

MINUTES OF ORDINARY MEETING OF COUNCIL HELD ON TUESDAY, 11 MAY 2004

Present: The Mayor, Councillor A Ryan (Gordon Ward)
Councillors I Cross & N Ebbeck (Wahroonga Ward)
Councillors L Bennett & T Hall (St Ives Ward)
Councillor M Lane (Gordon Ward)
Councillor E Malicki (Comenarra Ward)
Councillors G Innes AM & M Shelley (Roseville Ward)

Staff Present: General Manager (Brian Bell)
Director Environmental & Regulatory Services (Michael Miocic)
Manager Development Assessment Services (Matthew Prendergast)
Director Planning & Environment (Leta Webb)
Acting Director Technical Services (Ian Taylor)
Director Open Space (Steven Head)
Director Community Services (Janice Bevan)
Director Finance & Business (John McKee)
Senior Governance Officer (Geoff O'Rourke)
Office Co-ordinator/WP (Casey Locke)

The Meeting commenced at 7.02pm

The Mayor offered the Prayer

DECLARATION OF PECUNIARY INTEREST

The Mayor adverted to the necessity for Councillors and staff to declare a Pecuniary Interest in any item on the Business Paper.

Councillor Andrew declared a conflict of interest in item GB.7 – 20 Bradfield Road, Lindfield – Subdivision to Create 29 Residential Lots, 2 Residential Lots and Ancillary Infrastructure.

Councillor Shelley declared a conflict of interest in item GB.3 – Sponsorship of the Community Business Awards.

ADDRESS THE COUNCIL

The following members of the public addressed Council on items not on the Agenda:

T Hargraves
R Basto
A Parr
K Styles

DOCUMENTS CIRCULATED TO COUNCILLORS

The Mayor adverted to the documents circulated in the Councillors' papers and advised that the following matters would be dealt with at the appropriate time during the meeting:

Refers GB.1: Draft Plan Management Plan 2004-2008, Incorporating Budget and Fees and Charges 2004/2005 – Memorandum from General Manager and Director Finance & Business Development dated 10 May 2004 and Memorandum from Directors Open Space and Planning & Environment dated 11 May 2004.

Refers GB.4: 20 Warwick Street, Killara – Demolition of the Existing Dwelling and TJorrens Title Subdivision of the Site into Two Allotments – Memorandum from Director Environment & Regulatory Services and Manager Development Assessment Services dated 11 May 2004.

Refers GB.6: Offer to Acquire Commonwealth Bushland – Suakin Street, Pymble – Memorandum from General Manager and Director Finance & Business Development dated 11 May 2004.

CONFIRMATION OF MINUTES

227 Minutes of Ordinary Meeting of Council

File: S02131

Meeting held 4 May 2004

Minutes numbered 205 to 226

Resolved:

(Moved: Councillors Shelley/Innes)

That Minutes numbered 205 to 226 circulated to Councillors were taken as read and confirmed as an accurate record of the proceedings of the Meeting, with the exception of Minute No 219.

CARRIED UNANIMOUSLY

228 Representation on Northern Sydney Regional Organisation of Councils (NSROC)

File: S02342

Vide Minute No 219

Resolved:

(Moved: Councillors Hall/Lane)

That Part B of Minute No 219 be amended to read:

- B. That Council appoint Councillor Hall as the **alternate** representative to NSROC for the forthcoming 6 months.

CARRIED UNANIMOUSLY

REPORTS FROM COMMITTEES

229 **Minutes of Inspections Committee**

File: S02131
Meeting held 8 May 2004
Minutes numbered INS11 & INS12

Resolved:

(Moved: Councillors Cross/Andrew)

That Minutes numbered INS11 & INS12 circulated to Councillors were taken as read and confirmed as an accurate record of the proceedings of the Meeting, with it being noted that Councillor Andrew was present.

CARRIED UNANIMOUSLY

GENERAL BUSINESS

230 **West Pymble Pool Stage 2 Preferred Tenderer**

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.

Resolved:

(Moved: Councillor Malicki/The Mayor, Councillor Ryan)

- 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.

