

# Development Control Committee Minutes

Monday 22 January 2007

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# Development Control Committee Minutes

**Minutes of the Meeting held on  
Monday 22 January 2007 at 6.00pm**

Present: The Mayor, Councillor Keri Huxley, ex-officio (Items D2-D5)  
Councillors John Comino (Chair)  
Anthony Boskovitz  
Christopher Dawson  
Tanya Excell  
Andrew Petrie  
Geoff Rundle

Staff: A Coker (Director – Planning & Development)  
N Economou (Acting Manager – Development Control)  
George Fotis (Team Leader) (Items D1-D5 & R1)  
Merle Karp (Team Leader – Governance)  
Mark Schofield (Team Leader)  
David Waghorn (Senior Assessment Officer)  
Les Windle (Manager – Governance)

Session One: 6.00pm to 8.35pm  
Session Two: 9.00pm to 10.40pm

Also in Attendance: Councillor Wilhelmina Gardner (Items D1-R1)

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## Leave of Absence

Leave of Absence previously granted by Council: Nil

Apologies: Apologies were received and accepted from Councillor Cullen and Leave of Absence granted.

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## Late Correspondence

Late correspondence was submitted to the committee in relation to Items: D2, D3, D4, D5, D6 & D8

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## Declarations of Interest

Councillor Rundle advised that in relation to the Billgate matter in item D11 – Register of Current Land and Environment Court Appeals for Building and Development Applications, that he has indicated to Council’s Solicitors that he would be happy to give evidence in the matter.

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**Note:** Item R1 was considered after Item D1 and before D2

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**Items Decided by this Committee using its Delegated Authority (Item D1 to D11)**

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**Item No:** D1 Delegated to Committee  
**Subject:** **Confirmation of Minutes of Meeting held on 11 December 2006**  
**Author:** Les Windle, Manager – Governance  
**File No:** See Council Minutes  
**Reason for Report:** The Minutes of the Meeting of Monday 11 December 2006 were previously circulated. In accordance with the guidelines for Committees' operations it is now necessary that those Minutes be formally taken as read and confirmed.

**(Boskovitz/Dawson)**

**Resolved:**

That the Minutes of the Development Control Committee Meeting of 11 December 2006 be taken as read and confirmed.

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**D2 DA541/2006 – 75 Drumalbyn Road, Bellevue Hill – Demolition of existing dwelling and construction of new two storey dwelling incorporating a basement level, swimming pool, landscaping and site works – 25/08/06**

**Note:** Late correspondence was tabled by Tony Moody & Simon Taylor – Councils Assessment Officer.

**Note:** Joshua Brandon, Architect on behalf of objectors, Mr & Mrs Brandon of 83 Drumalbyn Rd and Ms Madelein Rares objector, of 83A Drumalbyn Road, Mr Tony Moody, Town Planer and Mr Bruce Stafford the Applicant, addressed the Committee.

**(Excell/Rundle)**

**Resolved:**

That this matter be referred to a site inspection meeting to be held on Wednesday 24 January 2007.

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**D3 DA562/2006 – 61 Dover Road, Rose Bay – Alterations & additions to the existing dwelling-house; new gazebo structure - 1/9/2006**

**Note:** Late correspondence was tabled by Michael Sweeney Architect.

**Note:** Mr Michael Sweeney, Architect on behalf of objector, Ms T Gora of 59 Dover Road Rose Bay, Ms Avril Jacobson, objector of 6/44-46 Wilberforce Road Rose Bay and Mr Shaun Siva the Applicant, addressed the Committee.

**(Rundle/Boskovitz)**

**Resolved:**

That consideration of Development Application No. 562/2006 for alterations and additions to an existing dwelling house on land at 61 Dover Road, Rose Bay be deferred to enable the applicant to confer with Council staff in order to consider an increase in the western (side) setback up to 1.2m and further noise attenuation in relation to the spa so as to address the amenities impact on the adjoining neighbours.

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**D4 DA284/2006 – 2A Heeley Street, Paddington – Alterations and additions to existing commercial property – 18/05/2006**

**Note:** In accordance with Council's meeting procedures and policy this matter is referred to full Council due to a substantive change of the recommendation of the Development Control Committee to the Officer's recommendation.

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**D5 DA492/2006 – 11A Jersey Road, Woollahra – New roof sheeting to pergola and internal wall - 09/08/2006**

**Note:** In accordance with Council's meeting procedures and policy this matter is referred to full Council due to a substantive change of the recommendation of the Development Control Committee to the Officer's recommendation.

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**D6 DA218/2006 - 180 Queen St, Woollahra – Alterations to existing single garage to create a new double garage – 24/04/2006**

**Note:** Late correspondence was tabled by Tony Ristevski – Councils Assessment Officer.

**Note:** Mr Michael Jones the owner of 180 Queen Street Woollahra and Ms Daniell on behalf of the owner of 180 Queen Street Woollahra, addressed the Committee.

**Note:** The Committee deleted Condition Nos. 2, 3, 4 and 5, and amended original Condition No. 31 (Vehicular access and parking).

**(Petrie/Rundle)**

**Resolved: Pursuant to Section 80(1) of the Environmental Planning and Assessment Act, 1979**

THAT the Council, as the consent authority, grant development consent to Development Application No. 218/2006 for alterations to existing single garage to create a new double garage on land at 180 Queen Street Woollahra, subject to the following conditions:

**1. Approved Plans**

This consent relates to the work, shown in colour, on plans numbered 01 - 05, dated April 2006, drawn by Ruth Daniell, all of which carry a Council stamp “*Approved DA Plans*” and the signature of a Council officer, except where amended by the following conditions.

**2. Trees which may be removed**

This consent includes approval under Council’s Tree Preservation Order to remove the following trees:

Council Reference No:	Species	Location	Dimension (Metres)
1	<i>Jacaranda mimosifolia</i> <b>Jacaranda</b>	Rear	9 x 9

**The Construction Certificate plans must include reference to the removal of the above mentioned trees and identify the trees by Council’s reference number (Council Ref No:) and colour or shade them in the colour red.**

**3. Replacement trees which must be planted**

The following compensatory replacement plantings must be planted to ensure the preservation of the landscape character of the area.

Species/Type	Planting Location	Container Size or Size of Tree (@ time of planting)	Minimum Dimensions at Maturity
<i>Jacaranda mimosifolia</i> <b>Jacaranda</b>	Rear – East landscape garden Tree to be centred a minimum of 2 metres from garage and east boundary wall	100 litre	8 x 6

#### **4. Requirement for a Construction Certificate**

In accordance with the provisions of Section 81A of *the Environmental Planning and Assessment Act 1979*, the erection of the building must not be commenced until:

- (a) detailed plans and specifications of the building have been endorsed with a Construction Certificate by:
  - (i) Council; or
  - (ii) an accredited certifier; and
- (b) a principal certifying authority (PCA) has been appointed and the Council has been notified in writing of the appointment, and
- (c) at least two days notice, in writing, has been given to Council of the intention to commence work.

#### **5. Anti-Graffiti Coating**

The finishes of the walls adjoining Pickering Lane to a height of 3.0m must be finished in a heavy duty long life, ultra violet resistant coating with a high resistance to solvents and chemicals as an anti-graffiti coating easily cleaned by solvent wipe. Details of the anti-graffiti finishes are to be submitted with the Construction Certificate Application.

#### **6. Structural details**

Structural engineering details and design calculations, prepared and certified by a qualified practising Structural Engineer, must be submitted with steel work, retaining walls with Construction Certificate application, for all reinforced concrete work, structural walls, brick fences, shoring and underpinning, isolated piers, chimneys, parapets and other structural members. This condition is imposed to ensure the structural integrity of the proposed building work.

#### **7. Layout of buildings**

The layout of all external walls, including retaining walls and contiguous piling must be checked and verified by survey prior to the commencement of construction to ensure that building construction complies with the development consent and does not encroach beyond the boundaries of the site.

#### **8. Demolition, excavation and construction hours**

Demolition, excavation and construction work must not take place outside the hours of 7.00am to 5.30pm Monday to Friday and 7.00am to 1.00pm Saturday. No work and no deliveries are to take place on Sundays and public holidays. Noise from construction activities associated with the development must comply with the guidelines contained in the NSW EPA *Environmental Noise Control Manual* Chapter 171.

## 9. Machine excavation

Excavation or removal of any materials involving the use of machinery of any kind, including compressors and jack hammers, must be limited to between 9.00am and 4.00 pm Mondays to Fridays, with regular breaks of 15 minutes each hour. This condition is imposed to ensure reasonable standards of amenity for occupants of neighbouring properties.

## 10. Building Inspections

The Applicant, Owner and Builder, jointly and severally, must ensure that they call their Principal Certifying Authority ("the PCA") to carry out such critical phase building inspections required by the PCA, the PCA Service Agreement and that the PCA is satisfied with the level of compliance achieved before the Builder proceeds to the next phase of construction. Ample notice of required inspections must be given to the PCA in accordance with the PCA Service Agreement.

The Applicant, Owner and Builder must comply with the PCA Service Agreement (Service Contract) and any lawful direction given by the Principal Certifying Authority.

