

Council Meeting

Tuesday 29 January 2008

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Items Determined Under Delegated Authority by Council Committees

The following Items were determined under Delegated Authority. To see the delegated decisions of Council please refer to the individual Committee Meeting Minutes.

Corporate & Works Committee Meeting held on Monday 21 January 2008

- D1 Confirmation of Minutes of Meeting held on 10 December 2007
- D2 Monthly Financial Report - December 2007
- D3 Disclosure of Interest Returns submitted by new designated employees October to December 2007
- D4 Queens Ave, Vaucluse - Proposed Road Closure and Sale
- D5 Organisation Support Principal Activity - 2nd Quarter Management Plan Review
- D6 Capital Projects Status Update

Development Control Committee Meeting held on Monday 21 January 2008

- D1 Confirmation of Minutes of Meeting held on 10 December 2007
- D2 DA413/2007 – 40 Gurner Street, Paddington – Alterations and additions – 26/6/07
- D3 DA710/2006/2 – 14 Holland Road, Bellevue Hill - Section 96 Application – Reinstatement of the double garage – 27/8/07
- D4 DA458/2007 – 40-41 Olola Avenue, Vaucluse – Alterations and additions to the existing garage – 12/7/07 – (See Item R2)
- D5 DA359/2007 – 2 Oxford Street, Woollahra – Alterations and additions to the Light Brigade Hotel, including creation of an external smoking area on the Oxford Street frontage, changes to windows and internal refurbishment – 4/6/07 – (See Item R1)
- D6 DA772/2006 – 32 Towns Road, Vaucluse – Section 82A Review - Alterations and additions – 9/3/07
- D7 DA464/2007 – 20B Tivoli Avenue, Rose Bay – New dwelling-house, swimming pool and landscaping works – 16/7/07
- D8 DA1/2007 – 129 Hopetoun Avenue, Vaucluse – Demolition of the existing residential flat building and the construction of a new residential flat building including basement parking, new swimming pool, landscaping and site works – 2/1/07
- D9 DA587/2007 – 9 Caledonian Road, Rose Bay – Alterations and additions – 12/9/07
- D10 DA476/2007 – 1 St Michaels Place, Vaucluse – Section 82A Review - Remove timber shingles and replace with copper roofing – 2/11/07
- D11 Register of Current Land and Environment Court Appeals for Development Applications
- D12 DA372/2007 – 1/1 Wentworth Street, Point Piper – Substantial alterations and additions including a new two storey addition, swimming pool and deck and widening of a driveway – 8/6/2007

Urban Planning Committee Meeting held on Monday 17 December 2007

- D1 Confirmation of Minutes of Meeting held on 26 November 2007

Community & Environment Committee Meeting held on Monday 17 December 2007

- D1 Confirmation of Minutes of Meeting held on 26 November 2007
- D2 Woollahra Traffic Committee Minutes - 4 December 2007
 - Y1 Parking Restrictions Changes
 - Y2 Point Piper Marina - Application For Loading / No Parking Zones
 - Y3 No. 16 Tivoli Avenue, Rose Bay – Works Zone
 - Y4 No. 1 Marine Parade, Double Bay – Works Zone
 - Y5 No. 3 Holt Street, Double Bay – Works Zone
 - Y6 No. 6 Etham Avenue, Darling Point– Works Zone
 - Y7 No. 1B Marathon Road, Darling Point – Works Zone
 - Y8 No. 29 Comber Street, Paddington – Works Zone
 - Y9 Stage 1 Paddington PAMP Projects
 - Y10 Suttie Road, East of Manning Road, Woollahra – Traffic Calming
 - Y11 No. 530 New South Head Road, Double Bay – Reduction of Works Zone
- D3 Woollahra Traffic Committee Minutes - 10 December 2007
 - Y12 No. 5 Milton Avenue, Woollahra – Works Zone
 - Y13 No. 5 Balfour Road, Rose Bay – Works Zone
 - Y14 No. 9 Wunulla Road, Point Piper – Works Zone
- D4 Tackling Transport Forum



Council Meeting

**Minutes of the Meeting of Woollahra Municipal Council
held at the Council Chambers, Double Bay, on
Tuesday 29 January 2008 at 8.00pm.**

Present: His Worship the Mayor, Councillor Geoff Rundle
Councillors Anthony Boskovitz
John Comino
Claudia Cullen
Christopher Dawson
Wilhelmina Gardner
Keri Huxley
Julian Martin
Andrew Petrie
Isabelle Shapiro
David Shoebridge
Fiona Sinclair King

Staff: A Coker (Director – Planning & Development)
G Clarke (A/General Manager)
W Hatton (Director – Technical Services)
K Walshe (Director – Community Services)
L Windle (Manager – Governance)

Also in Attendance: Nil

Confirmation of Minutes

(Petrie/Cullen)

- 1/1** THAT the Minutes of the Council Meeting held on 17 December 2007 be taken as read and confirmed.

