Services

The land proposed for subdivision into 29 lots was rezoned by Local Environmental Plan No. 149 on 18 October 1997 from Special Uses “A” (Commonwealth Purposes) to Residential 2(b).

During the rezoning process a Memorandum of Understanding between Council and the CSIRO was developed to “provide a basis for the future development of the site presently occupied by the CSIRO”.

The Memorandum of Understanding identifies a portion of bushland at the southern part of the CSIRO land which is to be dedicated to Council. The Memorandum specifically identifies that Council will “seek agreement of the National Parks and Wildlife Service to accept the land for incorporation in the adjoining National Park”. Clearly, the dedication of this land was intended to provide for conservation of the bushland in the southern part of the CSIRO land rather than to provide for any future open space need that may arise from development of the land rezoned to Residential 2(b).

Under Council’s current Section 94 Plan the contribution for the subdivision of 29 lots is in the order of \$958,659.38. Significantly, the open space component of this is \$911,560.34.

As part of preparation of the Section 94 Plan an Open Space Distribution and Needs Study was prepared by Recreation Planning Associates in 2000 as a basis for the direction of levies under the Plan.

The ‘Open Space Distribution and Needs Study’ identifies that the Ku-ring-gai Local Government Area has a “generous supply of conservation open space” while Lindfield has a “below average supply of Urban Park” being “the second lowest provision of Urban Park in terms of hectares, as well as a fairly low provision in terms of numbers of parks”.

In accordance with the above the dedication of the bushland at the southern part of the site to Council in lieu of a Section 94 contribution is inappropriate as it would not meet the need identified in the Section Plan. Additionally, it is clear that the intention of the Memorandum of Understanding was for the land to be passed on to the NSW NPWS and incorporated into the Lane Cove National Park.

Item 7

Notwithstanding the above, it is noted that DCP17, which applies to the land, commenced operation on 15 January 1997. This DCP at Clause 15b states:

“In determining open space contribution, consideration will be given to the dedication of land for public reserve purposes at the southern end of the subject site”.

Whilst this part of the DCP has been taken into consideration it is not considered appropriate to accept dedication of the bushland in the southern part of the site in lieu of a contribution under the Section 94 Plan due to:-

- *More recent research / findings that demonstrate there is “generous provision” of conservation open space in Ku-ring-gai.*
- *More recent research / findings that demonstrate there is an under supply of urban parks in Ku-ring-gai with Lindfield being the second lowest provision of such parks.*

The stated intention of the Memorandum of Understanding is that the land proposed to be dedicated be subsequently dedicated to the NSW NPWS and incorporated into the Lane Cove National Park.

Dedication of the land would not satisfy the requirements of the Section 94 Contributions Plan in that it is not considered to be of equal value to the calculated contribution for the DA.

In respect of Developer Contributions the DCP is clear as its objective in this regard is stated as:

47.1 To address the likely demand placed on public amenities and public services by increasing residential population.

47.2 Where development requires the provision of or increases the demand for public amenities and public services, Council will require a contribution to those amenities or services in accordance with its adopted Section 94 Contributions Plan.

With regard to the payment of Section 94 Contributions and the dedication of Lot 31 this report recommends that:

That Section 94 Contributions be required for the additional 29 residential lots created in order to address the likely demand placed on public amenities and public services by the increased residential population (**Refer Condition No.54**).

Council’s Planning And Environment (Strategic Planning) Services

From a strategic planning perspective it is acknowledged that there are some departures from the provisions of DCP 17 in respect of the proposed subdivision plan.

It would appear that the development objectives of the DCP (as they relate to subdivision) can be satisfactorily addressed. The areas of particular departure noted relate to:

Item 7

- *Proposed location of the access roads intersection with Bradfield Road to a more northerly location than specified;*
- *Vehicular access to Bradfield Road allotments is from Bradfield Road and not an internal access road (as proposed in DCP 17 to maximise tree retention on Bradfield Road frontage).*

Notwithstanding these departures the objectives in these matters may be satisfactorily addressed by the proposed design with appropriate conditions of consent. Such conditions need to address:

- *The identification of approved driveway access locations for Bradfield Road allotments;*
- *Nominate appropriate (permeable) construction materials and driveway design;*
- *Require the construction of access driveways prior to registration of the plan of subdivision;*
- *Require ongoing maintenance of the driveways in accordance with the approved design and prohibit the relocation or addition of new driveways.*

No objection is raised by the Strategic Planning Division to the subdivision proposal subject to the imposition of conditions addressing these matters.

Appropriate conditions have been included to address these issues (**Refer Condition No's 46 and 97**).

Council's Environmental Planning Projects Officer

Previous testing conducted on the site found that asbestos contamination had resulted from the demolition of 'Nissan' huts during the early 1970s. The results from the testing indicated that asbestos contamination was found across the whole site and at varying depths and contamination levels. Due to the nature of asbestos (e.g. Bonded pieces) there is only two known remediation options available - capping the contaminated soil or complete removal of the soil material and the asbestos within it.

The remediation strategy adopted for this site was the complete removal of the soil and asbestos down to a minimum 500mm depth or until no asbestos contamination could be detected (the NSW Environment Protection Authority (NSW EPA) have indicated that no detectable levels of asbestos must be found in the top soil).

Remediation of the site commenced in early 2002 and involved the following activities - complete removal of all soil across the site, the testing of soil beneath existing vegetation to check the presence for asbestos and then removal if found to be positive and the validation testing of the entire site to check that the remediation strategy was successful.

As part of the remediation process, a NSW EPA Accredited Site Auditor, Mr. Frank Mohen from Environmental Resources Management was employed to overlook the whole process and check that the work was being done with consideration to relevant standards and criteria as developed by the NSW EPA. At the end of the process, a Site Audit Statement (SAS) is issued (in accordance with the

Item 7

Contaminated Land Management Act 1997) which outlines what types of development can the site be used for once remediation has occurred.

The SAS was issued 11 February 2003 for 20 Bradfield Road and stipulates that the site is suitable for 'residential with accessible soil, including garden (minimal home-grown produce contributing less than 100% fruit and vegetable intake) excluding poultry'.

Technical Services Department (Waste)

The Coordinator Waste has no objection to the proposal.

CONSULTATION – OUTSIDE COUNCIL

Department of the Environment and Heritage

Pursuant to section 75 of the Environment Protection and Biodiversity Conservation Act 1999, the Department of the Environment and Heritage ruled that the proposal is not a controlled action and further approval under Part 9 of the Act is not required.

National Parks & Wildlife Service

No comments were received from NPWS on the application.

NSW Police Services - North Shore Local Area Command (Traffic Services)

It is obvious that such a development will generate further traffic in the area, but I do not believe that this proposal will have any major adverse effects on the area,

NSW Rural Fire Services

The site is identified as bushfire prone, being located within 30 metres of Bushfire Prone Vegetation Category 1 as per the Council's Bushfire Map. Accordingly, the DA was referred to the NSW Rural Fire Service who commented as follows:

Based upon an assessment of the plans and documentation received for the proposal, the NSW Rural Fire Service is prepared to grant a Bush Fire Safety Authority subject to the following conditions:

- *Locations of fire hydrants are to comply with AS2419 and be delineated by blue pavement markers in the centre of the road.*
- *The recommendations on page 42-43 of the Submission Summary by Proust & Gardner Consulting Pty Ltd shall be complied with.*

This response is to be deemed the Bush Fire Safety Authority as required under section 100B of the Rural Fires Act 1997.

An appropriate condition is recommended (**See Condition No 16**).

Ku-ring-gai Natural Areas Advisory Committee (KNAAC)

On 8 September 2003 the Ku-ring-gai Natural Areas Advisory Committee (KNAAC) resolved to recommend that:

CSIRO should return Lot 31 the Sandstone Ridge Top Forest back to Bushland including steeper sites adjacent to Lady Game Drive as part of assessment of the current subdivision application at the site. As part of communication with the CSIRO the Commonwealth should consider the National Biodiversity Strategy.

The Memorandum of Understanding is specific in this regard and requires that Lot 31 be dedicated to National Parks and Wildlife Service. The dedication will not be sought as part of the Development Application.

PROVISIONS OF RELEVANT LEGISLATION

The Environmental Planning & Assessment Amendment Act 1979 Section 79C

1. Environmental Planning Instruments

- SEPP 19 - Bushland in Urban Areas
- SEPP 55 - Remediation of Land
- The Ku-ring-gai Planning Scheme Ordinance, 1979 (KPSO)
- Development Control Plan No. 17
- Subdivision Code

State Environmental Planning Policy No 19 - Bushland in Urban Areas

The site is adjacent to the Lane Cove National Park.