**Note:** It is the responsibility of the PCA to ensure that critical phase building inspections are undertaken in accordance with a PCA Service Agreement and issue to the Applicant, Owner and Builder appropriate Notice under Section 109L of the Environmental Planning & Assessment Act 1979 ("the Act") where any breach of this consent occurs.

Failure of the PCA to issue such notice may result in Council taking action under Section 109V of the Act.

Failure of the Applicant, Owner and Builder to comply with a PCA Service Agreement and comply with lawful directions of the PCA under this condition may result in Council issuing fines, notices, orders and commencing legal proceedings.

Council will only enter into PCA Agreements with the Owner of the land being developed. Council, if appointed as the PCA, will report to the owner of the land being developed.

## 11. Occupation of premises

A person must not commence occupation or use of the whole or any part of a *new building* (within the meaning of section 109H (4) of the *Act*) unless an occupation certificate has been issued in relation to the building or part.

**Note:** *new building* includes an altered portion of, or an extension to, an existing building.

**Note:** In circumstance where the works do not relate to occupation the required *occupation certificate* is essentially a certificate of completion of the approved work.

## 12. Payment of Long Service Levy, Security, Development Levy and Fees

The person(s) with the benefit of this consent must pay the following long service levy, security, development levy, and fees prior to the issue of any *construction certificate*, *subdivision certificate* or *occupation certificate*, as will apply.

The *certifying authority* must not issue any *Part 4A Certificate* until provided with the original receipt(s) for the payment of all of the following levy, security, contributions, and fees. Specifically

- a) prior to the issue of a *construction certificate*, where a construction certificate is required; or
- b) prior to the issue of a *subdivision certificate*, where only a subdivision certificate is required; or
- c) prior to the issue of an *occupation certificate* in any other instance.

Description	Amount	Indexed	Council Fee Code
<b>LONG SERVICE LEVY</b> under Building and Construction Industry Long Service Payments Act 1986			
<b>Long Service Levy</b> (Currently 0.35% of contract value – subject to change. Contact LSL Corporation to confirm current rate)	Contact LSL Corporation	No	
<b>SECURITY</b> under section 80A(6) of the Environmental Planning and Assessment Act 1979			
<b>Property Damage Security Deposit</b> - Making good any damage caused to any property of the <i>Council</i> as a consequence of the doing of anything to which the consent relates.	\$2000	Yes, yearly	T600
<b>INSPECTION FEES</b> under section 608 of the Local Government Act 1993			
Security Administration Fee	\$163	No	T16
<b>TOTAL SECURITY, CONTRIBUTIONS, LEVIES AND FEES</b>	\$2163.00 Plus any relevant indexed amounts and long service levy		

#### How must the payments be made?

Payments must be made by:

1. Cash deposit with Council,
2. Credit card payment with Council, or
3. Bank cheque made payable to Woollahra Municipal Council.

The payment of a security may be made by a bank guarantee where:

- a) the guarantee is by an Australian bank for the amount of the total outstanding contribution;
- b) the bank unconditionally agrees to pay the guaranteed sum to the Council on written request by Council on completion of the development or no earlier than 12 months from the provision of the guarantee whichever occurs first;
- c) the bank agrees to pay the guaranteed sum without reference to the applicant or landowner or other person who provided the guarantee and without regard to any dispute, controversy, issue or other matter relating to the development consent or the carrying out of development in accordance with the development consent; and
- d) the bank's obligations are discharged when payment to the Council is made in accordance with the guarantee or when Council notifies the bank in writing that the guarantee is no longer required.

### 13. Standard for demolition

All demolition work must be undertaken in accordance with the provisions of *Australian Standard AS2601-2001: The Demolition of Structures*.

### 14. Connection to existing drainage system

Stormwater run-off from the proposed development must drain to the existing stormwater drainage system.

The existing stormwater drainage pipes on the property affected by the development must be checked and certified by a practising hydraulic engineer to ensure that existing stormwater pipes are in good condition and are operating satisfactorily. Certification and a plan showing pipe locations and diameters must be submitted to the Accredited Certifier prior to the issue of the final Occupation Certificate.

The stormwater drainage details are to include the following matters:

- Remove the stormwater outlet from the centre of the proposed double width crossing.

If the existing stormwater pipes are not in good condition and/or not operating satisfactorily, the existing drainage system must be upgraded.

Certification and a plan showing pipe locations and diameters of the upgraded system must be submitted to the Accredited Certifier prior to the issue of the final Occupation Certificate.

Stormwater disposal is to comply with the requirements and conditions as set out in Council's Draft Stormwater Drainage Management DCP (Draft Version 1, Public Exhibition Copy dated 23/08/2004). This is available from Council's website <http://www.woollahra.nsw.gov.au>.

Note: connection of stormwater run-off to the Sydney Water sewer system is not permitted.

#### **15. Erosion and sediment control**

Erosion and sediment controls, designed in accordance with the SSROC Soil and Water Management Brochures titled "Do it Right on Site" and the current version of the NSW Landcom publication "Managing Urban Stormwater: Soils and Construction" (*The Blue Book*), must be installed before commencement of demolition, excavation or construction work. All controls must be maintained until completion of outdoor works.

#### **16. Stockpiles**

Stockpiles of topsoil, sand, aggregate, soil or other material must not be located on any

drainage line or easement, natural watercourse, footpath or roadway, or within the dripline of any Street Tree. Stockpiles within the construction site must be protected with adequate sediment controls, in accordance with Council's Code for Sediment Control.

#### **17. Location of building operations**

Building operations such as brick cutting, washing tools or brushes and mixing mortar must not take place on public roadways or footways or in any other location which could lead to the discharge of materials into the stormwater drainage system.

Footpaths, gutters and roadways must be swept regularly to keep them free from sediment

#### **18. Temporary disposal of roof water**

Stormwater from any roof areas must be linked, via a temporary downpipe, to a Council approved stormwater disposal system immediately upon completion of the roof installation.

**19. Protection of services**

Prior to any excavation works, the location and depth of all services (telephone, cable TV, electricity, gas, water, sewer, drainage, etc.) must be ascertained. The developer must meet all costs of any adjustment, relocation or reinstatement of any services.

**20. Damage security deposit**

A security deposit of **\$2,000 (Two thousand dollars)**, for the cost of making good any damage to Council property caused as a consequence of the construction work, plus an administration fee of \$163.00, must be paid to Council prior to the issue of the Construction Certificate. The security deposit, which may be in the form of a bank guarantee, has been calculated in accordance with the following schedule.

<b>Estimated cost of work</b>	<b>Deposit</b>
Works up to \$50,000	\$2,000
Works in excess of \$50,000 & up to \$100,000	\$4,000
Works in excess of \$100,000	\$4,000 + \$200 / \$10,000 (for the estimated cost > \$100,000)

The security or bank guarantee must not have an expiry date. Council may use all or part of the Damage Security Deposit to complete damage restoration works if they do not meet Council's requirements.

**21. Road Opening Permit**

Prior to the commencement of any excavation in Council controlled roadways or footpath areas, the developer must obtain a road opening permit from Council's Customer Services Counter. Restoration of roads, footpaths, retaining walls, kerbs and gutters must be carried out in accordance with the relevant clauses of the current edition of AUS-SPEC.

**22. Footpath levels.**

The existing footpath level and grade at the street alignment of the property must be maintained. Your driveway levels are to comply with AS2890.1 and Council's Standard Drawing RF2. There may be occasions where both these requirements conflict and you are required to carefully check the driveway/garage slab and footpath levels for any variations.

Where this is the case an "Application to carry out works in a public road" available from Council's website <http://www.woollahra.nsw.gov.au> must be completed with plans/sections complying with the above and submitted to Council's Customer Service Centre and approved by Council prior to the issue of a Construction Certificate. For any technical enquiries regarding alteration to existing footpath levels, alignments or inspections, please contact Council's Works Supervisor on 9391 7982.

**Note: any adjustments required from the garage slab and the street levels are to be carried out internally on private property**

**23. Storage of materials and plant on Council's footpath**

Building, excavation or demolition materials and plant must not be stored on Council's footpath and/or roadway unless prior written approval has been obtained from Council's Development Engineer.

**24. Public footpaths**

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 footpaths 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 carry out remedial works and deduct the cost from the Damage Security Deposit.

**25. Repair of Damaged Infrastructure**

If Council's infrastructure is damaged during the course of works, Council's Development Engineer must be notified and necessary repairs must be undertaken within the time stipulated by Council, to Council's specifications, and at no cost to Council. Works generally must be in accordance with the relevant clauses of the current edition of AUS-SPEC.

If work is not undertaken to the satisfaction of the Development Engineer with regard to time or quality, Council may carry out remedial works and deduct the cost from the Damage Security Deposit.

**26. Driveways and associated works**

The following works must be undertaken at the applicant's expense prior to the final building inspection and the issue of the Occupation Certificate.

- Construction of double width concrete driveway crossing 6.6m wide and layback in accordance with Council's Standard Drawing RF2. Levels in the footpath area must match existing.
- Removal of all driveway crossings and kerb laybacks which will be no longer required.

An "Application to carry out works in a public road" must be completed and submitted to Council's Customer Service Centre and approved by Council prior to commencement of construction of a new driveway. For any technical enquiries regarding alteration to existing footpath levels, alignments or inspections, please contact Council's Works Supervisor on 9391 7982.

