



SUPPLEMENTARY BUSINESS PAPER

GENERAL MEETING

**Wednesday, 20 February, 2013
at 6:30 PM**



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ITEM 8 **PL4/13** - Development Application - Erection of a Garage - 43 Pomona Street, Pennant Hills

*Additional information with **CHANGE** to Recommendation*

In assessing the proposal to erect a free-standing garage at the above address, it was noted that the construction would require the removal of 2 Turpentine trees to accommodate the garage. Both trees were classified as significant and objections were raised to their removal.

Following finalisation of the Group Managers Report No. PL4/13, the applicant has submitted an arborist report providing a recent assessment of the health of the Turpentine tree. The Arborist report recommends removal of the trees as it concludes that the health of one of the Turpentine trees has declined rapidly and its removal will impact on the suitability for retention of the second tree.

A re-assessment of the trees by a Council officer has confirmed that the health of one of the trees has deteriorated since the initial inspection and the trees are no longer considered worthy of retention. As a consequence, no objections are raised to their removal, subject to a condition that two (2) *Syncarpia glomulifera* (Turpentine) trees are planted in a suitable location elsewhere on the property.

Accordingly, the application is now recommended for approval subject to conditions of consent.

RECOMMENDATION

THAT Development Application No. DA/912/2012 for the erection of a garage at Lot E, DP 392440, No. 43 Pomona Street, Pennant Hills be approved, subject to the conditions of consent detailed in Schedule 1 of Group Managers Report No. PL4/13.

SCHEDULE 1

GENERAL CONDITIONS

The conditions of consent within this notice of determination have been applied to ensure that the use of the land and/or building is carried out in such a manner that is consistent with the aims and objectives of the relevant legislation, planning instruments and Council policies affecting the land and does not disrupt the amenity of the neighbourhood or impact upon the environment.

Note: For the purpose of this consent, the term 'applicant' means any person who has the authority to act on or the benefit of the development consent.

Note: For the purpose of this consent, any reference to an Act, Regulation, Australian Standard or publication by a public authority shall be taken to mean the gazetted Act or Regulation, or adopted Australian Standard or publication as in force on the date that the application for a construction certificate is made.

1. Approved Plans and Supporting Documentation

The development must be carried out in accordance with the plans and documentation listed below and endorsed with Council's stamp, except where amended by Council and/or other conditions of this consent:

<i>Plan No.</i>	<i>Drawn by</i>	<i>Dated</i>
1220-1 to 1220-4 (4 sheets)	Thorsette P/L	June 2012

2. Removal of Existing Trees

This development consent only permits the removal of the 2 trees numbered T1 and T2 as identified on Plan No. 1220-1 prepared by Thorsette P/L dated June 2012. The removal of any other trees requires separate approval under Council's Tree Preservation Order.

REQUIREMENTS PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

3. Building Code of Australia

All building work must be carried out in accordance with the requirements of the Building Code of Australia.

4. Contract of Insurance (Residential Building Work)

In the case of residential building work for which the Home Building Act, 1989 requires there to be a contract of insurance in force in accordance with Part 6 of that Act, that such a contract of insurance is in force before any building work authorised to be carried out by the consent commences.

5. Notification of Home Building Act, 1989 Requirements

Residential building work within the meaning of the Home Building Act, 1989 must not be carried out unless the principal certifying authority for the development to which the work relates (not being Council) has given Council written notice of the following information:

- a) In the case of work for which a principal contractor is required to be appointed:
 - i. The name and licence number of the principal contractor; and
 - ii. The name of the insurer by which the work is insured under Part 6 of that Act.
- b) In the case of work to be done by an owner-builder:
 - i. The name of the owner-builder; and
 - ii. If the owner-builder is required to hold an owner-builder's permit under that Act, the number of the owner-builder's permit.

Note: If arrangements for doing the residential building work are changed while the work is in progress so that the information notified becomes out of date, further work must not be carried out unless the principal certifying authority for the development to which the work relates (not being Council) has given Council written notification of the updated information.

6. Sydney Water – Quick Check

The application must be submitted to a *Sydney Water* 'Quick Check Agent' or 'Customer Centre' for approval to determine whether the development will affect any *Sydney Water* infrastructure, and whether further requirements are to be met.