The impact on urban bushland is considered negligible as only Lot 31 directly abuts the park. The development proposes no change to this allotment of land.

No detrimental impact caused by the residential subdivision component on existing flora communities or weed intrusion to the bushland is envisaged due to the following:

- The proposed 29 residential lots are located more than 450 metres from bushland and separated from bushland by the CSIRO facility.
- Council's Landscape Development Officer recommends appropriate conditions requiring the removal of weeds from the site and a re-planting schedule which will see the re-introduction of indigenous plant species (**See Condition No 101**).
- The stormwater drainage system for the site will minimise the impact of stormwater flows from the site and no direct discharge to the bushland is proposed.

It is considered that the provisions of SEPP 19 have been satisfied.

State Environmental Planning Policy No 55 - Remediation of Land

The remediation strategy adopted for this site entailed the complete removal of the soil and asbestos down to a minimum 500mm depth or until no asbestos contamination could be detected.

Remediation of the site commenced in early 2002 and involved the removal of all soil across the site, testing of soil beneath existing vegetation to check the presence for asbestos and then removal if found to be positive and finally, validation testing of the entire site to verify that the remediation strategy was successful.

On 11 February 2003, at the end of the remediation process, a Site Audit Statement (SAS) was issued by Environmental Resources Management, which declared that the site was suitable for the intended residential use.

The Ku-ring-gai Planning Scheme Ordinance, 1979 (KPSO)

The proposed development is permissible in the Residential 2(b) zone. Relevant matters for consideration are as follows:

1. **Clause 33 of KPSO** requires Council to take into consideration the probable aesthetic appearance of the carrying out of subdivision work within view of any county road, main road or public reserve.

The proposed development is unlikely to have a significant impact upon the aesthetic appearance of the visual catchment of the National Park or any roads. The proposed development will require the removal of very few of the existing trees (more than 81% of the 255 trees on site will be retained). Furthermore, only 12 of the 48 trees to be removed are in a good condition. Those trees to be removed are to be replaced with more appropriate landscaping having regard to the future residential development of the site. The proposed development will take on a low density residential aesthetic appearance which is common to the Lindfield area.

2. **Clause 58A of KPSO** states that a person shall not subdivide land except with the consent of Council. Clause 58B establishes minimum lot area and width development standards for land zoned Residential 2(b) as follows:

A lot other than a battleaxe lot not having frontage to a county road

Area	836 m ²
Width	18 metres

A battleaxe lot

Area	1170 m ²
------	---------------------

Item 7

Access corridor width 4.6 metres

All Lots comply in every respect with these development standards.

Each separate lot proposed has frontage to a road, as required by the development standard established by clause 58B(4) of KPSO.

Considering the site specific circumstances, the proposal also satisfies **clause 59** that requires the proposed layout to provide for reasonable conformity with the road design depicted on the scheme map.

3. **Schedule 9** under clause 1B of the KPSO lists the aims and objectives of the residential zones. Subject to compliance with the recommendations of this report, the proposed subdivision will comply with the 2(b) zone aims and objectives for the following reasons:

- a) The development will endeavour to ensure that existing amenity and environmental character of the residentially zoned land will be maintained and improved by the proposal by incorporation of appropriate road layout, lot orientation and on-site stormwater detention.
- b) The development will permit future residential development which can be designed so as to be compatible with the existing environmental character of the locality and has a sympathetic and harmonious relationship with adjoining development.
- c) The design of the subdivision would be such that more than half of the allotments achieve an appropriate north-south orientation, with the remaining allotments being afforded good solar access orientation.
- d) Given the relatively flat topography, future dwelling-houses could be designed so as to minimise overlooking of neighbours' living area and recreation space.
- e) Council's Landscape Development Officer is satisfied with the proposed development in relation to tree removal, retention and replenishment and recommends conditions in this regard (**See Conditions Nos 98 to 105**).
- f) Future dwelling-houses could be designed so as to avoid total or near total site utilisation by maintaining a reasonable proportion of the site as soft landscaping area.
- g) Future dwelling-houses on the proposed allotments can be designed so as to be in keeping with the character and height of neighbouring dwelling-houses.
- h) The style and design of any future dwelling-houses will not be restricted by the proposed subdivision pattern.

Item 7

- i) Council's Development Engineer does not consider it necessary to require any future dwelling-house to be designed so as to permit on-site forward entry and exit of vehicles on each proposed allotment.

Development Control Plan No. 17

The proposal has been assessed against the objectives and design criteria contained in the site specific Development Control Plan N^o 17, CSIRO Land, Bradfield Road, West Lindfield ("DCP 17").

The general aims of this plan are:

- a. *to allow for reasonable and sensitive development by the Commonwealth Government and subsequent owners of the land; and*
- b. *to maintain and, where appropriate, improve the existing amenity and environmental character of the residential zone.*
- c. *To permit new residential development only where it is compatible with the existing environmental character of the locality and has a sympathetic and harmonious relationship with nearby development.*
- d. *To not grant consent to an application inconsistent with the development standards contained in this Plan, unless in Council's opinion such consent is inconsistent with the specific objectives contained in this Plan and the Ku-ring-gai Planning Scheme Ordinance.*
- e. *Where appropriate to utilise the natural topography of the site for drainage, open space, stormwater nutrient control and stormwater detention.*

A summary of compliance against Development Control Plan 17 is as follows:

STANDARD	REQUIREMENT	COMPLIANCE
Residential Land		
Tree retention.	Significant trees to be mapped, location of underground services, access of Bradfield Road	Yes. This is discussed in detail in the report.
Subdivision layout.	Maintain vistas, setbacks & building line requirements	Yes. Refer Condition No's 96 & 104
Road layout.	No access to Moore Street or opposite Charles Street. Specified access point to site	Yes. This is addressed in more detail in the report.
Drainage.	Drainage to be provided in line with Council policies.	Yes.
Geotechnical report		Yes.
Site Development & Landscape		Yes. The proposed lots are of sufficient size to comply with these

Item 7

requirements.		requirements when developed.
Visual buffer zone.		Yes. The zones are addressed in detail in the report. Refer Condition No 104
Tree cover	Retention of tree cover.	Yes. More than 80% of existing trees are retained and additional trees will be required when the individual lots are developed.
Streetscape.	Compatible with scale & character and not be obtrusive from surrounding natural areas.	Yes. Proposed buffer zones and setback controls are considered sufficient to address these concerns.
Visually prominent sites	.	Yes. These aspects will be addressed when individual development applications are submitted and will be assessed with reference to DCP 38.
Privacy and overlooking.		Yes. Can be addressed when individual allotments are developed.
Sunlight Access.		Yes. Can be addressed when individual allotments are developed.
Private Open Space.		Yes. The lot sizes are of sufficient size to accommodate private open space requirements and will be addressed when individual allotments are developed.
Traffic	Minimise adverse impacts, traffic report required	Yes.
Access and Parking	Ensure safe access to site – vehicular & pedestrian, reduce conflicts with street traffic.	Yes. KMC traffic Committee, NSW Police Services and Council, Development Engineer raised no objection to the application.
Views	Retain views of surrounding properties.	Yes. This can be addressed when individual allotments are developed.
Noise		Yes. This can be addressed when individual allotments are developed.
Tennis Courts		Not applicable to subdivision
Stormwater drainage		Yes. These matters are addressed in the submission and the Council's Development Engineer raised no objection to the proposal and has imposed appropriate conditions. Refer Condition No's 57, 58 & 59
Protection of Urban Bushland.		Yes. The proposal does not directly affect any Bushland areas and the Council's Development Engineer

Item 7

		raised no objection to the proposed method of stormwater disposal.
Facilities/Amenities		Yes. Not applicable at subdivision stage and will be incorporated into the design of the individual dwellings.
Alterations and Additions		Yes. Not applicable at subdivision stage and will be incorporated into the design of the individual dwellings.
Additional Requirements for Subdivision	Create allotments that encourage development which maximises tree retention	Yes.
Commonwealth Purposes Land		
Building Design.		Not applicable to subdivision
Drainage.	On-site detention and stormwater pollution control facilities.	Yes.
Car Parking.		Not applicable to subdivision
Buffer Areas		
Bushland Protection Buffers.		Yes. This is addressed through the Plan of Management but has been reinforced through a condition. Refer Condition No. 104
Visual Buffers.		Yes. This is addressed through the Plan of Management but has been reinforced through a condition. Refer Condition No's 96 & 104.
Developer Contributions	Levy contributions in accordance with the adopted Section 94 Contributions Plan to address the increased demand on public amenities and services	Yes. Refer Condition No 54
Controls during Construction	Minimise disturbance to neighbours and the environment	Yes. Refer Condition No's 5 to 34.