**27. Sandstone Kerb and Gutter**

Where existing sandstone kerb and gutter is to be replaced in concrete, the sandstone shall remain the property of Council. The stones are to be removed and handled in such a manner so as not to cause any damage to the sandstone.

The stones must be delivered on pallets between 7am to 4pm Monday to Friday by the applicant to:

Woollahra Council's Works Depot  
52-54 O'Dea Avenue  
Waterloo

Prior to delivery contact the Purchasing Officer Mr. Joe Cavagnino on 9391 7973

**28. Vehicular access and garaging**

The following vehicular access and garaging detail must be submitted and approved by the Accredited Certifier prior to the issue of the Construction Certificate.

- Driveway details are to be provided of the new driveway to the new garage. The driveway profile is to comply with AS 2890.1
- Driveways and access ramps must be designed not to scrape the underside of cars.
- The two columns on either side of the entry to the garage are to be reduced in width so that they are no wider than the remainder of the external walls (as shown on the development plans)
- The "roller" door is to be set back 1.2m from the property boundary to the rear lane.

In all other respects, proposed garage/car park/basement car park, driveways and access ramps must be designed to comply with Australian Standard AS 2890.1 – "Off-Street car parking."

These works must be undertaken at the applicant's expense and completed prior to the final building inspection and the issue of the Occupation Certificate.

**29. Compliance with Building Code of Australia**

- (a) All building work must be carried out in accordance with the provisions of the *Building Code of Australia*.
- (b) This condition does not apply to the extent to which an exemption is in force under Clause 187 or 188, of the *Environmental Planning and Assessment Regulation 2000*, subject to the terms of any condition or requirement referred to in Clause 187 (6) or 188 (4) of the Regulation.

**30. Residential building work**

- (a) Building work that involves residential building work (within the meaning of the *Home Building Act 1989*) must not be carried out unless the principal certifying authority (PCA) for the development to which the work relates:

- in the case of work to be done by a licensee under that Act:
  - (i) has been informed in writing of the licensee's name and contractor license number; and
  - (ii) is satisfied that the licensee has complied with the requirements of Part 6 of that Act; or
- in the case of work to be done by any other person:
  - (iii) has been informed in writing of the person's name and owner-builder permit number; or
  - (iv) has been given a declaration, signed by the owner of the land, that states that the reasonable market cost of the labour and materials involved in the work is less than the amount prescribed for the purposes of the definition of owner-builder work in Section 29 of that Act,

and is given appropriate information and declarations under paragraphs (a) and (b) whenever arrangements for the doing of the work are changed in such a manner as to render out of date any information or declaration previously given under either of those paragraphs.

Note: The amount referred to in paragraph (a) (iv) above is prescribed by regulations under the *Home Building Act 1989*. As at the date on which this Regulation was Gazetted, that amount was \$5,000. As those regulations are amended from time to time, so that amount may vary.

- (b) A certificate purporting to be issued by an approved insurer under Part 6 of the *Home Building Act 1989* that states that a person is the holder of an insurance policy issued for the purposes of that Part is, for the purposes of this clause, sufficient evidence that the person has complied with the requirements of that Part.

### **31. Excavations and backfilling**

- (a) All excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with appropriate professional standards.
- (b) All excavations associated with the erection or demolition of a building must be properly guarded and protected to prevent them from being dangerous to life or property.

### **32. Retaining walls and drainage**

If the soil conditions require it:

- (a) retaining walls associated with the erection or demolition of a building or other approved methods of preventing movement of the soil must be provided; and
- (b) adequate provision must be made for drainage.

### 33. Support for neighbouring buildings

- (a) If an excavation associated with the erection or demolition of a building extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation to be made:
  - (i) must preserve and protect the building from damage; and
  - (ii) if necessary, must underpin and support the building in an approved manner; and
  - (iii) must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.
- (b) The owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this condition, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.
- (c) In this condition, allotment of land includes a public road and any other public place.

### 34. Toilet facilities

- (a) Toilet facilities must be provided, at or in the vicinity of the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.
- (b) Each toilet provided:
  - (a) must be a standard flushing toilet; and
  - (b) must be connected:
    - (i) to a public sewer; or
    - (ii) if connection to a public sewer is not practicable, to an accredited sewage management facility approved by the Council; or
    - (iii) if connection to a public sewer or an accredited sewage management facility is not practicable, to some other sewage management facility approved by the Council.
- (c) The provision of toilet facilities in accordance with this clause must be completed before any other work is commenced.
- (d) In this condition:

***accredited sewage management facility*** means a sewage management facility to which Division 4A of Part 3 of the Local Government (Approvals) Regulation 1993 applies, being a sewage management facility that is installed or constructed to a design or plan the subject of a certificate of accreditation referred to in Clause 95B of the Regulation.

***approved by the Council*** means the subject of an approval in force under Division 1 of Part 3 of the *Local Government (Approvals) Regulation 1993*.

*public sewer* has the same meaning as it has in the *Local Government (Approvals) Regulation 1993*.

*sewage management facility* has the same meaning as it has in the *Local Government (Approvals) Regulation 1993*.

### **35. Residential building work over \$12,000 in value**

Council must be provided with the following information prior to the commencement of any works;

- (a) the proposed builder's details (in writing); and
- (b) proof of payment of the required insurance premium pursuant to Part 6 of the *Home Building Act 1989*.

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### **D7 DA795/2004/3 - 68 Epping Rd, Double Bay – Modification of DA 04/795 including changes to roofing materials, new privacy screens and extension of living area into garage – 09/08/2006**

**Note:** Mr Craig Salamann and Mr R Mahum addressed the Committee.

**Note:** The Committee added additional Condition No. 39 (Roof colour).

**(Petrie/Rundle)**

**Resolved: Pursuant to Section 96 of the Environmental Planning and Assessment Act, 1979**

THAT Council, as the consent authority, modify development consent to Development Application No. 795/2004 Part 3 for section 96 modification for changes to roofing materials and extension of living area into garage on land at 68 Epping Road Double Bay, in the following manner:

**Condition No. 1 is deleted and replaced with the following:-**

#### **1. Approved S96 Plans**

The development must be carried out in accordance with plans numbered DA 1/6A to DA 6/6A, undated, drawn by R.D. Nahum, all of which carry a Council stamp “*Approved DA Plans*” and the signature of a Council officer, as amended by the works shown in colour on plans numbered DA2/6 (Issue B) and DA5/6 (Issue B), dated 29/8/2005, drawn by R.D. Nahum, all of which carry a Council stamp “*Approved S96 Plans*” and the signature of a Council officer on the plans, except as amended by the works shown in colour on plans numbered DA2/6, DA3/6, DA5/6 and DA6/6, all Issue C, undated, drawn by R.D. Nahum, all of which carry a Council stamp “*Approved S96 Plans*” and the signature of a Council officer on the plans, except where amended by the following conditions.

**38. Privacy Screens**

The timber louvre privacy screens to the first floor balconies to bedrooms 1 and 2 and the louvres in the fixed timber frame on the northern side of the garage roof terrace are to be deleted. These elements are deleted to protect the streetscape of Epping and Kiaora Roads.

Details are to be provided to Council or the Accredited Certifier prior to issue of the Construction Certificate.

**39. Roof colour**

The sections of metal deck roofing adjacent to the northern and southern boundaries are to be a recessive dark colour. This condition is imposed to minimise glare. Details are to be provided to Council or the Accredited Certifier prior to issue of the Construction Certificate.

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**D8 DA573/2006 - 42-42A Wolseley Road, Point Piper – Demolition of the existing dwelling-house & residential apartment building and the construction of a residential flat building comprising 5 units, 11 off-street car parking spaces; landscaping and siteworks – 06/09/2006**

**Note:** Late correspondence was tabled by David Katon of Burley Katon Halliday.

**(Boskovitz/Rundle)**

**Resolved:**

That this matter be referred to a site inspection meeting to be held on Wednesday 24 January 2007.

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**D9 DA1009/2003/6 - 3 Collins Avenue, Rose Bay – The demolition of the existing dwelling-house and garage and the construction of a new residential flat building consisting of 2x3 bedroom units, 5 off-street car parking spaces, a swimming pool and landscape works – 27/10/2006**

**Note:** Mr Ferris, objector of 2 Collins Avenue Rose Bay, Mr Fellar, objector of next door property and the Applicant Mr Haralambis of 3 Collins Avenue, Rose Bay addressed the meeting.

**Note:** The Committee amended Condition No. 20 (Replacement trees which must be planted) and added additional Condition No. 81 (Tree condition)

**(Boskovitz/Petrie)**

**Resolved: Pursuant to Section 96 of the Environmental Planning and Assessment Act, 1979**

THAT Council, as the consent authority, modify development consent to Development Application No. 1009/2003 the demolition of the existing dwelling-house and garage and the construction of a new residential flat building consisting of 2 x 3 bedroom units, 5 off-street car parking spaces, a swimming pool and landscaping works on land at 3 Collins Avenue Rose Bay, in the following manner:

**18. Existing trees which must be retained**

Approval is not granted for the removal of the following trees, which Council has determined to be significant landscape elements. Where indicated a Tree Preservation Bond is required to be lodged with Council. The Bond has been applied in accordance with Council's policy regarding the bonding of trees on or adjacent development sites, where an assessment has determined that the proposed development may impact on the preservation of the following trees.