CARRIED UNANIMOUSLY

Standing Orders were suspended to deal with the Business Paper items where there are speakers first and then the Notice of Motion after a Motion moved by Councillors Hall and Lane was CARRIED

For the Motion: The Mayor, Councillor A Ryan, Councillors Cross, Andrew, Ebbeck, Hall, Innes, Lane, Malicki and Shelley

Against the Motion: Councillor Bennett

231 **20 Warwick Street, Killara - Demolition Of The Existing Dwelling And Torrens Title Subdivision Of The Site Into Two Allotments**

File: DA 1652/03

Ward: Gordon

Applicant: Brian Leonard & Carnegie Credit Management Services

Owner: Brian Leonard & Carnegie Credit Management Services

A motion moved by Councillors Cross and Hall to hear all speakers was CARRIED UNANIMOUSLY

The following members of the public addressed Council:

S Shaw

R Crittenden

R Block

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

Resolved:

(Moved: Councillors Hall/Bennett)

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 CONDITIONS

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.
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:
 - 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:
 - 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 purpose 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".
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.

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.

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.
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.

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.

55. The boundary be amended between Lots A & B to a straight line, continuing the longest straight line in accordance with Council's Subdivision code. This is to be shown on the plans submitted with the Subdivision Certificate application.

CARRIED UNANIMOUSLY

*The above Resolution was CARRIED as an Amendment to the Original Motion.
The Original Motion was:*

(Moved: Councillors Lane/Innes)

That the officer's recommendation be adopted.

**Councillor Andrew declared a conflict of interest
in respect of the following item – 20 Bradfield Road, Lindfield
and withdrew from the Chamber taking no part
in discussion and voting on the item**

232 **20 Bradfield Road, Lindfield - Subdivision To Create 29 Residential Lots, 2
Residual Lots And Ancillary Infrastructure**

File: DA 897/03

Ward: Roseville

Applicant: Proust & Gardner Consulting Pty Ltd

Owner: CSIRO Corporate Property

D Jacques addressed Council

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

Resolved:

(Moved: Councillors Innes/Lane)

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.
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.
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.
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
 - 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,
- 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 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 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 .
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.

- 51a. A memorial be created on the north-east corner adjacent to the site to commemorate No 2 RAAF Training Establishment. Costs to be borne by the developer and design of the memorial to be in consultation with Council.
- 51b. The street names are to reflect the historic nature of the site as a former RAAF establishment and the site of the 1936 World Scout Jamboree.

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.
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 Turrumurra Sportsfield development | \$986.80 |
| 10. | Section 94 2000-2003 Study and Interim Plan preparation cost | \$49.34 |
| 11. | Section 94 Officer for period of Plan 2000-2003 | \$118.42 |

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

OCCUPANCY RATES FOR DIFFERENT DWELLING SIZES

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

55. The Applicant must carry out the following infrastructure works in Bradfield Road reserve:
- a) 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
 - 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 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:

- 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, 20
 and
- 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:

- 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:

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.
 - 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.
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 Kuring-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.
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.
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 Kuring-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.

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,
 - 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.

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 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)

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 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.

For the Resolution: *The Mayor, Councillor A Ryan, Councillors Cross, Bennett, Ebbeck, Hall, Innes, Lane and Shelley*

Against the Resolution: *Councillor Malicki*

Councillor Andrew returned

MOTIONS OF WHICH DUE NOTICE HAS BEEN GIVEN

233

Management Plan And Budget

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.
3. That the substance of the Council resolution be incorporated in the Management Plan for residents information.

Resolved:

(Moved: Councillors Innes/Hall)

That the above Notice of Motion as amended be adopted.

*For the Resolution: The Mayor, Councillor A Ryan, Councillors Hall,
Innes, Lane and Shelley*

*Against the Resolution: Councillors Cross, Bennett, Andrew, Ebbeck and
Malicki*

*The voting being EQUAL, the Mayor exercised her Casting Vote
IN FAVOUR of the Motion*

Draft Management Plan 2004 To 2008, Incorporating Budget And Fees And Charges 2004/2005

File: S03096

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

Resolved:

(Moved: Councillors Bennett/Malicki)

- A. That Council adopt the Management Plan 2004-2008, as amended 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 including Council's website 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. The documents to be placed on Council's website after adoption by Council.
- E. That the \$1,100,000 allocated to Council's depreciation reserves be allocated as follows:

| | |
|------------------|-------------|
| Building Reserve | \$160,000 |
| Drainage Reserve | \$200,000 |
| 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.
- G. That the amount to be allocated to the depreciation reserves be calculated as 15% of the base year 2003/2004 (indexed, for CPI) or 15% of the current annual depreciation, whichever is the greater.
- H. That the Management Plan be publicly exhibited with a reported surplus of \$91,200. The allocation of this surplus to be revisited when the plan is referred to Council for adoption in June.