Although a substantial level of compliance is achieved, the following matters are identified as requiring further discussion:

Item 7

1. Tree Retention

18.1 To retain the existing landscape Character of the site by retaining the significant vegetation present.

The applicant identified and mapped 255 trees on the site. The proposal retains 207 (81%) of the trees. The condition of the 48 trees to be removed is as follows:

Condition	Number	Percentage of total
Good	12	4.7%
Fair	2	< 1%
Average	8	3.1%
Poor	17	6.7%
Invasive	9	3.5%

The invasive species include a row of seven (7) mature Coral Trees, which form a line of older plantings to the southern boundary of the site. While an important landscape element within the site, these are an exempt species under Council's Tree Preservation Order and are classified as an Urban Environmental Weed under Council's Weed Policy. This species also tends to be structurally weak and subject to major branch failure. Retention of the trees would require complete redesign of the subdivision and those trees are not considered of such importance that would justify refusal of the proposed subdivision.

The proposed layout of the subdivision would require some thinning of the vegetation in the south eastern portion of the site as part of the fire asset protection zone for proposed Lots 21, 22 and 23. A Flora and Fauna Assessment prepared by Wildsearch notes that

"the highest quality vegetation in the study area is that on the south eastern portion of the site and adjoining areas. This vegetation has larger tree specimens, a more complete tree canopy (approximately 45%) and a smaller component of weeds in the shrub and groundcover layers".

Not all of this vegetation is endemic but it is desirable to be retained for both aesthetic and fauna habitat reasons. There was some concern regarding the extent of clearing required, given that part of this vegetation is on private lots with no road buffer. The bushfire management report by Roger Fenwick Bushfire Consultant provides for a minimised clearing regime for this area, outlining very specific clearing provisions. This proposal has been endorsed by the Rural Fire Service (**Refer Condition No 16**).

2. Significant Trees

18.3 There are a number of trees considered noteworthy on the site. These trees would be identified at subdivision and will be protected by covenants, which would restrict the use of the land beneath the canopy of the tree. This will ensure their preservation in any future development of the site.

Item 7

The majority of trees which may be considered significant in terms of size or prominence are located within the 12m buffer zone along Bradfield Road and, as such, will be retained (**Condition No 96**).

Asbestos contaminated soil has been removed from the site which has damaged some of the existing trees. Many of the isolated trees now sit on elevated islands as excavation has been mostly limited to the outside of the drip line of these trees. Generally, soil level at the trees is 500mm higher than the surrounding level. This has implications for replanting of the site as most of the top soil has been removed. Topsoil will need to be brought in, raising ground levels which means that floor levels of future buildings may need to be raised as well to create reasonable relationships between the existing trees, new outdoor recreation areas and dwellings. These issues are addressed through a condition in the recommendation (**Refer Condition No 100**).

3. Service Corridor

18.4 All underground services (i.e. electricity, water, sewerage, drainage and gas) shall be located outside the canopy of existing trees. Where this may not be possible, thrust boring below the tree roots may be necessary. Consideration should be given to the location of all underground services within one service corridor.

Condition No 70 will ensure that no underground services are laid beneath the canopy of any tree protected under Council's Tree Preservation Order.

4. Access, Design Guidelines

18.5 Access off Bradfield Road shall be located to minimise loss of existing trees.

25.3 No vehicular access will be permitted to either Bradfield Road or Moore Avenue from Lots facing these streets.

31.2 The design of the access road(s) and associated works shall be to the satisfaction of Council's Director Technical Services. However, only one access point will be allowed to Bradfield Road.

The intent of these provisions was to minimise potential impacts on the existing vegetation in the 12 metres wide Landscape Buffer Zone to Bradfield Road.

While it would be preferable that driveways be minimised from Bradfield Road, only a few non-significant trees will be removed as a consequence of driveway construction. In general, the impacts of the driveways upon the trees can be minimised by appropriate construction methods and supervision by a qualified arborist. (**Refer Condition No 46**).

Apart from the aesthetic considerations, the benefit of orientating lots with their frontage to Bradfield Road is the added advantage of passive surveillance through viewing of the park and the entry/exit activity on the individual driveways.

Item 7

5. Road Layout

- 19 *Road Access to the site should be located opposite the gates to Queen Elizabeth Park. Access to Moore St should also not be provided.*

Strict compliance with this requirement is not possible. The existing double access gates, which are situated opposite the access gate to Queen Elizabeth Reserve, are not located within the boundaries of the subject site. The proposed road access to the site is considered acceptable for the following reasons:

- Relocating the road to form an intersection with the car park access would result in the loss of more trees than the proposal under consideration;
- Locating the access road further north reduces travel distances as the majority of traffic would approach and depart the site to and from the north; and
- Reducing the volume of traffic passing the park (where pedestrian and vehicular activity is high) will result in an inherently safer arrangement.

The proposed road access off Bradfield Road is located approximately 220 metres from Moore Avenue, 100 metres from Charles Street and 70 metres from the entry to the Queen Elizabeth Park tennis courts' car park. It is located with due consideration for the retention of significant trees. With regard to traffic, the location is satisfactorily separated from existing areas of potential conflict and with adequate sight distances available between all intersections.

6. Visual Buffer Zone

- 23.5 *These zones would be exclusively for planting and could not be developed. A Restriction on the Use of Land or a Positive Covenant would be applied at subdivision, requiring additional planting in some areas. These zones are located around the perimeter [of the residential part] of the site.*

Western Boundary

This zone is set at 12m wide and incorporates stands of eucalypts which are already a strong visual element in the landscape.

Southern Boundary

This zone is at 3m wide. Revegetation of this area would aim to soften and ameliorate the view that residential properties to the east and north-east of the site will have of any future development within the site.

Northern Boundary

Item 7

This zone is set at 5m wide. Revegetation of this area would aim to soften the view of future development of the site from Moore Avenue and Lady Game Drive.

These zones have been incorporated as part of the subdivision and a condition is recommended which requires the creation of a buffer zone over each affected lot prior to the issue of a subdivision certificate (**Refer Condition No 96**).

The buffer zones relating to Lot 30 will be retained as per the Memorandum of Understanding and a condition to this effect is included (**Refer Condition No 104**).

7. Access and Parking

31.5 The applicant shall plant and maintain street trees along the nature strip along the existing and new access road(s) in accordance with the attached landscape plan and to the Satisfaction of Council's Director Open Space. This includes the nomination of indigenous tree species along Moore Avenue and Bradfield Road frontages.

No additional street tree planting has been proposed along Moore Avenue or Bradfield Road, although *Eucalyptus haemastoma* (Scribbly Gum) and *Tristaniopsis laurina* (Water Gum) have been proposed within the subdivision. Water Gums are not indigenous to this area and the layout is rather formal. Informal groups of trees in mulched beds is desirable. *Corymbia gummifera* (Red Bloodwood) would be suitable for areas without power lines and Scribbly Gums would be suitable under power lines (**Refer Condition No 105**).

8. Additional Requirements for Subdivision

39.1 Objective:

To ensure future subdivision of the site results in the creation of allotments that will sustain development that maximises tree retention.

This objective has been met as the proposal has shown that:

- Street and lot orientation facilitates the siting and design of buildings which promote solar access and energy efficiency.
- The subdivision layout retains significant vegetation, minimises soil erosion and promotes on-site water detention and quality control in accordance with Council's Stormwater Management Policy.
- Built-upon areas of 50% can be achieved without being unduly restrictive. (The majority of the Lots are more than 1000 m² in area, which would enable built-upon areas up to 500m²).

Subdivision Code

Item 7

The Code reiterates the development standards of KPSO, which have been addressed earlier in the report. A condition is recommended requiring that any fence along the access corridor of the battleaxe allotment (proposed Lot 1) not exceed 1 metre in height for a distance of 30 metres from the street alignment (**Refer Condition No 32**).

A condition is recommended which requires that all electrical and transmission wires are placed underground and that street lighting standards are supplied and erected to the satisfaction of the Principle Certifying Authority (**Refer Condition No 35**).

Council's Development Control Engineer has considered the adequacy of the proposed road widths, alignments and drainage. A condition is also recommended requiring the selection by the applicant of street names, submission to Council for approval of street names, erection of street name plates at each intersection and the painting of street numbers on the face of the kerb for each proposed allotment, to Council's satisfaction (**Refer Condition No 35**).

Council's Landscape Development Officer has recommended a condition regarding provision of additional landscaping to supplement the existing trees to be retained on the site. (**Refer Condition No 100**).

2. Likely Impacts

The proposal will have no significant impact upon the environment of the locality or on the neighbouring residential land uses.