<b>Council Reference No:</b>	<b>Species</b>	<b>Location</b>	<b>Dimension (m)</b>
6	Howea forsteriana Kentia Palm	South West side boundary	4m x 3m
7	Lophostemon confertus Brush Box	North East side boundary adjacent property	11m x 5m
8	Eucalyptus citriodora Lemon-scented Gum Tree	North East side boundary adjacent property	11m x 6m
15	Schinus molle var. areira Peppercorn Tree	Rear yard adjacent property	11m x 12m

**20. Replacement trees which must be planted**

The following replacement tree species must be planted to ensure the preservation of the landscape character of the area. Details in compliance with the following criteria specifying the species and planting locations of the replacement plants must be included on the Landscape Plan for approval by Council or the accredited certifier with or before the application for a Construction Certificate.

Species/Type	Planting Location	Container Size or Size of Tree	Minimum Dimensions at Maturity
1xCupaniopsis anacardiodes Tuckeroo	Within rear yard	75 litres	Natural
1 x Suitable tree	Within property	75 litre bag	8m x 5m
1 x Cedrus deodara Deodar Cedar	Street front of property	1000 litre (approx 6-7 m)	Natural

## 21. Trees which may be removed

This consent includes approval under Council's Tree Preservation Order to remove the following trees:

Council Reference No:	Species	Location	Dimension (Metres)
1	Cedrus deodara Deodar Cedar	Front of property	13m x 10m
2,3	Syagrus romanzoffianum Cocos Palm	Front of property	7m x 3m
4	Brachychiton acerifolius Illawarra Flame tree	Side boundary	9m x 3m
5	Syagrus romanzoffianum Cocos Palm	South West side boundary	10m x 4m
14	Jacaranda mimosifolia Jacaranda	Rear yard West side	11m x 8m

The Construction Certificate plans must include reference to the removal of the above mentioned trees and identify the trees by Council's reference number (Council Ref No: 2, 3, 4, 5 & 14) and colour or shade them in the colour red.

## 81. Tree Condition

The tree pit opening is to be a minimum of 2m diameter, but may need to be larger given the 1000L size of the tree. The pavement design surrounding the new tree pit should incorporate the same finished levels and a similar level of permeability as approved. There should be an allowance for healthy root growth beyond the tree pit and beneath the pavement. Eco-trihex or equivalent permeable paver laid on a permeable sub-base should be used wherever possible within the eastern setback. The area of non-permeable pavement should be minimised. Details demonstrating compliance are to be submitted with the construction certificate application.

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### D10 DA509/2006/1 - 2 Loch Maree Place, Vacluse – Alterations and additions to the existing dwelling-house; landscaping works – 16/08/2006

**Note:** Late correspondence was tabled by Peter Zaverdinos – Archicorp Architects.

**Note:** Mr Peter Zaverdinos on behalf of Mr & Mrs Coroneo of 5 Loch Maree Place Vacluse and the Architect for the Applicant addressed the Committee.

**(Rundle/Excell)**

**Resolved:**

That this matter be referred to a site inspection meeting to be held on Wednesday 24 January 2007.

**D11 Register of Current Land and Environment Court Appeals for Building and Development Applications**

**Note:** Councillor Rundle advised that in relation to the Billgate matter he has indicated to Council's Solicitors that he would be happy to give evidence in the matter.

**(Boskovitz/Dawson)**

**Resolved:**

THAT the attached register of current Land and Environment Court Appeals for Building and Development Applications be received and noted.

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**Items with Recommendations from this Committee  
Submitted to the Council for Decision (Items R1 to R3)**

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**R1 DA25/2004 – 47 Russell Street, Vaucluse – Demolition of the existing residential flat building and the construction of a new three storey residential flat building comprising 2 x 3 and 2 x 2 bedroom apartments and basement parking for six (6) vehicles – 13/10/2005**

**Note:** Mr D Greensall of 36 Derby Street and Ms R Connell of 45 Russell Street, objectors, addressed the Committee.

**(Boskovitz/Rundle)**

**Recommendation: Pursuant to Section 82A of the Environmental Planning and Assessment Act, 1979**

- A. That the matter be deferred to a future Development Control Committee meeting to enable the submission and assessment of cross sections documenting the extent of excavation into the cliff and a further geotechnical report providing recommendations ensuring the stability of the cliff both during and post construction. The geotechnical report to also include assessment of the area known as the "cave".
- B. That the matter also be referred back to Council's Heritage Officer for further review.
- C. That further consideration be given to the potential impact on Derby Park pursuant to Clause 24 of the Woollahra Local Environment Plan having regard to excavation near cliff faces.
- D. That the applicant be requested to submit a survey showing the exact property boundaries.

**R2 DA284/2006 – 2A Heeley Street, Paddington – Alterations and additions to existing commercial property – 18/05/2006**

**Note:** In accordance with Council's meeting procedures and policy this matter is referred to full Council due to a substantive change of the recommendation of the Development Control Committee to the Officer's recommendation.

**Note:** Late correspondence was tabled by George Fotis – Councils Team Leader.

**Motion moved by Councillor Boskovitz  
Seconded by Councillor Dawson**

That the recommendation be adopted subject to including the amendments to conditions 2, 3, 4 and 38 and the preamble of the recommendation in accordance with the late correspondence submitted by George Fotis, Team Leader.

**Amendment moved by Councillor Huxley  
Seconded by Councillor Petrie**

That the recommendation be adopted subject to inclusion of the amendments to conditions 2, 3, 4 and 38 and the preamble of the recommendation in accordance with the late correspondence submitted to the meeting by G Fotis, Team Leader except for condition 4 being further amended to require details of the built form, materials and colour of the exterior addition being submitted to and approved by Council prior to the issue of a Construction Certificate.

**Councillor Boskovitz withdrew his Motion.  
The Amendment became the Motion.  
The Motion was adopted.**

**Recommendation: Pursuant to Section 80(1) of the Environmental Planning and Assessment Act, 1979**

THAT the Council, as the consent authority, is of the opinion that the objection under *State Environmental Planning Policy No. 1 – Development Standards* to the Floor Space Ratio development standard under the Woollahra Local Environment Plan 1995 is well founded. The Council is also of the opinion that strict compliance with the development standard is unreasonable and unnecessary in the circumstances of this case as the development will be consistent with the density, bulk, scale and character of the locality, will not have unreasonable adverse amenity impacts on adjoining properties and will achieve the objectives of the floor space ratio standard.

**AND**

THAT the Council, as the consent authority, being satisfied that the objection under SEPP No. 1 is well founded and also being of the opinion that the granting of consent to Development Application No. 284/2006 is consistent with the aims of the Policy, grant development consent to DA No. 284/2006 for alterations and additions to existing commercial property on land at 2A Heeley Street Paddington, subject to the following conditions:

## 1. **Approved Plans**

This consent relates to the work, shown on plans numbered 0.01, 1.01, 1.02, 1.03, 2.01, 3.01, 3.02, 3.03, & 3.04 (Amendment B), dated 15/05/2006, drawn by X Pace all of which carry a Council stamp "**Approved DA Plans**" and the signature of a Council officer, except where amended by the following conditions.

## 2. **Modification of details of the development (s80A(1)(g) of the Act)**

The *approved plans* must be amended and the *Construction Certificate* plans and specification, required to be submitted to the *Certifying Authority* pursuant to clause 139 of the *Regulation*, must detail:

- (a) The existing floor to be removed must be interpreted in such a way as to make its former existence and location known to anyone in the space.
- (b) The openings to the White Lane elevation shall be retained and the existing windows shall be restored.
- (c) The original crane shall be restored and not replaced.
- (d) The deletion of the proposed fixed steel framed glazing to the principle form on the Broughton Street elevation. These openings shall contain traditional timber doors similar to the existing French style doors within these existing openings.

Note: The effect of this condition is that it requires design changes and/or further information to be provided with the *Construction Certificate* drawings and specifications to address specific issues identified during assessment under section 79C of the *Act*.

Note: Clause 146 of the *Regulation* prohibits the issue of any *Construction Certificate* subject to this condition unless the *Certifying Authority* is satisfied that the condition has been complied with.

Note: Clause 145 of the *Regulation* prohibits the issue of any *Construction Certificate* that is inconsistent with this consent.

## 3. **Heritage**

The repainting of the existing brickwork shall only occur where the brickwork is already painted. The unpainted wall shall remain unpainted.

## 4. **Heritage**

In order to preserve the integrity of the conservation area, the proposed development shall be finished in colours that do not detract from the architectural character of the existing building and the surrounding locality in accordance with Part 5.2.9 of the Paddington Development Control Plan, 1999. Details of the colour/s of all external materials and details of the built form, materials and colour of the exterior addition must be submitted to and approved by Council prior to the issue of a Construction Certificate.

## 5. **Water conservation**

In ensure compliance with Part 5.1.11 of the Paddington Development Control Plan, 1999, the use of low flow water regulators and dual flushing toilets shall be incorporated into the design of the new development.

Details shall be submitted with an application for a Construction Certificate.

## 6. Existing trees which must be retained

The following trees are to be retained on the site and protected during all works.