Adopted

Leave of Absence

Nil

Apologies

(Petrie/Cullen)

- 2/1** Apologies were received and accepted from Councillors Marcus Ehrlich, Tanya Excell and John Walker and Leave of Absence granted.

Adopted

Declarations of Interest

Nil

Corporate & Works Committee

Items with Recommendations from the Committee Meeting of Monday 21 January 2008 Submitted to the Council for Determination

Item No: R1 Recommendation to Council
Subject: **Saber and Rowe Street – Road Reconstruction Project**
Author: Joe Cavagnino – Purchasing Coordinator
File No: Tender No 07/20
Reason for Report: To recommend to Council the acceptance of a Tender

(Petrie/Comino)

3/1 Resolved without debate:

- A. That Council enter into a Contract with Ozpave (Aust) Pty Ltd for the Saber and Rowe Street Road Reconstruction project for the sum of \$188,637.55 (excluding GST).
- B. That successful and unsuccessful tenderers be advised accordingly.
- C. That in order to fully fund the project, \$36,815 be transferred from the Road Infrastructure Project at Brown Street, Paddington.

Item No: R2 Recommendation to Council
Subject: **Reallocation of Funds For Community Services Activities**
Author: Kylie Walshe
File No: 126.G
Reason for Report: To request a reallocation of unspent funds by Holdsworth Community Centre to community organisations in the form of community grants.

(Shoebridge/Sinclair King)

4/1 Resolved:

That the allocation of unspent funds be deferred until the further report from the Director of Community Services on the revised policy on the allocation of funds for community grants.

Item No: R3 Recommendation to Council
Subject: **Gurner Lane Footpath Widening**
Author: Warwick Hatton – Director, Technical Services
File No: 211
Reason for Report: For the Committee to consider the Gurner Lane footpath widening proposal.

(Petrie/Comino)

5/1 Resolved without debate:

- A. That the proposal for footpath widening in Gurner Street as detailed in Annexure 1 of this report be adopted.
 - B. That the Department of Education's offer to transfer ownership of the affected section of land to Woollahra Council without cost be accepted and the necessary steps to effect the transfer be initiated.
 - C. That a further report be provided detailing the actions to be taken to effect the transfer of the land.
 - D. That these works be funded from residual funds from the deferred O'Sullivan Rd project.
-

Development Control Committee

Items with Recommendations from the Committee Meeting of Monday 21 January 2008 Submitted to the Council for Determination

Item No: R1 Recommendation to Council
Subject: 2 Oxford Street, Woollahra – Alterations and additions to the light Brigade Hotel, including creation of an external smoking area on the Oxford Street frontage, changes to windows and internal refurbishment – 4/6/07
Author: Belinda Thomas – Assessment Officer
File No: DA359/2007
Reason for Report: In accordance with Council’s meeting procedures and policy this matter has been called to full Council by Councillor Huxley.

Motion moved by Councillor Huxley
Seconded by Councillor Gardner

That the application be refused for the following reasons:

- The proposal has unacceptable impacts on heritage
- The proposal has unacceptable impacts on safety and security
- The proposal is not in the public interest

Amendment moved by Councillor Shoebridge
Seconded by Councillor Martin

That the staff recommendation for approval of the application submitted to the Development Control Committee meeting on 21 January 2008 be adopted subject to deletion of Condition C.2.b.

The Amendment was put and carried
The Amendment became the Motion
The Motion was adopted

6/1 Resolved:

THAT the Council, as the consent authority, grant development consent to Development Application No. 359/2007 for alterations and additions to the Light Brigade Hotel, including creation of an external smoking area on the Oxford Street frontage, changes to windows and internal refurbishments on land at 2 Oxford Street Woollahra, subject to the following conditions:

A. General Conditions

A.1 Conditions

Consent is granted subject to the following conditions imposed pursuant to section 80 of the Environmental Planning & Assessment Act 1979 (“the *Act*”) and the provisions of the Environmental Planning and Assessment Regulation 2000 (“the *Regulation*”) such conditions being reasonable and relevant to the development as assessed pursuant to section 79C of the Act.