Council's Development Control Engineer has raised no objection to subdivision of the land, subject to conditions. Council's Landscape Development Officer has no objection to the proposal on the basis of tree retention and replenishment.

Although the site abuts a national park, no change to the current situation is envisaged that could adversely affect the park. 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.

There is unlikely to be any significant impact on the existing or likely future amenity of the neighbourhood.

3. Suitability of The Site

The subdivision design as amended by conditions has appropriate regard to the site's constraints and opportunities. The site is not known to exhibit any attributes which would prevent it being subdivided. The site is identified as bushfire prone land and appropriate conditions are included in accordance with comments by NSW Rural Fire services. The site is considered to be suitable for development in its proposed form.

4. Any Submissions

Item 7

All matters raised in submissions have been addressed in detail previously within the context of this report.

5. Public Interest

There has been some public concern over the aspects of the proposed subdivision. However, the development is considered to have merit and would not be inconsistent with the subdivision pattern characteristic of the area. The proposed development has progressed through a rigorous process associated with the preparation of a local environmental plan rezoning the land, a site specific development control plan and now the development assessment phase. In this light and having regard to the environmental safeguards required in order to carry out the development, this proposed subdivision is considered to be in the public interest.

6. Section 94 Contributions

The proposal is subject to a contribution towards the provision of services and facilities as required by Council's Section 94 Contribution Plan. The proposed development will create 29 additional allotments in the area. A contribution rate of \$33,057.22 is applicable in respect of each of the additional lots created, with a total contribution of \$958,659.38 being required.

Any other Relevant Matters Considerations Not Already Addressed

There are no additional matters which have not been previously addressed in the foregoing assessment.

CONCLUSION

The proposed development has been considered against the provisions of relevant environmental planning instruments and development control plans. The application is considered to be satisfactory having regard to the matters for consideration listed under section 79C(1) of the Act, and is recommended for approval, subject to conditions.

RECOMMENDATION

That Development Application DA897/03 for the subdivision of two (2) lots into twenty nine (29) residential lots, two (2) residual lots and the construction of three (3) roads as well stormwater and ancillary infrastructure on Lot 1 DP 558081 & Lot 12 DP 562918 being 20 Bradfield Road, 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 897/03 and subdivision plans prepared by Proust & Gardner Consulting Pty Ltd, reference number 17125/SUB-1, Sheets 1 & 2 (Issue 4), dated June 2003 and lodged with Council on 18 July 2003.

Item 7

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 works 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 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. All excavations shall be properly guarded and protected with hoardings or fencing to prevent them from being dangerous to life and property.

Item 7

11. Any excavation of rock involving hydraulic or compressed air rock hammers or other excavation equipment shall comply with the requirements of Council's Code for the Control and Regulation of Noise on Building Sites.
12. No rock breaking or other machinery for the excavation, drilling or removal of rock shall be used on the site without the prior approval of the Principal Certifying Authority. Should rock breaking or associated machinery be required, the following details are to be submitted to the Principal Certifying Authority for consideration:
 - a. The type and size of machinery proposed.
 - b. The routes of all trucks to convey material to and from the site.
 - c. A report by a Geotechnical Engineer detailing the measures recommended in undertaking the work so as to prevent any damage to any adjoining or nearby buildings.
13. Toilet facilities are to be provided, within the work site on which work is being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.
14. 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 Subdivision Certificate.
15. The developer shall submit to Council a letter from the energy supply authority and either Telstra or Optus, confirming that satisfactory arrangements have been made for the provision of underground telephone and power services, prior to the release of the Subdivision Certificate or Occupation. Application may be made to Energy Australia Phone No. 13 1525 and either Optus, Network Operations, Facsimile No 9837 9060, Phone No 9837 9010, or Telstra Phone No 12 455.
16. Compliance with the general terms of approval issued by NSW Rural Fire Service
17. 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.
18. Erosion control measures shall be provided on construction sites to prevent the siltation of watercourses and drainage systems.
19. Dust control measures shall be taken during all construction and excavation so as to avoid a nuisance to adjoining properties and harm to the environment.
20. 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.

Item 7

21. All combustible material shall be removed from the site on a daily basis. Material shall not be burnt on the site.
22. Adequate precautions shall be taken to ensure the protection of adjoining premises and persons therein from damage and injury during the process of demolition.
23. 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 construction.
24. The burning of undergrowth, foliage, building refuse and like matter on the site is prohibited.
25. Under no circumstances shall building materials, demolition waste, fill, soil or any other material from any source be placed or stored within any public reserve.
26. To preserve and enhance the natural environment, sediment removed from erosion and sediment control structures shall be disposed of to an approved sediment dump.
27. For the purpose of health and amenity, effective measures are to be taken at all times to prevent any nuisance being caused by noise, vibrations smells, fumes, dust, smoke, waste water products and the like.
28. 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.
29. To prevent pollution, all disturbed areas which are not to be built upon or otherwise developed within 14 days shall be stabilised with mulch, woodchip or other rehabilitation methods to provide permanent protection from soil erosion.
30. 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 14 days stock-piles are to be sprayed with an appropriate emulsion solution or seeded to minimise particle movement.
31. Construction and demolition works shall be carried out in accordance with the requirements of Development Control Plan No 40 - Construction and Demolition Waste Management.
32. Any fence along the access corridor of the battleaxe allotment (proposed Lot 1) in the subdivision shall not exceed 1 metre in height for a distance of 31 metres from the street alignment.
33. During construction, traffic shall be managed and controlled in accordance with an approved Traffic Management Plan (TMP). The TMP shall be prepared by a suitable qualified and experienced person, and shall address the following matters:
 - i. Working time restrictions
 - ii. Temporary signage locations

Item 7

- iii. Accreditation of workers
 - iv. Location of traffic controllers
 - v. Minimal or no disruption to traffic flows.
34. All proposed new public roads are to be dedicated as public roads to Council at no cost to Council.
35. Provision of the following road and associated infrastructure to be constructed for the residential subdivision site:
- a) Sealed access roads shown (roads “1”, “2” and “3” shown in “Indicative Road and Drainage Works” submission, attachment 5, by Proust and Gardener) submitted with DA 897/2003. All roads are to incorporate standard profile integral kerb and gutter (not roll kerb) and grass swales where feasible for stormwater treatment. The finished levels at the boundaries between road and new lots are to be generally set at 4% above top of kerb level. Finished verges are to be turfed. The proposed turning circle at the end of the road extensions are to have minimum kerb-to-kerb diameter of 15 metres, a verge width of 2.25 metres and a clear trafficable space behind the kerb line of at least 1.5 metres to permit turning of Council waste collection vehicles,
 - b) Concrete footpath 1.2 meters wide, between the main pedestrian / vehicular entrance point to Bradfield Rd, allowing pedestrians from all lots to have a suitable means of access to Bradfield Rd. Footpath shall be constructed over the full frontages of the following lots, and pram ramps shall be constructed where a crossing of any road occurs:
 - Road “1” : footpath to be constructed over frontage of lots 9, 24, 25
 - Road “2” : footpath to be constructed over frontage of lots 25, 26, 27, 28, 29
 - Road “3” : footpath to be constructed over frontage of lots 16, 17, 18, 19, 20
 - c) Street name signs in accordance with Council street sign standard detail,
 - d) Street lighting for the proposed new roads to the satisfaction of Council and Energy Australia and in accordance with the road classification, and at no cost to Council. The road classification shall be determined by Council and Energy Australia. The street lighting at the intersections with any existing roads shall include any necessary upgrading of the lighting of the intersection.
36. Provision of the following drainage infrastructure to be constructed for the residential subdivision site:
- a) Inground piped trunk drainage systems to 1:20 year ARI capacity, together with suitable associated overland flows paths, as far as Lady Game Creek. These are to drain new internal access roads, lot discharges and convey runoff from such areas to the downstream disposal point. Grassed swales shall be utilised alongside road pavements wherever feasible to retain and treat surface runoff from roads,

Item 7

- b) Gross-pollutant traps within the residential subdivision site for primary treatment of runoff before entry to the downstream disposal point,
- c) Piped interallotment trunk drainage system(s) that captures and directs runoff collected by the new gully pit in Bradfield Road, over proposed lots 5 and 28, then to the approved downstream disposal point via the street drainage system. The new trunk drainage systems across proposed lots 5 and 28 are to incorporate suitable overland flow paths and training measures to ensure that the design overland flow rate is directed along the easements and will not flow across the main bodies of lots 5 and 28. In this regard the design flow rate is the greater of the 100 year ARI catchment discharge less the full capacity of the subject pipeline or the 5 year ARI catchment discharge assuming the subject pipeline is fully blocked. The proposed pits in Bradfield Rd are to have at least 900mm square access. All grates to be Weldlok or equivalent. Provision of safety fences or equivalent in order to protect pedestrians falling into any stormwater inlet structures and or over drop-offs exceeding 1.0 metres in height, and
- d) In-ground private interallotment drainage systems and associated overland flow paths for those lots as required to ensure gravity fed drainage provisions to the approved downstream disposal point.