### Trees on Private Property

Council Reference No:	Species	Location	Dimension (Metres)
1	Eucalyptus.sp.	Centre	12 x 8
2	<i>Archontophoenix cunninghamiana</i> Bangalow Palm	Centre	5 x 2

**The Construction Certificate plans must include reference to the retention of the above mentioned trees and identify the trees by Councils reference number (Ref No:1 and 2) and colour or shade them in the colour green for trees to be retained and yellow for trees to be transplanted. Pier and beam construction methods must be indicated for north western wall adjacent to trees to be retained.**

## 7. Hand excavation within tree root zones

To prevent damage to roots and compaction within the root zone, excavation undertaken within the specified radius from the trunks of the following trees must be hand dug. Small hand tools only are to be utilised, mattocks and similar digging tools are not to be used within these areas. No root with a diameter equal to or in excess of 30mm is to be cut unless approved, in writing, by a qualified Arborist (minimum qualification of Australian Qualification Framework Level 4 or recognised equivalent).

All root pruning must be undertaken in accordance with the Australian Standard 4373 Pruning of amenity trees and carried out by a qualified Arborist (minimum qualification of Australian Qualification Framework Level 4 or recognised equivalent)

Beyond this radius, mechanical excavation is permitted, when root pruning by hand along the perimeter line of such works is completed.

Council Reference No:	Species	Location	Radius from Trunk (Metres)
1	Eucalyptus.sp.	Centre	3 m

## 8. Tree Protection Zones

To limit the potential for damage to trees to be retained, Tree Protection Zones are to be established for all trees to be retained on site. The Tree Protection Zones are to comply with the following requirements;

- Trunk protection, to the maximum height permitted by the first branches, is to be installed around the trunks of trees listed in the table below;

Council Reference No:	Species	Location
1	Eucalyptus.sp.	Centre
2	<i>Archontophoenix cunninghamiana</i> Bangalow Palm	Centre

A padding material eg. Hessian or thick carpet underlay, is to be wrapped around the trunk first. Hardwood planks, 50x100mm and to the maximum possible length, are to be placed over the padding and around the trunk of the tree at 150mm centres. These planks are to be secured in place by 8 gauge wire at 300mm spacing.

- Installation of all Tree Protection measures is to be at the direction of and overseen by a qualified Arborist (minimum Australian Qualification Framework Level 4 or recognised equivalent).
- A sign must be erected on each side of the fence indicating the existence of a Tree Protection Zone and providing the contact details of the site Arborist.
- Existing soil levels must be maintained within Tree Protection Zones. Where excavation is undertaken adjacent such an area, the edge of the excavation must be stabilised, until such time as permanent measures are installed (eg. retaining wall etc) to prevent erosion within the Tree Protection Zone.
- Sediment control measures are to be installed around all Tree Protection Zones to protect the existing soil levels.
- The storage of materials, stockpiling, siting of works sheds, preparation of mixes, cleaning of tools or equipment is not permitted within Tree Protection Zones.

Site personnel must be made aware of all Tree Protection requirements, measures and any actions that constitute a breach of the Conditions of Development Consent with regard to tree protection on site during their site induction.

**9. Footings in the vicinity of trees**

Footings for any structure constructed within the specified radius from the trunks of the following trees, is to be constructed using an isolated pier and beam construction method. Excavations for installation of piers is to be located so that no tree root with a diameter equal to or in excess of 30mm is to be severed. The smallest possible area is to be excavated which allows construction of the pier. The beam is to be placed a minimum of 300mm above ground level and is to be designed to bridge all tree roots with a diameter equal to or in excess of 30mm.

Council Reference No:	Species	Location	Radius from Trunk (Metres)
1	Eucalyptus.sp.	Centre	3 m

**10. Requirement for a Construction Certificate**

In accordance with the provisions of Section 81A of *the Environmental Planning and Assessment Act 1979*, the erection of the building must not be commenced until:

- (a) detailed plans and specifications of the building have been endorsed with a Construction Certificate by:
  - (i) Council; or
  - (ii) an accredited certifier; and
- (b) a principal certifying authority (PCA) has been appointed and the Council has been notified in writing of the appointment, and
- (c) at least two days notice, in writing, has been given to Council of the intention to commence work.

**11. Archival recording of significant or contributory buildings to be demolished that are located within a heritage conservation area.**

An archival record of the building and landscape elements to be demolished is to be submitted, to the satisfaction of Council's heritage officer, prior to the commencement of the demolition work and prior to the issue of a Construction certificate.

The archival record is to be completed by a heritage consultant listed by the NSW Heritage Office or by another suitably qualified consultant who must demonstrate a working knowledge of archival principles.

The archival record is to be bound in an A4 format, with drawings folded to suit and is to include the following:

- a copy of the final heritage report submitted with the development application,
- A site plan at a scale of 1:200 (or 1:500 if appropriate) of all structures and major landscape elements including their relationship to the street and adjoining properties;
- floor plans at scale of 1:100;
- postcard sized photographs of:
  - (i) each elevation;
  - (ii) each structure and landscape feature and significant parts of the property as defined in the submitted statement of significance;
  - (iii) views to the subject property from each street and laneway or public space; and
  - (iv) external and internal details as nominated in the assessment report by Council's heritage officer.

Each photograph to be mounted, labelled and cross-referenced in accordance with recognised archival recording practice.

The original, coloured, photographic set and one coloured photocopy are to be submitted to the satisfaction of Council's heritage officer prior to the commencement of demolition work and prior to the issue of a construction certificate. The original will be retained by Council and the coloured photocopy will be provided to the Woollahra Local History Library.

**12. Structural adequacy**

A statement from a qualified practising Structural Engineer, certifying to the adequacy of the existing structural members, walls and footings to support the additional loads imposed by the proposed development, must be submitted with the Construction Certificate application.

This condition is imposed to ensure the structural integrity of the proposed building work.

**13. Structural details**

Structural engineering details and design calculations, prepared and certified by a qualified practising Structural Engineer, must be submitted with Construction Certificate application, for all reinforced concrete work, structural steel work, retaining walls, brick fences, shoring and underpinning, isolated piers, chimneys, parapets and other structural members.

This condition is imposed to ensure the structural integrity of the proposed building work.

#### **14. Layout of buildings**

The layout of all external walls, including retaining walls and contiguous piling must be checked and verified by survey prior to the commencement of construction to ensure that building construction complies with the development consent and does not encroach beyond the boundaries of the site.

#### **15. Levels**

For the purpose of indicating relative levels in terms of Australian Height Datum and boundary clearances, and to ensure that building construction complies with the development consent, survey certificates must be provided to the PCA in respect of the building/s layout and ground floor level/s prior to pouring of concrete or laying of timber floor boards.

#### **16. Building Inspections**

The Applicant, Owner and Builder, jointly and severally, must ensure that they call their Principal Certifying Authority ("the PCA") to carry out such critical phase building inspections required by the PCA, the PCA Service Agreement and that the PCA is satisfied with the level of compliance achieved before the Builder proceeds to the next phase of construction. Ample notice of required inspections must be given to the PCA in accordance with the PCA Service Agreement. The Applicant, Owner and Builder must comply with the PCA Service Agreement (Service Contract) and any lawful direction given by the Principal Certifying Authority.

**Note:** It is the responsibility of the PCA to ensure that critical phase building inspections are undertaken in accordance with a PCA Service Agreement and issue to the Applicant, Owner and Builder appropriate Notice under Section 109L of the Environmental Planning & Assessment Act 1979 ("the Act") where any breach of this consent occurs. Failure of the PCA to issue such notice may result in Council taking action under Section 109V of the Act.

Failure of the Applicant, Owner and Builder to comply with a PCA Service Agreement and comply with lawful directions of the PCA under this condition may result in Council issuing fines, notices, orders and commencing legal proceedings. Council will only enter into PCA Agreements with the Owner of the land being developed. Council, if appointed as the PCA, will report to the owner of the land being developed.

#### **17. Erosion and sediment control**

An erosion and sediment control plan, designed in accordance with the SSROC Soil and Water Management Brochures titled "Do it Right on Site" and the current version of the NSW Landcom publication "Managing Urban Stormwater: Soils and Construction" (*The Blue Book*), must be prepared to show erosion and sediment control measures which are to be installed. The Plan must be submitted to Council or the accredited certifier for approval before commencement of excavation or construction work.

#### **18. Display of Council's warning sign for soil and water management**

Throughout the demolition and construction, Council's warning sign for soil and water management must be displayed on the most prominent point of the building site, visible both from the street and site.

A copy of the sign is available from Council.

#### **19. Demolition, excavation and construction hours**

Demolition, excavation and construction work must not take place outside the hours of 7.00am to 5.30pm Monday to Friday and 7.00am to 1.00pm Saturday. No work and no deliveries are to take place on Sundays and public holidays. Noise from construction activities associated with the development must comply with the guidelines contained in the NSW EPA *Environmental Noise Control Manual* Chapter 171.

#### **20. Standard for demolition**

All demolition work must be undertaken in accordance with the provisions of *Australian Standard AS2601-2001: The Demolition of Structures*.

#### **21. Demolition and disposal of hazardous materials**

Removal, cleaning and disposal of lead-based paint must conform to the current EPA guidelines. Demolition of materials incorporating lead is to be conducted in strict accordance with sections 1.5, 1.6, 1.7, 3.1 and 3.9 of the *Australian Standard AS2601-1991, Demolition of Structures*.