Standard Condition: A1

A.2 Definitions

Unless specified otherwise words have the same meaning as defined by the *Act*, the *Regulation* and the *Interpretation Act 1987* as in force at the date of consent.

Applicant means the applicant for this Consent.

Approved Plans mean the plans endorsed by Council referenced by this consent as amended by conditions of this consent.

AS or *AS/NZS* means Australian Standard® or Australian/New Zealand Standard®, respectively, published by Standards Australia International Limited.

BCA means the Building Code of Australia as published by the Australian Building Codes Board as in force at the date of issue of any *Construction Certificate*.

Council means Woollahra Municipal Council

Court means the Land and Environment Court

Local native plants means species of native plant endemic to Sydney’s eastern suburbs (see the brochure titled “Local Native Plants for Sydney’s Eastern Suburbs published by the Southern Sydney Regional Organisation of Councils).

Stormwater Drainage System means all works, facilities and documentation relating to:

- a. The collection of stormwater,
- b. The retention of stormwater,
- c. The reuse of stormwater,
- d. The detention of stormwater,
- e. The controlled release of stormwater; and
- f. Connections to easements and public stormwater systems.

Owner means the owner of the *site* and successors in title to the *site*.

Owner Builder has the same meaning as in the *Home Building Act 1989*.

PCA means the *Principal Certifying Authority* under the *Act*.

Principal Contractor has the same meaning as in the *Act* or where a *principal contractor* has not been appointed by the *owner* of the land being developed *Principal Contractor* means the *owner* of the land being developed.

Professional Engineer has the same meaning as in the *BCA*.

Public Place has the same meaning as in the *Local Government Act 1993*.

Road has the same mean as in the *Roads Act 1993*.

SEE means the final version of the Statement of Environmental Effects lodged by the *Applicant*.

Site means the land being developed subject to this consent.

WLEP 1995 means *Woollahra Local Environmental Plan 1995*

Work for the purposes of this consent means:

- a. the use of land in connection with development,
- b. the subdivision of land,
- c. the erection of a building,
- d. the carrying out of any work,
- e. the use of any site crane, machine, article, material, or thing,
- f. the storage of waste, materials, site crane, machine, article, material, or thing,
- g. the demolition of a building,
- h. the piling, piercing, cutting, boring, drilling, rock breaking, rock sawing or excavation of land,
- i. the delivery to or removal from the *site* of any machine, article, material, or thing, or
- j. the occupation of the *site* by any person unless authorised by an *occupation certificate*.

Note: Interpretation of Conditions - Where there is any need to obtain an interpretation of the intent of any condition this must be done in writing to Council and confirmed in writing by Council.
Standard Condition: A2

A.3 Approved Plans and supporting documents

Those with the benefit of this consent must carry out all work and maintain the use and works in accordance with the plans and supporting documents listed below as submitted by the Applicant and to which is affixed a Council stamp “Approved DA Plans” **unless modified by any following condition**. Where the plans relate to alterations or additions only those works shown in colour or highlighted are approved.

Reference	Description	Author/Drawn	Date(s)
LB07/PP2	Architectural Plans	Annie Snell Design	17.3.07
LBO7/PE2			17.3.07
LB07/PD1 Rev A			14.8.07
LBO7/PP1 Rev A			14.8.07
LB07/PE1 Rev A			14.8.07

Note: Warning to Accredited Certifiers – You should always insist on sighting the original Council stamped approved plans. You should not rely solely upon the plan reference numbers in this condition. Should the applicant not be able to provide you with the original copy Council will provide you with access to its files so you may review our original copy of the approved plan.

Note: These plans and supporting documentation may be subject to conditions imposed under section 80A(1)(g) of the *Act* modifying or amending the development (refer to conditions which must be satisfied prior to the issue of any *Construction Certificate*.)
Standard Condition: A5

A.4 Ancillary Aspect of the Development (s80A(2) of the Act)

The owner must procure the repair, replacement or rebuilding of all road pavement, kerb, gutter, footway, footpaths adjoining the site or damaged as a result of work under this consent or as a consequence of work under this consent. Such work must be undertaken to Council's satisfaction in accordance with Council's "Specification for Roadworks, Drainage and Miscellaneous Works" dated January 2003 unless expressly provided otherwise by these conditions at the *owner's* expense.

Note: This condition does not affect the *principal contractor's* or any sub-contractors obligations to protect and preserve public infrastructure from damage or affect their liability for any damage that occurs.
Standard Condition: A8

A.5 Prescribed Conditions

Prescribed conditions in force under the *Act* and *Regulation* must be complied with.