37. Provision of the following infrastructure to be constructed in the Bradfield Road reserve:

- a) Construction of concrete driveway crossing and kerb laybacks between Bradfield Road shoulder and boundaries of proposed lots 2, 3, 4, 5, 6, 7, 8, 11, 12, 13. Driveway locations to be as shown in figure 15 (17125/Tree/DD) by Proust and Gardner, dated July 2003, unless otherwise specified by Council Landscaping department.
- b) Construction of fully new kerb and gutter and consolidation of road shoulder over the full residential subdivision site frontage in Bradfield Rd (refer to Council "Typical road cross section" drawing 88-089). Kerb and gutter alignment shall marry with laybacks and driveways required under point (a) above.
- c) Installation of fully new double grated gully pits and lintels as shown in "Indicative Road and Drainage Works" submission, attachment 5 by Proust and Gardener, submitted with the application.
- d) Construction of concrete footpath, 1.2 metres wide, to provide pedestrian access between the Bradfield Rd/site access intersection, and the intersection of Bradfield Rd and Moore St.

38. Stormwater runoff from all hard surfaces within the proposed residential subdivision site and associated catchment shall be piped to the interallotment stormwater drainage system to be created as far as the downstream receiving waterbody (Lady Game Creek). A headwall and energy dissipater structure shall be constructed at any new 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.

39. The proposed separate wetland detention system to drain and treat the proposed residential subdivision site only (ponds "S1", "S2", "S3" and "S4" shown in the "CSIRO West Lindfield - Preliminary Design of Stormwater Detention and Quality Treatment Systems - Phase 2

Item 7

Works” report by URS Australia, dated 5th June 2002), shall be deleted in full from the proposal. Each proposed residential lot shall be required to install lot specific stormwater management measures at the time they are developed. Such measures shall be based on Councils adopted stormwater management policy at that time of development. The stormwater detention and quality devices treating the remaining “mother” CSIRO site (ponds “C1”, “C2”, “C3”, “C4” and “C5”) shown in the “CSIRO West Lindfield – Preliminary Design of Stormwater Detention and Quality Treatment Systems (Phase 2 Works)” report by URS Australia, dated 5 June 2002), shall be installed as shown, subject to submission of construction drawings prior to Construction Certificate issue.

40. During the course of the subdivision construction works, Compliance Certificates are to be obtained for the following components of the work:
 - a) Installation of erosion and sediment controls and all tree protection measures prior to the commencement of disturbance works,
 - b) Compaction testing and suitability of materials for individual road pavement layers including subgrade, wearing course and sub-base beneath kerbs, and in accordance with the approved design,
 - c) Correct placement of formwork and reinforcement prior to any concrete pouring,
 - d) Passing concrete slump and core tests,
 - e) Correct stormwater pipe placement,
 - f) Correct drainage trench backfill including bedding,
 - g) Correct placement of sub-soil drainage adjacent to road pavements and upstream of drainage pit structures,
 - h) Suitable provision for all new residential lots to have direct access to services including electricity, gas, telephone, water and sewerage.
 - i) That all disturbed areas have been rehabilitated with suitable ground cover establishment.
 - j) Provision of street lighting to and written approval by both Council and Energy Australia of the same,
 - k) Hold and inspection points as specified by designing engineer during wetland system construction on the “mother” CSIRO site,
 - l) Any other certifications required under this consent.

The Compliance Certificates are to be accompanied by certifications from a Registered Surveyor/Chartered Civil Engineer (as appropriate for the same component of work) with respect to compliance with approved plans and the design standards specified by the conditions of Consent. All certificates shall be obtained and submitted to the Principal Certifying Authority, and Council where appropriate, for approval prior to issue of the Subdivision Certificate.

41. The relocation or adjustment of any utility service facilities must be carried out by the Applicant in accordance with the requirements of the utility authority at no cost to Council.
42. 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

Item 7

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.

43. 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.
44. For the purpose of any Council inspections, the appropriate fees set out in Councils adopted Schedule of Fees and Charges are payable to Council, prior to the release of the approved plans. A re-inspection fee per visit may be charged where remedial work is unprepared at the requested time of inspection or where remedial work is unsatisfactory and a further inspection is requested. Engineering fees must be paid prior to the final approval of the works.
45. A maintenance period of six (6) months shall apply to the work in the existing and new public road after it has been completed or dedicated to Council. 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 design conditions.
46. Plans and specifications of the proposed driveway sections along Bradfield Road (for proposed Lots 2, 3, 4, 5, 6, 7, 8, 11, 12, &13) shall be submitted to Council, for approval by Council's Landscape Development Officer . Driveway sections to be constructed shall be a minimum length of 8 m (measured from the street boundary) and a maximum 3.5 m wide or as directed by the Council Landscaping Development Officer. Construction shall be supervised by a qualified arborist and shall be undertaken in accordance with other conditions of this consent. These works shall be satisfactorily completed before the issue of the subdivision certificate
47. All excavation carried out within the specified radius of the trunk/s of the following tree/s shall be hand dug:

Tree/Location	Radius From Trunk
Various within Bradfield Road buffer zone	4.0 metres
Tree 11 <i>Eucalyptus saligna</i> (Sydney Blue Gum)	7.0 metres

48. Tree roots between 10mm and 50mm diameter, severed during excavation, shall be cut cleanly by hand .

Item 7

49. 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
Various within Bradfield Road buffer zone	4.0 metres
Tree 11 <i>Eucalyptus saligna</i> (Sydney Blue Gum)	7.0 metres

50. 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.
51. Topsoil for rehabilitation of the site shall be as prescribed within the landscape specification, to be submitted to Council prior to release of the commencement of works. 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 days stock-piles are to be seeded or sprayed with an appropriate emulsion solution to minimise particle movement.

All areas of topsoil are to be stabilized using dense cover crop. The cover crop shall be established utilising sterile/non seed-setting species eg Rye Corn or Japanese Millet applied at a rate of at least 20kg/ha with suitable fertilizer, based on topsoil analysis and proposed crop species mix.

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

52. 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.
53. 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.

Item 7

54. 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 29 ADDITIONAL DWELLINGS IS CURRENTLY \$958,659.38. 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 -Lindfield	\$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

55. The Applicant must carry out the following infrastructure works in Bradfield Road reserve:
- Construction of separate concrete driveway crossings and kerb laybacks between Bradfield Road and the boundaries of proposed lots 2, 3, 4, 5, 6, 7, 8, 11, 12, 13. Driveway locations to be as shown in figure "15" (drawing 17125/Tree/DD) by Proust and Gardner, dated July 2003, unless otherwise specified by Council Landscaping department to protect significant trees, and
 - Construction of fully new kerb and gutter and consolidation of road shoulder over the full residential subdivision site frontage in Bradfield Rd (refer to Council "typical road

Item 7

cross section” drawing 88-089). Kerb and gutter to marry with laybacks and driveways required under (a) above, and

- c) Installation of fully new double grated gully pits and lintels as shown in “Indicative Road and Drainage Works” submission, attachment 5 by Proust and Gardener) submitted with DA 897/2003, and
- d) Construction of concrete footpath, 1.2 metres wide, to provide pedestrian access between the Bradfield Rd/site access intersection, and the intersection of Bradfield Rd and Moore St.

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

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

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

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

NOTE 2: An hourly assessment fee (set out in Councils adopted fees and charges) will be charged and Council will withhold any consent until full payment of the correct fees.

NOTE 3: Plans and specifications must be marked to the attention of Councils Development Engineers. In addition, a copy of this condition must be provided, together with a covering letter stating the full address of the property and the accompanying DA number. Failure to do so may delay the processing of the application.