Hazardous dust must not be allowed to escape from the site. The use of fine mesh dust proof screens or other measures is recommended. Any existing accumulations of dust (eg. ceiling voids and wall cavities) must be removed by the use of an industrial vacuum cleaner fitted with a high efficiency particulate air (HEPA) filter. All dusty surfaces and dust created from work must be suppressed by a fine water spray. Water must not be allowed to enter the street or stormwater systems. Demolition must not be performed during high winds, which may cause dust to spread beyond the site boundaries.

All contractors and employees directly involved in the removal of hazardous dusts and substances must wear protective equipment conforming to Australian Standard AS1716 Respiratory Protective Devices and must adopt work practices in accordance with the requirements of WorkSafe's *Control of Inorganic Lead At Work* (NOHSC:102(1994) and NOHSC:2015(1994)). All lead-contaminated materials must be disposed of in accordance with the EPA's requirements.

#### **22. Stockpiles**

Stockpiles of topsoil, sand, aggregate, soil or other material must not be located on any drainage line or easement, natural watercourse, footpath or roadway, or within the dripline of any Street Tree. Stockpiles within the construction site must be protected with adequate sediment controls, in accordance with Council's Code for Sediment Control.

#### **23. Storage of materials and plant on Council's footpath**

Building, excavation or demolition materials and plant must not be stored on Council's footpath and/or roadway unless prior written approval has been obtained from Council's Development Engineer.

**24. Location of building operations**

Building operations such as brick cutting, washing tools or brushes and mixing mortar must not take place on public roadways or footways or in any other location which could lead to the discharge of materials into the stormwater drainage system.

Footpaths, gutters and roadways must be swept regularly to keep them free from sediment.

**25. Temporary disposal of roof water**

Stormwater from any roof areas must be linked, via a temporary downpipe, to a Council approved stormwater disposal system immediately upon completion of the roof installation.

**26. Site fencing**

The site must be appropriately secured and fenced to the satisfaction of Council during demolition, excavation and construction work to ensure there are no unacceptable impacts on the amenity of adjoining properties. Permits for hoardings and or scaffolding on Council land must be obtained and clearly displayed on site.

**27. Connection to existing drainage system**

Stormwater run-off from the proposed addition must drain to the existing stormwater drainage system.

The existing stormwater drainage pipes on the property affected by the development must be checked and certified by a practising hydraulic engineer to ensure that existing stormwater pipes are in good condition and are operating satisfactorily. Certification and a plan showing pipe locations and diameters must be submitted to the Accredited Certifier prior to the issue of the final Occupation Certificate.

If the existing stormwater pipes are not in good condition and/or not operating satisfactorily, the existing drainage system must be upgraded. Certification and a plan showing pipe locations and diameters of the upgraded system must be submitted to the Accredited Certifier prior to the issue of the final Occupation Certificate.

Stormwater disposal is to comply with the requirements and conditions as set out in Council's Draft Stormwater Drainage Management DCP (Draft Version 1, Public Exhibition Copy dated 23/08/2004). This is available from Council's website <http://www.woollahra.nsw.gov.au>.

Note: connection of stormwater run-off to the Sydney Water sewer system is not permitted.

**28. Footpath levels**

The existing footpath level and grade at the street alignment of the property must be maintained.

**29. Protection of services**

Prior to any excavation works, the location and depth of all services (telephone, cable TV, electricity, gas, water, sewer, drainage, etc.) must be ascertained. The developer must meet all costs of any adjustment, relocation or reinstatement of any services.

**30. Road Opening Permit**

Prior to the commencement of any excavation in Council controlled roadways or footpath areas, the developer must obtain a road opening permit from Council's Customer Services Counter. Restoration of roads, footpaths, retaining walls, kerbs and gutters must be carried out in accordance with the relevant clauses of the current edition of AUS-SPEC.

**31. Public footpaths**

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 footpaths 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 Council's document "Standard Specifications for Roadworks, Drainage and Miscellaneous Works dated Jan 2003.

Where circulation is diverted on to the roadway clear directional signage and protective barricades must be installed in accordance with Australian Standard AS1742-3 2002 "*Traffic Control Devices for Work on Roads*". Should the applicant propose to direct pedestrians onto the road pavement of a State road then an application is to be made to the RTA for a Road Occupancy Licence. Licence approval is to be submitted to Council.

If pedestrian circulation is not satisfactorily maintained, and action is not taken promptly to rectify the defects, Council may carry out remedial works and deduct the cost from the Damage Security Deposit.

**32. Repair of Damaged Infrastructure**

If Council's infrastructure is damaged during the course of works, Council's Development Engineer must be notified and necessary repairs must be undertaken within the time stipulated by Council, to Council's specifications, and at no cost to Council. Works generally must be in accordance with the relevant clauses of the current edition of AUS-SPEC.

If work is not undertaken to the satisfaction of the Development Engineer with regard to time or quality, Council may carry out remedial works and deduct the cost from the Damage Security Deposit.

**33. Toilet facilities**

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

(b) Each toilet provided:

(a) must be a standard flushing toilet; and

- (b) must be connected:
  - (i) to a public sewer; or
  - (ii) if connection to a public sewer is not practicable, to an accredited sewage management facility approved by the Council; or
  - (iii) if connection to a public sewer or an accredited sewage management facility is not practicable, to some other sewage management facility approved by the Council.
- (c) The provision of toilet facilities in accordance with this clause must be completed before any other work is commenced.
- (d) In this condition:

***accredited sewage management facility*** means a sewage management facility to which Division 4A of Part 3 of the Local Government (Approvals) Regulation 1993 applies, being a sewage management facility that is installed or constructed to a design or plan the subject of a certificate of accreditation referred to in Clause 95B of the Regulation.

***approved by the Council*** means the subject of an approval in force under Division 1 of Part 3 of the *Local Government (Approvals) Regulation 1993*.

***public sewer*** has the same meaning as it has in the *Local Government (Approvals) Regulation 1993*.

***sewage management facility*** has the same meaning as it has in the Local Government (Approvals) Regulation 1993.

#### **34. Support for neighbouring buildings**

- (a) If an excavation associated with the erection or demolition of a building extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation to be made:
  - (i) must preserve and protect the building from damage; and
  - (ii) if necessary, must underpin and support the building in an approved manner; and
  - (iii) must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.
- (b) The owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this condition, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.
- (c) In this condition, allotment of land includes a public road and any other public place.

#### **35. Compliance with Building Code of Australia**

- (a) All building work must be carried out in accordance with the provisions of the *Building Code of Australia*.

- (b) This condition does not apply to the extent to which an exemption is in force under Clause 187 or 188, of the *Environmental Planning and Assessment Regulation 2000*, subject to the terms of any condition or requirement referred to in Clause 187 (6) or 188 (4) of the Regulation.

**36. Signs to be erected on building and demolition sites**

- (a) 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:
  - (i) stating that unauthorised entry to the work site is prohibited; and
  - (ii) 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.
- (b) Any such sign must be removed when the work has been completed.
- (c) This clause does not apply to:
  - (i) building work carried out inside an existing building; or
  - (ii) building work carried out on premises that must be occupied continuously (both during and outside working hours) while the work is being carried out.

**37. Payment of Long Service Levy, Security, Development Levy and Fees (G.1)**

The person(s) with the benefit of this consent must pay the following long service levy, security, development levy, and fees prior to the issue of any *construction certificate*, *subdivision certificate* or *occupation certificate*, as will apply.

The *certifying authority* must not issue any *Part 4A Certificate* until provided with the original receipt(s) for the payment of all of the following levy, security, contributions, and fees. Specifically

- a) prior to the issue of a *construction certificate*, where a construction certificate is required; or
- b) prior to the issue of a *subdivision certificate*, where only a subdivision certificate is required; or
- c) prior to the issue of an *occupation certificate* in any other instance.

Description	Amount	Indexed	Council Fee Code
<b>LONG SERVICE LEVY</b>			
under Building and Construction Industry Long Service Payments Act 1986			
<b>Long Service Levy</b> (Currently 0.35% of contract value – subject to change. Contact LSL Corporation to confirm current rate)	Contact LSL Corporation	No	
<b>SECURITY</b>			
under section 80A(6) of the Environmental Planning and Assessment Act 1979			
<b>Property Damage Security Deposit -</b> Making good any damage caused to any property of the Council as a consequence of the doing of anything to which the consent relates.	\$5 000	Yes, yearly	T600

<b>DEVELOPMENT LEVY</b>			
under Woollahra Section 94A Development Contributions Plan 2005			
This plan may be inspected at Woollahra Council or downloaded from our website <a href="http://www.woollahra.nsw.gov.au">www.woollahra.nsw.gov.au</a>			
Development Levy	\$900	Yes, quarterly	T94
<b>INSPECTION FEES</b>			
under section 608 of the Local Government Act 1993			
Security Administration Fee	\$163	No	T16
TOTAL SECURITY, CONTRIBUTIONS, LEVIES AND FEES	\$6 063 Plus any relevant indexed amounts and long service levy		

**How must the payments be made?**

Payments must be made by:

1. Cash deposit with Council,
2. Credit card payment with Council, or
3. Bank cheque made payable to Woollahra Municipal Council.