CARRIED UNANIMOUSLY

235 **ALGWA Women's Conference 2004**

File: S02815

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

Resolved:

(Moved: Councillors Shelley/Hall)

- A. That the Mayor, Councillor Ryan be a delegate to the Australian Local Government Women's Association (NSW) Conference.

(Moved: The Mayor, Councillor Ryan/Councillor Hall)

- B. That Councillor Shelley be a delegate to the Australian Local Government Women's Association (NSW) Conference.

CARRIED UNANIMOUSLY

Councillor Shelley declared a conflict of interest in respect of the following item – Sponsorship of the Community Business Awards and withdrew from the Chamber taking no part in discussion and voting on the item

236 **Sponsorship of the Community Business Awards**

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.

Resolved:

(Moved: Councillors Ebbeck/Hall)

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

CARRIED UNANIMOUSLY

Councillor Shelley returned

Offer To Acquire Commonwealth Bushland - Suakin Street, Pymble

File: P59532

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 Council's approval to purchase the bushland.

Resolved:

(Moved: Councillors Lane/Hall)

- 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 subject to final survey and the provision of a 7.1 metre boundary access from the north-east corner of the site.
- 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.
- F. That the Mayor write to the members of the Ku-ring-gai Natural Areas Advisory Committee, the Member of Bradfield and former Councillor Andrew Little thanking them for their assistance in obtaining this land on behalf of the residents of Ku-ring-gai.
- G. That the General Manager provide a report on the options to administer this new acquisition.

CARRIED UNANIMOUSLY

QUESTIONS WITHOUT NOTICE**Lady Game Drive, West Lindfield - Traffic Conditions at Roundabout adjacent to CSIRO in Bradfield Road**

File: 88/05670/03

Question Without Notice from Councillor G Innes

I would like to ask through you to the General Manager, would the General Manager report to Council on the traffic conditions on the roundabout in Lady Game Drive adjacent to the CSIRO site in Bradfield Road, the subject of this evening's subdivision approval?

The possible impact on traffic at that roundabout as a result of increased residential development and what options Council, in conjunction with the Roads and Traffic Authority, can take to address those issues?

Answer by the Mayor

The General Manager said that he would investigate and report back.

239 **Meeting Schedule & Committee Structure - Request for Councillors to discuss Proposals**

File: S02355

Question Without Notice from Councillor E Malicki

Can Councillors please have a discussion on the proposals for the Committees and meeting schedule before the matter comes to Council on 25 May 2004?

Answer by General Manager

Councillors, there is no formal Council meeting next week it will be replaced by a planning briefing session.

The session will provide an opportunity to seek Councillors views on the proposals that staff are recommending in relation to Committees and Working Parties.

Answer by the Mayor

OK, any strong objections otherwise we will add it to Tuesday's meeting agenda.

240 **Notification Policy - Extension**

File: S02222

Question Without Notice from Councillor T Hall

In reviewing policies, would the General Manager bring forward a report in respect of the Notification Policy by including a change for DA notifications with at least 6 working days prior notice, including 2 weekends to overcome the continuing complaints of residents adjoining DA proposals? A similar policy has been adopted by Mosman Council with apparent widespread acceptance in their community.

Answer by the Mayor

The General Manager will investigate and report back.

241

Legal Advice - Tree Protection Bonds - Request Answer to Question Without Notice of 20 April 2004

File: S02052

Question Without Notice from Councillor M Shelley

That the General Manager advise when I might expect a response to the Question Without Notice asked by me three weeks ago?

Answer by General Manager

That was to come back to you today. I am surprised you haven't received it yet, Councillor Shelley but certainly I will check it again. I would expect it will probably be in your bags as we speak. If it is not, we will make sure that you have by tomorrow afternoon.

The Meeting closed at 9.25pm

The Minutes of the Ordinary Meeting of Council held on 11 May 2004 (Pages 1 - 43) were confirmed as a full and accurate record of proceedings on 25 May 2004.

General Manager

Mayor / Chairperson