- 56. Prior to issue of the Construction Certificate the Applicant shall submit, for approval by Council as the future Roads Authority, design drawings prepared by a suitably qualified and experienced consulting engineer for the following road and associated infrastructure works for the residential subdivision:

Item 7

- a) Construction of sealed access roads shown (roads “1”, “2” and “3” shown in “Indicative Road and Drainage Works” submission, attachment 5, by Proust and Gardener) submitted with the application. All roads are to incorporate standard profile integral kerb and gutter (not roll kerb) and/or grass swales where feasible for stormwater treatment. The finished levels at the boundaries between road and new lots are to be generally set at 4% above top of kerb level. Finished verges are to be turfed. The proposed turning circle at the end of the road extensions are to have minimum kerb-to-kerb diameter of 15 metres, a verge width of 2.25 metres and a clear trafficable space behind the kerb line of at least 1.5 metres to permit turning of Council waste collection vehicles, and
- b) Construction of concrete footpath 1.2 meters wide, between the main pedestrian / vehicular entrance point to Bradfield Rd, allowing pedestrians from all lots to have a suitable means of access to Bradfield Rd. Footpath shall be constructed over the full frontages of the following lots, and pram ramps shall be constructed where a road crossing occurs:
 - Road “1” : footpath to be constructed over frontage of lots 9, 24, 25
 - Road “2” : footpath to be constructed over frontage of lots 25, 26, 27, 28, 29
 - Road “3” : footpath to be constructed over frontage of lots 16, 17, 18, 19, 20and
- a) Provision of street name signs in accordance with Council street sign standard detail, and
- b) Provision of street lighting for the proposed new roads to the satisfaction of Council and Energy Australia and in accordance with the road classification, and at no cost to Council. The road classification shall be determined by Council and Energy Australia. The street lighting at the intersections with any existing roads shall include any necessary upgrading of the lighting of the intersection.

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

NOTE 2: An hourly assessment fee (set out in Councils adopted fees and charges) will be charged and Council will withhold any consent until full payment of the correct fees.

NOTE 3: Plans and specifications must be marked to the attention of Councils Development Engineers. In addition, a copy of this condition must be provided, together with a covering letter stating the full address of the property and the accompanying DA number. Failure to do so may delay the processing of the application.

57. Prior to issue of the Construction Certificate the Applicant shall submit, for approval by Council as the future Roads Authority, design drawings prepared by a suitably qualified and experienced consulting engineer for the following drainage infrastructure for the residential subdivision works:

Item 7

- a) Inground piped trunk drainage systems designed to 1:20 year ARI capacity, together with associated suitable overland flows paths to the 1:100 year event. These are to drain new internal access roads, lot discharges and convey runoff from such areas to the downstream disposal point (Lady Game Creek). Grassed swales shall be utilised wherever feasible to drain and treat surface runoff from new roads, and
- b) Provision of Gross-pollutant traps within the subdivision site for primary treatment of runoff before entry to the downstream disposal point (Lady Game Creek), and
- c) In-ground interallotment trunk drainage system(s) that captures and directs runoff collected by the new gully pit in Bradfield Road, over proposed lots 5 and 28, then to the approved downstream disposal point via the internal street drainage system. The new trunk drainage systems across proposed lots 5 and 28 are to incorporate suitable overland flow paths and training measures to ensure that the design overland flow rate is directed along the drainage easements and will not flow across the main bodies of lots 5 and 28. In this regard the design flow rate is the greater of the 100 year ARI catchment discharge less the full capacity of the subject pipeline or the 5 year ARI catchment discharge assuming the subject pipeline is fully blocked. The proposed pits in Bradfield Rd are to have at least 900mm square access. All grates to be Weldlok or equivalent. Provision of safety fences or equivalent in order to protect pedestrians falling into any stormwater inlet structures and or over drop-offs exceeding 1.0 metres in height, and
- d) In-ground interallotment private drainage systems and associated overland flow paths for those lots as appropriate, necessary to ensure gravity fed drainage provisions on each lot to the approved downstream disposal point.

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

NOTE 2: An hourly assessment fee (set out in Councils adopted fees and charges) will be charged and Council will withhold any consent until full payment of the correct fees.

NOTE 3: Plans and specifications must be marked to the attention of Councils Development Engineers. In addition, a copy of this condition must be provided, together with a covering letter stating the full address of the property and the accompanying DA number. Failure to do so may delay the processing of the application.

NOTE 4: The design is to be in accordance with the following design standards:

- Council's Stormwater Management Manual or superseding documents.
- Council's Specification for Road and Drainage Works.
- Australian Rainfall & Runoff (1998).
- RTA Road Design Guide.
- AS 1158 – Street Lighting

58. Prior to issue of the Construction Certificate, the Applicant shall revise the "CSIRO West Lindfield - Preliminary Design of Stormwater Detention and Quality Treatment Systems (Phase 2 Works)" report by URS Australia, dated 5 June 2002 (attachment 6), as follows:

Item 7

a) The proposed wetland ponds "S1", "S2", "S3" and "S4" draining the residential component of subdivision shall be deleted in full. This pond system shall be deleted and replaced with a single inground drainage line of sufficient capacity for the residential subdivision catchment. For the proposed residential lots, lot specific stormwater management measures shall be implemented when those lots are developed and no details are required at subdivision stage.

The proposed wetland treatment system for the remaining CSIRO site (proposed ponds "C1", "C2", "C3", "C4" and "C5" shown in the URS report) shall **not be deleted** and shall be installed generally as proposed in the URS report, subject to submission of construction drawings prior to Construction Certificate issue.

59. Prior to issue of the Construction Certificate the Applicant shall submit, for approval by the Principal Certifying Authority, the following information in relation to the wetland treatment system to be installed for the "mother" CSIRO site only:
- a) Design and construction documentation necessary to install the wetland treatment system (proposed ponds "C1", "C2", "C3", "C4" and "C5" shown in concept "CSIRO West Lindfield - Preliminary Design of Stormwater Detention and Quality Treatment Systems (Phase 2 Works)" report by URS Australia, dated 5 June 2002 (attachment 6) submitted with the Application.
 - b) A full maintenance program and schedule for the proprietors.
60. All new public utility services including electricity, gas, telephone, water and sewerage shall be provided underground by the developer in accordance with the specifications of the supply authorities. A plan detailing services trenches, which shows distances from proposed and existing trees, shall be submitted for approval by the Principal Certifying Authority prior to issue of the Construction Certificate.
61. Prior to issue of the Construction Certificate, submission to Council of a dilapidation report of Bradfield Avenue (over the full site frontage only) which identifies and provides a detailed photographic record of any/all defects to road reserve infrastructure especially extents of pavement cracking.
62. Provision to Council prior to the issue of a Construction Certificate of a \$20,000.00 bond to cover the restoration by Council of any damage to Council's infrastructure in the public road or for any incomplete works, 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 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.

Item 7

- 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.
63. Prior to issue of the Construction Certificate the Applicant shall submit, for approval by the Principal Certifying Authority, 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.

CONDITIONS TO BE COMPLIED WITH PRIOR TO WORK COMMENCING

64. 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.
65. 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.
66. The applicant/developer shall notify adjoining property owners/occupiers at least seven (7) days prior to the commencement of site works of the date on which site works will commence.
67. The developer will be responsible for providing copies of the TMP to the Roads and Traffic Authority (Local Network Services), Police Department (Ku-Ring-Gai Local Area Command) and Ku-Ring-Gai Council, attention Development Engineer. The TMP must be approved by each of these authorities prior to the commencement of any works in the public road. Evidence of these approvals must be submitted to Ku-Ring-Gai Council at least two (2) working days before the commencement of works.
68. 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.

Item 7

69. 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.
70. 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, adjoining allotments or Bradfield Road Reserve.

A plan detailing the routes of these services and identifying existing trees shall be submitted to Council for approval prior to commencement of works.

71. Driveway works within the landscape buffer zone shall only be constructed under the supervision of a qualified arborist to ensure that existing water infiltration and gaseous exchange to the tree/s root system is maintained. Details for the driveway type, driveway location and exact location of adjacent trees together with the details of the arborist supervising construction shall be submitted to the Council for approval prior to the commencement of driveway and driveway crossing construction.
72. To preserve the following tree/s, no work shall commence until the area beneath the canopy of the following tree/s shall be fenced off as specified to prevent any activities, storage or the disposal of materials within the fenced area. The existing boundary fence shall be retained during construction works and additional fencing provided as ion the landscape specification.

The fence/s shall be maintained intact until the completion of all demolition/building work on site:

Tree/Location	Width
Tree 11 <i>Eucalyptus saligna</i> (Sydney Blue Gum)	5.0 metres
Buffer Zone Western Boundary (Bradfield road)	12 metres

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

73. A plan and specification of the proposed landscape works for the Stormwater Detention and Quality Treatment Systems site shall be prepared, by a Landscape Architect to enhance the amenity of the built environment and protect the Ku-ring-gai landscape character. The plan must be submitted to Council, approved by Council's Landscape Development Officer, and be implemented prior to release of the Subdivision Certificate. The plan shall include full details of vegetation to be removed within the footprint of these works, measures to protect existing trees and other vegetation in this area, including locations of protective fencing. Plant species are to be selected from species which would occur naturally in Sydney Sandstone Woodland.