The payment of a security may be made by a bank guarantee where:

- a) the guarantee is by an Australian bank for the amount of the total outstanding contribution;
- b) the bank unconditionally agrees to pay the guaranteed sum to the Council on written request by Council on completion of the development or no earlier than 12 months from the provision of the guarantee whichever occurs first;
- c) the bank agrees to pay the guaranteed sum without reference to the applicant or landowner or other person who provided the guarantee and without regard to any dispute, controversy, issue or other matter relating to the development consent or the carrying out of development in accordance with the development consent; and
- d) the bank's obligations are discharged when payment to the Council is made in accordance with the guarantee or when Council notifies the bank in writing that the guarantee is no longer required.

**How will a security and a section 94A levy be indexed?**

To ensure that the value of a security and development levy are not eroded over time by increases in costs, the security and proposed cost of carrying out development (from which the development levy is calculated) will be indexed either annually or quarterly (see table above). Clause 3.13 of the Woollahra Section 94A Development Contributions Plan 2005 sets out the formula and index to be used in adjusting the s.94A levy.  
Do you need HELP indexing the security, bond or levy?

Please contact our customer service officers. Failure to correctly calculate the adjusted security, bond or development levy will delay the issue of any Part 4A Certificate and could void any Part 4A Certificate (construction certificate, subdivision certificate, or occupation certificate).

**Deferred periodic payment of section 94A levy under the Woollahra Section 94A Development Contributions Plan 2005**

Where the applicant makes a written request supported by reasons for payment of the section 94A levy other than as required by clause 3.9, the Council may accept deferred or periodic payment. The decision to accept a deferred or periodic payment is at the sole discretion of the Council, which will consider:

- a) the reasons given;
- b) whether any prejudice will be caused to the community deriving benefit from the public facilities;
- c) whether any prejudice will be caused to the efficacy and operation of this plan; and
- d) whether the provision of public facilities in accordance with the adopted works schedule will be adversely affected.

Council may, as a condition of accepting deferred or periodic payment, require the provision of a bank guarantee where:

- a) the guarantee is by an Australian bank for the amount of the total outstanding contribution;

- b) the bank unconditionally agrees to pay the guaranteed sum to the Council on written request by Council on completion of the development or no earlier than 12 months from the provision of the guarantee whichever occurs first;
- c) the bank agrees to pay the guaranteed sum without reference to the applicant or landowner or other person who provided the guarantee and without regard to any dispute, controversy, issue or other matter relating to the development consent or the carrying out of development in accordance with the development consent; and
- d) the bank's obligations are discharged when payment to the Council is made in accordance with the guarantee or when Council notifies the bank in writing that the guarantee is no longer required.

Any deferred or outstanding component of the section 94A levy will be adjusted in accordance with clause 3.13 of the plan. The applicant will be required to pay any charges associated with establishing or operating the bank guarantee. Council will not cancel the bank guarantee until the outstanding contribution as indexed and any accrued charges are paid.

### 38. Occupation of premises

A person must not commence occupation or use of the whole or any part of a *new building* (within the meaning of section 109H (4) of the *Act*) unless an occupation certificate has been issued in relation to the building or part.

**Note:** *new building* includes an altered portion of, or an extension to, an existing building.

**Note:** In circumstance where the works do not relate to occupation the required *occupation certificate* is essentially a certificate of completion of the approved work.

### 39. Use of Premises

A development application is to be submitted to Council with respect to the future specific use of the area including fitouts and lighting (external and internal) of the building prior to the commencement of that use.

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### R3 DA492/2006 – 11A Jersey Road, Woollahra – New roof sheeting to pergola and internal wall - 09/08/2006

**Note:** Late correspondence was tabled by S Guy Schofield (2 pieces).

**Note:** Mr G Schofield of 15 Jersey Road, Woollahra and Mr D Loxton of 17 Jersey Road, Woollahra, objectors addressed the Committee.

**(Petrie/Huxley)**

#### **Recommendation:**

- A. THAT, as the unauthorised works are unsatisfactory with regard to the relevant objectives and controls of the Woollahra Local Environmental Plan 1995 (WLEP 1995) and Woollahra Heritage Conservation Area Development Control Plan 2003 (WHCA 2003) for the following reasons:
  - 1. The works result in a loss of the shared characteristics of the group of significant items, contrary to the objectives contained in cl 2(2)(g)(i - ii) of the WLEP 1995 and cl.1.6(c) of the WHCA DCP 2003 and the controls contained in C5 and C6 of Section 3.2.1 of the WHCA 2003.

2. The scale of the works is excessive and is contrary to the controls contained in C5 and C6 of Section 3.2.1 of the WHCA 2003.
3. The roofing materials are inappropriate within the Conservation Area and contrary to control C1 of Section 3.4.5 of the WHCA 2003 and pose a safety risk.
4. The roofing will adversely impact on the garden setting and open space.
5. The proposed development will impact on the visual amenity and acoustic privacy of the surrounding properties, contrary to objective 01 of Section 3.4.12 of the WHCA 2003.

Council requires these works to be removed within 28 days.

- B. That this matter be referred to the Manager – Compliance to take appropriate action under Part 6 of the Environmental Planning and Assessment Act 1979 in accordance with Council’s Policy on Unauthorised Uses, Buildings and Works for failure to obtain Council’s consent prior to carrying out the unauthorised works.
- C. THAT Council, as the consent authority, grant development consent to that part of DA 492/2006/1 for the internal single skin wall only, to the existing dwelling on land 11A Jersey Road, Woollahra, subject to the following conditions:

### 1. **Approved Plans**

This consent relates to the work, shown in colour, on plans numbered A02 and A03, dated July 2006, drawn by J P Designs, all of which carry a Council stamp “*Approved DA Plans*” and the signature of a Council officer, except where amended by the following conditions.

### 2. **Roof Sheeting**

No approval is given or implied by this consent to the roof sheeting over the pergola / awning at the rear of the dwelling. Council has no power under the Environmental Planning and Assessment Act 1979 to grant retrospective approval to a development application in respect of works undertaken without consent.

### 3. **Requirement for a Construction Certificate**

In accordance with the provisions of Section 81A of *the Environmental Planning and Assessment Act 1979*, the erection of the building must not be commenced until:

- (a) detailed plans and specifications of the building have been endorsed with a Construction Certificate by:
  - (i) Council; or
  - (ii) an accredited certifier; and
- (b) a principal certifying authority (PCA) has been appointed and the Council has been notified in writing of the appointment, and
- (c) at least two days notice, in writing, has been given to Council of the intention to commence work.

#### 4. Structural details

Structural engineering details and design calculations, prepared and certified by a qualified practising Structural Engineer, must be submitted with Construction Certificate application, for all reinforced concrete work, structural steel work, retaining walls, brick fences, shoring and underpinning, isolated piers, chimneys, parapets and other structural members.

This condition is imposed to ensure the structural integrity of the proposed building work.

#### 5. Demolition, excavation and construction hours

Demolition, excavation and construction work must not take place outside the hours of 7.00am to 5.30pm Monday to Friday and 7.00am to 1.00pm Saturday. No work and no deliveries are to take place on Sundays and public holidays. Noise from construction activities associated with the development must comply with the guidelines contained in the NSW EPA *Environmental Noise Control Manual* Chapter 171.

#### 6. Building Inspections

The Applicant, Owner and Builder, jointly and severally, must ensure that they call their Principal Certifying Authority ("the PCA") to carry out such critical phase building inspections required by the PCA, the PCA Service Agreement and that the PCA is satisfied with the level of compliance achieved before the Builder proceeds to the next phase of construction. Ample notice of required inspections must be given to the PCA in accordance with the PCA Service Agreement. The Applicant, Owner and Builder must comply with the PCA Service Agreement (Service Contract) and any lawful direction given by the Principal Certifying Authority.

**Note:** It is the responsibility of the PCA to ensure that critical phase building inspections are undertaken in accordance with a PCA Service Agreement and issue to the Applicant, Owner and Builder appropriate Notice under Section 109L of the Environmental Planning & Assessment Act 1979 ("the Act") where any breach of this consent occurs. Failure of the PCA to issue such notice may result in Council taking action under Section 109V of the Act. Failure of the Applicant, Owner and Builder to comply with a PCA Service Agreement and comply with lawful directions of the PCA under this condition may result in Council issuing fines, notices, orders and commencing legal proceedings. Council will only enter into PCA Agreements with the Owner of the land being developed. Council, if appointed as the PCA, will report to the owner of the land being developed.

#### 7. Payment of Long Service Levy, Security, Development Levy and Fees

The person(s) with the benefit of this consent must pay the following long service levy, security, development levy, and fees prior to the issue of any *construction certificate*, *subdivision certificate* or *occupation certificate*, as will apply.

The *certifying authority* must not issue any *Part 4A Certificate* until provided with the original receipt(s) for the payment of all of the following levy, security, contributions, and fees. Specifically;

- a) prior to the issue of a *construction certificate*, where a construction certificate is required; or

- b) prior to the issue of a *subdivision certificate*, where only a subdivision certificate is required; or
- c) prior to the issue of an *occupation certificate* in any other instance.