Note: Refer to www.sydneywater.com.au or telephone 13 20 92 for assistance.

7. Design and Construction - Bushfire Attack Category

New construction must comply with the current *Australian Standard AS3959 'Construction of buildings in bush fire-prone areas'* sections 3 and 5 (BAL 12.5) and section A3.7 Addendum Appendix 3 of Planning for Bushfire Protection.

REQUIREMENTS PRIOR TO THE COMMENCEMENT OF ANY WORKS

8. Erection of Construction Sign

A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:

- a) Showing the name, address and telephone number of the principal certifying authority for the work;
- b) Showing the name of the principal contractor (if any) for any demolition or building work and a telephone number on which that person may be contacted outside working hours; and
- c) Stating that unauthorised entry to the work site is prohibited.

Note: Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.

9. Erosion and Sediment Control

Erosion and sediment control measures must be provided and maintained throughout the construction period in accordance with the manual 'Soils and Construction 2004 (Bluebook)', the approved plans, Council specifications and to the satisfaction of the principal certifying authority. The erosion and sediment control devices must remain in place until the site has been stabilised and revegetated.

Note: On the spot penalties up to \$1,500 may be issued for any non-compliance with this requirement without any further notification or warning.

10. Bushfire Management – Protection Zones

At the commencement of building works, the entire property must be managed as an inner protection area (IPA) as outlined within section 4.1.3 and Appendix 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones'.

Note: Further information concerning planning for bush fire protection can be found at: www.rfs.nsw.gov.au.

REQUIREMENTS DURING CONSTRUCTION

11. Construction Work Hours

All work on site (including demolition and earth works) must only occur between 7am and 5pm Monday to Saturday. No work is to be undertaken on Sundays or public holidays.

12. Council Property

During construction works, no building materials, waste, machinery or related matter is to be stored on the road or footpath. The public reserve is to be kept in a clean, tidy and safe condition at all times.

Note: This consent does not give right of access to the site via Council's park or reserve. Should such access be required, separate written approval is to be obtained from Council. delete note if not relevant

13. Disturbance of Existing Site

During construction works, the existing ground levels of open space areas and natural landscape features, (including natural rock-outcrops, vegetation, soil and watercourses) must not be altered unless otherwise nominated on the approved plans.

REQUIREMENTS PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE

Note: For the purpose of this consent, a reference to 'occupation certificate' shall not be taken to mean an 'interim occupation certificate' unless otherwise stated:

14. Stormwater Drainage

The stormwater drainage system for the development must be designed and constructed for an average recurrence interval of 20 years and be gravity drained and connected directly to Council's street drainage system.

15. Internal Driveway/Vehicular Areas

The driveway and parking areas on site must be designed in accordance with *Australian Standards 2890.1, 2890.2, 3727* and the following requirements:

- a) Design levels at the front boundary must be obtained from Council; and
- b) The driveway must be a rigid pavement.

16. Vehicular Crossing

A separate application under the *Local Government Act, 1993* and the *Roads Act, 1993* must be submitted to Council for the installation of a new vehicular crossing and the removal of the redundant crossing. The vehicular crossing must be constructed in accordance with Council's *Civil Works Design, 2005* and the following requirements:

- a) Any redundant crossings to be replaced with integral kerb and gutter; and
- b) The footway area to be restored by turfing.

Note: An application for a vehicular crossing can only be made to one of Council's Authorised Vehicular Crossing Contractors. You are advised to contact Council on 02 9847 6940 to obtain a list of contractors.

17. Damage to Council Assets

Any damage caused to Council's assets as a result of the construction of the development must be rectified in accordance with Council's written requirements and at the sole cost of the applicant.

OPERATIONAL CONDITIONS

18. Maintain Canopy Cover/Landscape

To maintain canopy cover as a replacement for the trees removed from the front yard, 2 *Syncarpia glomulifera* (Turpentine) trees are to be planted in a suitable location on the property. The planting location must not be within 4 metres of the foundation walls of the dwelling-house or garage. The pot size must be a minimum 25 litres and the trees must be maintained until they reach the height of 3 metres.

To reduce the visual impact of the garage, screen planting of suitable (preferably indigenous) trees or shrubs to be established along the western elevation.

- END OF CONDITIONS -

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