Item 7

74. Street lighting standards shall be submitted to the principle certifying authority, and street lighting shall be erected to the satisfaction of the principle certifying authority prior to the issue of the Subdivision Certificate.
75. The applicant select and submit street names for the new roads to Council for approval prior to the issue of the Subdivision Certificate. Street name plates shall be erected at each intersection reflecting the approved street names prior to the issue of the Subdivision Certificate. Street numbers shall be painted on the face of the kerb for each allotment prior to the issue of the Construction Certificate.
76. Construction of the infrastructure required under this consent to the satisfaction of Council's Director Environmental and Regulatory Services and Director of Technical Services
77. Prior to the issue of a Subdivision Certificate, Works-as-Executed drawings prepared by a Registered Surveyor for all components of completed works associated with the development application are to be submitted to Council.
78. The submission of an original Plan of Subdivision plus five (5) copies suitable for endorsement by the certifying authority.

Note: The following details are to be submitted with the Plan of Subdivision:

- a. The 88B Instrument.
 - b. Copies of all Compliance Certificates required by this Consent during the course of construction works.
 - c. Any Surveyors Certification required by other conditions in this consent.
 - d. The Section 73 Compliance Certificate.
79. Creation of drainage easements as required over new trunk drainage systems and interallotment drainage systems. The terms of the drainage easements over the new trunk drainage systems are to require the burdened lot to not remove or interfere with the overland flow potential along the easement and to not permit the placement of any structures, walls, fences, fill or other items which may impede the overland flow along the easement. Trunk drainage easement width to be 1.8 m minimum and interallotment drainage easement width to be 1.0 m minimum and widened as required in order to wholly contain associated drainage structures or overland flow paths.
80. Prior to the issue of a Subdivision Certificate any infrastructure within the road reserve within proximity to the subject site 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.
81. Provision of written concurrence from all service provider authorities of satisfactory provision of services to the frontage of all proposed lots. Services include water, sewer, telecommunications, electricity and gas.

Item 7

82. The Applicant is to obtain from Sydney Water a compliance certificate under Section 73 of the Water Board (Corporatisation) Act 1994 to ensure an adequate water and sewerage service prior to the release of the Subdivision Certificate.
83. The applicant is to be responsible for the ongoing maintenance and cleansings at not less than six-monthly intervals of any stormwater quality control measures until such time as all proposed lots have completed dwellings in-place or two (2) years whichever is sooner. Alternatively the Applicant may make a one-off contribution of \$10,000 to Council to cover the same.
84. Certification by a Registered Surveyor that no services, drainage lines or accessways encroach other than as provided for by easements or other burdens created on the final plan of subdivision and that all drainage lines and associated structures lie wholly within associated easements.
85. All burdens being created on the final plan of subdivision are to nominate Ku-ring-gai Council as a party whose consent is required to vary, release or modify the same.
86. Prior to release of the linen plan/issue of the subdivision certificate by the Consent Authority, the Applicant shall create a Positive Covenant and Restriction on the Use of Land under Section 88B of the Conveyancing Act 1919, burdening the remaining "mother" CSIRO site with the requirement to maintain the as constructed stormwater detention and quality treatment system for that site. The terms of the instruments are to be to the satisfaction of Council. The location of the stormwater detention and quality treatment system is to be denoted on the final plan of subdivision.
87. Prior to release of the linen plan/issue of the subdivision certificate, all necessary road, footpath and drainage works specified in this consent must be completed in full. Such works on existing or proposed Road Reserve shall be in full accordance with the Council approved drawings and to the satisfaction of Council's Engineers. The Applicant's designing engineer must supervise the works. This engineer is to provide certification upon completion that the works were constructed in accordance with the Council approved drawings. This certification shall be provided prior to release of the linen plan/issue of the subdivision certificate. The works are also to be subject to inspection by Council as noted on the approved drawings and any conditions attached to the approved drawings for these works must be met. The completed works are to be approved by Council's Development Engineer prior to release of the linen plan/issue of the subdivision certificate.
88. Construction of the wetland treatment system for the mother CSIRO site (ponds "C1", "C2", "C3", "C4" and "C5) shown in concept "CSIRO West Lindfield – Preliminary Design of Stormwater Detention and Quality Treatment Systems (Phase 2 Works)" report by URS Australia, dated 5 June 2002 (attachment 6) 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 release of the linen plan/issue of the subdivision certificate. Certification is to be provided by a suitably qualified civil/environmental engineer and the WAE plan is to be prepared by a registered surveyor.

Item 7

The Certificate is to be with respect to compliance with:

- Compatibility of the drainage system with the approved plans
- The soundness of the structures.
- The capacity of the detention storage as specified.
- Installation of appropriate landscaping/scour protection
- The adequate provision of access for cleaning and maintenance of the ponds

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

- invert levels
- surface or pavement levels
- maximum water surface level to be achieved in the storage zones
- dimensions of basin(s), tank(s), pit(s), etc.
- location(s) of basin(s), tank(s)

89. Prior to release of the linen plan/issue of the subdivision certificate, the Applicant shall create drainage easements as required over the following:

- a) All trunk drainage systems traversing private property as far as the downstream disposal point (Lady Game Creek), and
- b) All private interallotment drainage systems including in-ground systems and associated overland flow paths.

The terms of the drainage easements over the new trunk drainage systems are to require the burdened lot to not remove or interfere with the overland flow potential along the easement and to not permit the placement of any structures, walls, fences, fill or other items which may impede the overland flow along the easement. Trunk drainage easement width to be 1.8 m minimum and interallotment drainage easement width to be 1.0 m minimum and widened as required in order to wholly contain associated drainage structures or overland flow paths. Burdens and benefits as required.

90. Prior to release of the linen plan/issue of the subdivision certificate, the Section 73 Sydney Water compliance certificate **which refers to the subdivision application** must be obtained and submitted to the Consent Authority.

91. Prior to release of the linen plan/issue of the subdivision certificate, the Compliance Certificates obtained for the following components of the work are to be submitted to Council for verification:

- a) Installation of erosion and sediment controls and all tree protection measures prior to the commencement of other works,
- b) Compaction testing and suitability of materials for individual road pavement layers including subgrade, wearing course and sub-base beneath kerbs, and in accordance with the approved design,
- c) Correct placement of formwork and reinforcement prior to any concrete pouring,
- d) Passing concrete slump and core tests,
- e) Correct stormwater pipe placement,
- f) Correct drainage trench backfill including bedding,
- g) Correct placement of sub-soil drainage adjacent to road pavements and upstream of drainage pit structures,

Item 7

- h) Suitable provision for all new lots to have direct access to services including electricity, gas, telephone, water and sewerage.
 - i) That all disturbed areas have been rehabilitated with suitable ground cover establishment.
 - j) Provision of street lighting to and written approval by both Council and Energy Australia of the same,
 - k) Hold and inspection points as specified by designing engineer during wetland system construction on the “mother” CSIRO site.
 - l) Any other certifications required under this consent.
 - m) The Compliance Certificates are to be accompanied by certifications from a Registered Surveyor/Chartered Civil Engineer (as appropriate for the same component of work) with respect to compliance with approved plans and the design standards specified by the conditions of consent.
92. The provision of separate underground electricity, gas, telstra, sewer and water services, or appropriate conduits for the same, to each allotment is to be certified by a consulting engineer or surveyor prior to release of the linen plan/issue of the subdivision certificate.
93. Prior to release of the linen plan/issue of the subdivision certificate, the Applicant shall create all burdens including drainage easements, service easements and rights-of-carriageway as required. A registered surveyor is to certify, prior to release of the linen plan/issue of the subdivision certificate, that all physical existing interallotment drainage lines, services and/or driveways are fully contained within the proposed burdens. Certification to this effect must be submitted to the Principal Certifying Authority (PCA). Alternatively, where the surveyor is of the opinion that no easements for services are required, then certification to this effect must be submitted to the Principal Certifying Authority (PCA).
94. For endorsement of the linen plan/issue of the subdivision certificate, the Applicant shall submit an original plan of subdivision plus five (5) copies, suitable for endorsement by the certifying authority. The following details **must** be submitted with the plan of Subdivision and its (5) copies:
- a) The Council adopted endorsement fee current at the time of lodgement,
 - b) The 88B Instruments plus five (5) copies,
 - c) A copy of all works-as-executed plans required under the consent,
 - d) All Consulting Engineers certification(s)/compliance certificates required under this consent,
 - e) All Surveyors certification(s)/compliance certificates required under this consent,
 - f) The Section 73 (Sydney Water) Compliance Certificate for the subdivision.
 - g) Council officers will check the consent conditions on the subdivision and failure to submit the required information will delay endorsement of the linen plan, and may require payment of rechecking fees.