Description	Amount	Indexed	Council Fee Code
<b>LONG SERVICE LEVY</b> under Building and Construction Industry Long Service Payments Act 1986			
<b>Long Service Levy</b> Use Calculator: <a href="http://www.lspc.nsw.gov.au/levy_information/?levy_information/levy_calculator.stm">http://www.lspc.nsw.gov.au/levy_information/?levy_information/levy_calculator.stm</a>	Contact LSL Corporation or use their online calculator	No	
<b>SECURITY</b> under section 80A(6) of the Environmental Planning and Assessment Act 1979			
<b>Property Damage Security Deposit -</b> Making good any damage caused to any property of the <i>Council</i> as a consequence of the doing of anything to which the consent relates.	\$2000	No	T600
<b>INSPECTION FEES</b> under section 608 of the Local Government Act 1993			
Security Administration Fee	\$163	No	T16
<b>TOTAL SECURITY, CONTRIBUTIONS, LEVIES AND FEES</b>	\$2,163.00 Plus any relevant indexed amounts and long service levy		

#### How must the payments be made?

Payments must be made by:

1. Cash deposit with Council,
2. Credit card payment with Council, or
3. Bank cheque made payable to Woollahra Municipal Council.

The payment of a security may be made by a bank guarantee where:

- a) the guarantee is by an Australian bank for the amount of the total outstanding contribution;
- b) the bank unconditionally agrees to pay the guaranteed sum to the Council on written request by Council on completion of the development or no earlier than 12 months from the provision of the guarantee whichever occurs first;
- c) the bank agrees to pay the guaranteed sum without reference to the applicant or landowner or other person who provided the guarantee and without regard to any dispute, controversy, issue or other matter relating to the development consent or the carrying out of development in accordance with the development consent; and
- d) the bank's obligations are discharged when payment to the Council is made in accordance with the guarantee or when Council notifies the bank in writing that the guarantee is no longer required.

#### How will the section 94A levy be indexed?

To ensure that the value of the development levy is not eroded over time by increases in costs, the proposed cost of carrying out development (from which the development levy is calculated) will be indexed either annually or quarterly (see table above). Clause 3.13 of the Woollahra Section 94A Development Contributions Plan 2005 sets out the formula and index to be used in adjusting the s.94A levy.

#### Do you need HELP indexing the levy?

Please contact our customer service officers. Failure to correctly calculate the development levy will delay the issue of any Part 4A Certificate and could void any Part 4A Certificate (construction certificate, subdivision certificate, or occupation certificate).

**Deferred periodic payment of section 94A levy under the Woollahra Section 94A Development Contributions Plan 2005**

Where the applicant makes a written request supported by reasons for payment of the section 94A levy other than as required by clause 3.9, the Council may accept deferred or periodic payment. The decision to accept a deferred or periodic payment is at the sole discretion of the Council, which will consider:

- a) the reasons given;
- b) whether any prejudice will be caused to the community deriving benefit from the public facilities;
- c) whether any prejudice will be caused to the efficacy and operation of this plan; and
- d) whether the provision of public facilities in accordance with the adopted works schedule will be adversely affected.

Council may, as a condition of accepting deferred or periodic payment, require the provision of a bank guarantee where:

- a) the guarantee is by an Australian bank for the amount of the total outstanding contribution;
- b) the bank unconditionally agrees to pay the guaranteed sum to the Council on written request by Council on completion of the development or no earlier than 12 months from the provision of the guarantee whichever occurs first;
- c) the bank agrees to pay the guaranteed sum without reference to the applicant or landowner or other person who provided the guarantee and without regard to any dispute, controversy, issue or other matter relating to the development consent or the carrying out of development in accordance with the development consent; and
- d) the bank's obligations are discharged when payment to the Council is made in accordance with the guarantee or when Council notifies the bank in writing that the guarantee is no longer required.

Any deferred or outstanding component of the section 94A levy will be adjusted in accordance with clause 3.13 of the plan. The applicant will be required to pay any charges associated with establishing or operating the bank guarantee. Council will not cancel the bank guarantee until the outstanding contribution as indexed and any accrued charges are paid.

**8. Stockpiles**

Stockpiles of topsoil, sand, aggregate, soil or other material must not be located on any drainage line or easement, natural watercourse, footpath or roadway, or within the dripline of any Street Tree. Stockpiles within the construction site must be protected with adequate sediment controls, in accordance with Council's Code for Sediment Control.

**9. Location of building operations**

Building operations such as brick cutting, washing tools or brushes and mixing mortar must not take place on public roadways or footways or in any other location which could lead to the discharge of materials into the stormwater drainage system.

Footpaths, gutters and roadways must be swept regularly to keep them free from sediment.

**10. Disposal of site water during construction**

The disposal of site water (includes groundwater, seepage, dewatering and stormwater trapped in excavations) must be in accordance with the requirements contained within Council's "*Stormwater Development Control Plan and Local Approvals Policy*". **Disposal of site water to Council's stormwater system is not permitted. The applicant is advised to liaise with Sydney Water regarding a Trade Waste Agreement.**

**11. Standard for demolition**

All demolition work must be undertaken in accordance with the provisions of *Australian Standard AS2601-2001: The Demolition of Structures*.

**12. Damage security deposit**

A security deposit of \$ 2000 for the cost of making good any damage to Council property caused as a consequence of the construction work, plus an administration fee of \$163.00, must be paid to Council prior to the issue of the Construction Certificate. The security deposit, which may be in the form of a bank guarantee, has been calculated in accordance with the following schedule.

<b>Estimated cost of work</b>	<b>Deposit</b>
Works up to \$50,000	\$2,000
Works in excess of \$50,000 & up to \$100,000	\$4,000
Works in excess of \$100,000	\$4,000+\$200/\$10,000 estimated cost>\$100,000

The security or bank guarantee must not have an expiry date.

Council may use all or part of the Damage Security Deposit to complete damage restoration works if they do not meet Council's requirements.

**13. Storage of materials and plant on Council's footpath**

Building, excavation or demolition materials and plant must not be stored on Council's footpath and/or roadway unless prior written approval has been obtained from Council's Development Engineer.

**14. Public footpaths**

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 footpaths 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 Council's document "Standard Specifications for Roadworks, Drainage and Miscellaneous Works dated Jan 2003.

Where circulation is diverted on to the roadway clear directional signage and protective barricades must be installed in accordance with Australian Standard AS1742-3 2002 "*Traffic Control Devices for Work on Roads*". Should the applicant propose to direct pedestrians onto the road pavement of a State road then an application is to be made to the RTA for a Road Occupancy Licence. Licence approval is to be submitted to Council.

If pedestrian circulation is not satisfactorily maintained, and action is not taken promptly to rectify the defects, Council may carry out remedial works and deduct the cost from the Damage Security Deposit.

**15. Water quality protection**

The operation of the premises must be conducted in a manner, which does not pollute waters as defined by the *Protection of the Environment Operations Act 1997*.

**16. Compliance with Building Code of Australia**

- (a) All building work must be carried out in accordance with the provisions of the *Building Code of Australia*.
- (b) This condition does not apply to the extent to which an exemption is in force under Clause 187 or 188, of the *Environmental Planning and Assessment Regulation 2000*, subject to the terms of any condition or requirement referred to in Clause 187 (6) or 188 (4) of the Regulation.

**17. Residential building work**

- (a) Building work that involves residential building work (within the meaning of the *Home Building Act 1989*) must not be carried out unless the principal certifying authority (PCA) for the development to which the work relates:
  - in the case of work to be done by a licensee under that Act:
    - (i) has been informed in writing of the licensee's name and contractor license number; and
    - (ii) is satisfied that the licensee has complied with the requirements of Part 6 of that Act; or
  - in the case of work to be done by any other person:
    - (iii) has been informed in writing of the person's name and owner-builder permit number; or
    - (iv) has been given a declaration, signed by the owner of the land, that states that the reasonable market cost of the labour and materials involved in the work is less than the amount prescribed for the purposes of the definition of owner-builder work in Section 29 of that Act,

and is given appropriate information and declarations under paragraphs (a) and (b) whenever arrangements for the doing of the work are changed in such a manner as to render out of date any information or declaration previously given under either of those paragraphs.

Note: The amount referred to in paragraph (a) (iv) above is prescribed by regulations under the *Home Building Act 1989*. As at the date on which this Regulation was Gazetted, that amount was \$5,000. As those regulations are amended from time to time, so that amount may vary.

- (b) A certificate purporting to be issued by an approved insurer under Part 6 of the *Home Building Act 1989* that states that a person is the holder of an insurance policy issued for the purposes of that Part is, for the purposes of this clause, sufficient evidence that the person has complied with the requirements of that Part.

**18. Signs to be erected on building and demolition sites**

- (a) 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:
    - (i) stating that unauthorised entry to the work site is prohibited; and
    - (ii) 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.
  - (b) Any such sign must be removed when the work has been completed.
  - (c) This clause does not apply to:
    - (i) building work carried out inside an existing building; or
    - (ii) building work carried out on premises that must be occupied continuously (both during and outside working hours) while the work is being carried out.
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There being no further business the meeting concluded at 10.40pm.

***We certify that the pages numbered 7 to 46 inclusive are the Minutes of the Development Control Committee Meeting held on 22 January 2007 and confirmed by the Development Control Committee on 5 February 2007 as correct.***

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**Chairperson**

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**Secretary of Committee**