Note 1: Plans of subdivision and copies must not be folded.

Note 2: Council will not accept bonds in lieu of completing subdivision works.

Item 7

95. For endorsement of the subdivision certificate, the Applicant shall submit an original instrument under Section 88B of the Conveyancing Act with the plan of Subdivision, plus five (5) copies, creating any required easements, rights-of-carriageway, positive covenants, restrictions etc. Ku-ring-gai Council must be named as the authority whose consent is required to release, vary or modify the same.
96. The creation of a Restriction on the Use of Land pursuant to Section 88B of the Conveyancing Act 1919, burdening the area of land for a specified distance in width inside the boundaries of the following properties for the purpose of a buffer zone.

This area shall be planted and maintained in accordance with an approved landscape plan and no building structures are permitted within the buffer zone except for the driveways constructed on Lots 2, 3, 4, 5, 6, 7, 8, 11, 12 & 13 in accordance with the approved landscape plan for the site.

Lot No.	Boundary Location	Distance in Metres
1	adjacent Moore Ave	5m
2	adjacent Moore Ave	5m
2	adjacent Bradfield Rd	12m
3	adjacent Bradfield Rd	12m
4	adjacent Bradfield Rd	12m
5	adjacent Bradfield Rd	12m
6	adjacent Bradfield Rd	12m
7	adjacent Bradfield Rd	12m
8	adjacent Bradfield Rd	12m
9	adjacent Bradfield Rd	12m
10	adjacent Bradfield Rd	12m
11	adjacent Bradfield Rd	12m
12	adjacent Bradfield Rd	12m
13	adjacent Bradfield Road	2m
13	southern boundary	3m
20	southern boundary	3m
21	southern boundary	3m
22	southern boundary	3m
23	southern boundary	3m

97. The creation of a Restriction on the Use of Land pursuant to Section 88B of the Conveyancing Act 1919, burdening Lots 2, 3, 4, 5, 6, 7, 8, 11, 12 & 13 for the purpose of:
- The ongoing maintenance of driveways in accordance with the construction specifications of the approved landscape plan.
 - Prohibiting the relocation or addition of new driveways.
98. All trees to be retained shall be inspected, monitored and treated when necessary by a qualified Arborist during construction works to ensure their long term survival. In particular an arborist is to be onsite during construction of the proposed driveways and new access road

Item 7

to Bradfield Road, to provide advice so as to minimize impact on trees. Documentary evidence of compliance with this condition and other conditions in relation to Tree Preservation and Tree health on site shall be submitted to Council prior to the issue of a Subdivision Certificate.

99. 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.

The approval of the subdivision gives automatic approval to the removal ONLY of those trees located on the subject property within the footprint of proposed driveways, roadways, and stormwater detention ponds. Other trees SHALL NOT be REMOVED or DAMAGED without an application being made under Council's Tree Preservation Order.

100. A plan and specification of the proposed landscape works for vegetated buffer zones for the site (Lots 1 -29) shall be prepared by a Landscape Architect with a view and to enhance and replenish the existing vegetation within the visual buffer zone, as defined within DCP17, so as to enhance the amenity of the built environment and protect the Ku-ring-gai landscape character. The plan shall also include:

- specification of topsoil and temporary stabilization of the topsoil using a cover crop for the residential site in general,
- accurately indicate the locations of the 10 driveways constructed in the 12m buffer zone along Bradfield Road and,
- an amended layout for street tree planting.

The plan must be submitted to Council, approved by Council's Landscape Development Officer and implemented prior to release the Subdivision Certificate. Plants species are to be selected from species which would occur naturally in Sydney Sandstone Ridgetop Woodland.

101. The following noxious and/or undesirable plant species shall be removed from the site prior to the release of the Subdivision Certificate. Documentary evidence of compliance with this condition shall be submitted to the Principal Certifying Authority prior to the release of the Certificate of Subdivision.

Plant Species

Cinnamomum camphora (Camphor laurel)
Ligustrum lucidum (Large-leaved Privet)
Ligustrum sinense (Small-leaved Privet)
Senna sp. (Cassia)
Asparagus densiflorus (Asparagus Fern)
Cotoneaster sp. (Cotoneaster)
Lantana camara (Lantana)
Ageratina adenophora (Crofton Weed)

Item 7

102. Removal of vegetation to the east of lot 23 and within lots 21, 22, 23, shall be undertaken consistent with the recommendations made within the Bush Fire Safety Report by Roger Fenwick July 2003, and also the detailed clearing recommendations made by Roger Renwick and contained as an appendix in the Visual impact Assessment by Pittendrigh Shinkfield Bruce 03 March 2004, PSB 03997. Documentary evidence of compliance with this condition shall be submitted to Council prior to the release of the Subdivision Certificate.
103. On completion of the landscape works and construction of the driveways within the buffer zones, an arborist and a Landscape Architect or qualified Landscape Designer shall submit a report certifying correct installation, faithful to the landscape plan to the Principal Certifying Authority with a copy to Council, prior to issue of the subdivision certificate.
104. Documentary evidence of compliance with the requirements detailed in the Masterplan in regard to the areas set aside for buffer zones pertaining to Lots 30 and 31 is to be provided to and approved by Council prior to the release of the Subdivision Certificate.

Buffer zones consist of a Visual Buffer Zone and a Bushland Buffer Zone.

These zones are defined as follows:

- a. The Bushland Buffer Zone consists of the area of bushland which is to be retained in its present form, (proposed lot 31),
- b. The Visual Buffer Zone encompasses the perimeter zones to be established for Lot 30 and is to be fully vegetated with indigenous species. These zones consist of :
 - a 40m wide buffer along the Bradfield Road frontage, and
 - a 10m wide buffer zone on all other perimeters of the Commonwealth Land

No development /construction, including carparks (except at kerb parking) will be permitted within either the visual or bushland buffer zones, and any existing construction presently within these areas is to be removed at the end of their life and the area is to be vegetated in the prescribed manner and reinstated to the buffer zone.

An additional buffer zone is to be created on the exterior of CSIRO's chain and barbed wire fence surrounding the Commonwealth area.

Planting shall be of locally occurring native species, the cost of which shall be borne by the CSIRO.

- c. Consolidated tree planting in close proximity to the eastern boundary shall be undertaken in order to soften the impact on nearby residential areas.
105. An amended street tree planting layout for the new road reserve areas is to be incorporated on the landscape plan; the amendments are to include a minimum of 50 street trees, specific locations of proposed planting and to be of species sourced from the Sydney Sandstone Woodland vegetative community. Street tree planting in accordance with the approved street

Item 7

tree planting layout and landscape plan is to be completed prior to the issue of the Subdivision Certificate. Street trees are to be maintained in a healthy and vigorous state by the applicant once planted until ownership of **all** of the lots has been transferred. Any new street trees that are dead, vandalised or missing are to be replaced immediately. Street trees are to be sourced from local provenance stock, are to be a minimum size of 25 litres and are to comply with Natspec guide to purchasing of landscape trees. A proposed maintenance program is to be submitted to Council for approval prior to planting of these trees. Certification of compliance with stock quality, size and provenance requirements shall be submitted to Council prior to release of the Subdivision certificate.

R Kinninmont
**Team Leader, Roseville
Ward**

M Prendergast
**Manager
Development Assessment
Services**

M Miocic
**Director
Environment &
Regulatory Services**

Attachments: **Location Plan**
 Constraints Plan
 Plan of Management, Master Plan and Memorandum of Understanding
 Plan of Subdivision - whole site
 Plan of Subdivision - Lots 1-29
 Plan of proposed driveway access points
 Report to KMC Traffic Committee

NOTICE OF MOTION

MANAGEMENT PLAN AND BUDGET

Notice of Motion from Councillor G Innes dated 19 April 2004.

I move that:

1. Council expresses its concern and disappointment at the short time available for the preparation of its Management Plan and Budget due to the deferring of the Local Government elections. This problem is exacerbated by the fact that six of the ten Councillors were elected for the first time.

The short time available places an undue pressure on both Councillors and Council Management and staff, and means that residents can only be consulted for the minimum period of time.

Whilst Council and staff will make their best endeavours in these circumstances to produce a Management Plan of the highest quality, the short time available will make this an even more difficult task.

2. Council directs the Mayor to write to the Minister for Local Government expressing the above sentiments.

RECOMMENDATION

That the above Notice of Motion as printed be adopted.

Cr Graeme Innes
Councillor for Roseville Ward