Note: It is the responsibility of those acting with the benefit of this consent to comply with all prescribed conditions under the *Act* and the *Regulation*. Free access can be obtained to all NSW legislation at www.legislation.nsw.gov.au
Standard Condition: A30

A.6 Painting existing unpainted brickwork

Painting existing unpainted brick work is prohibited.

B. Conditions which must be satisfied prior to the demolition of any building or construction

B.1 Construction Certificate required prior to any demolition

Where demolition is associated with an altered portion of, or an extension to an existing building the demolition of any part of a building is "commencement of erection of building" pursuant to section 81A(2) of the *Act*. In such circumstance all conditions in Part C and Part D of this consent must be satisfied prior to any demolition work. This includes, but is not limited to, the issue of a Construction Certificate, appointment of a PCA and Notice of Commencement under the *Act*.

Note: See *Over our Dead Body Society Inc v Byron Bay Community Association Inc* [2001] NSWLEC 125.
Standard Condition: B1

B.2 Recording of significant or contributory buildings prior to any demolition

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. A copy of the final heritage report submitted with the development application,
- b. 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.
- c. Each photograph to be mounted, labelled and cross-referenced in accordance with recognised archival recording practice.
- d. 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.
Standard Condition: B3

C. Conditions which must be satisfied prior to the issue of any construction certificate

C.1 Payment of Security, Levies and Fees (S80A(6) & S94 of the Act, Section 608 of the Local Government Act 1993)

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
LONG SERVICE LEVY under Building and Construction Industry Long Service Payments Act 1986			
Long Service Levy Use Calculator: http://www.lspc.nsw.gov.au/levy_information/?levy_information/levy_calculator.stm	Contact LSL Corporation or use their online calculator	No	
SECURITY under section 80A(6) of the Environmental Planning and Assessment Act 1979			
Property Damage Security Deposit - 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.	\$14 000	No	T600
DEVELOPMENT LEVY under Woollahra Section 94A Development Contributions Plan 2005 This plan may be inspected at Woollahra Council or downloaded from our website www.woollahra.nsw.gov.au .			
Development Levy	\$5000+ Index Amount	Yes, quarterly	T94
INSPECTION FEES under section 608 of the Local Government Act 1993			
Security Administration Fee	\$163	No	T16
TOTAL SECURITY, CONTRIBUTIONS, LEVIES AND FEES	\$19 163 Plus any relevant indexed amounts and long service levy		

Building & Construction Industry Long Service Payment

The Long Service Levy under Section 34 of the *Building & Construction Industry Long Service Payment Act, 1986*, must be paid and proof of payment provided to the *Certifying Authority* prior to the issue of any *Construction Certificate*.

Note: The Levy can be paid directly to the Long Services Payments Corporation or to Council. Further information can be obtained from the Long Service Payments Corporation's website <http://www.lspc.nsw.gov.au/> or by telephoning the Long Service Payments Corporation on 13 14 41.

How must the payments be made?

Payments must be made by:

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

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

- the guarantee is by an Australian bank for the amount of the total outstanding contribution;
- 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;
- 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
- 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 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 adjusted 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.

Standard Condition: C5

C.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. original cornices in the areas to be demolished must be retained.

Note: This condition is imposed to restrict the use of the smoking room after hours.

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.
Standard Condition: C4

C.3 Structural Adequacy of Existing Supporting Structures

A certificate from a *professional engineer* (Structural Engineer), certifying the adequacy of the existing supporting structure to support the additional loads proposed to be imposed by the development, must be submitted with the *Construction Certificate* application.

Note: This condition is imposed to ensure that the existing structure structural is able to support the additional loads proposed.
Standard Condition: C35

C.4 Professional Engineering Details

The *Construction Certificate* plans and specifications, required by clause 139 of the *Regulation*, must include detailed *professional engineering* plans and/or specifications for all structural, electrical, hydraulic, hydro-geological, geotechnical, mechanical and civil work complying with this consent, approved plans, the statement of environmental effects and supporting documentation.

Detailed professional engineering plans and/or specifications must be submitted to the *Certifying Authority* with the application for any *Construction Certificate*.

Note: This does not affect the right of the developer to seek staged *Construction Certificates*
Standard Condition: C36

C.5 Fire Safety

Pursuant to clause 94 of the *Environmental Planning and Assessment Regulation 2000* Council as the consent authority requires the building to be brought into partial conformity with the *Building Code of Australia* as the measures contained in the building are inadequate to protect persons using the building, and to facilitate their egress from the building, in the event of fire, and to restrict the spread of fire from the building to other buildings nearby.

- a. A copy of a current annual fire safety statement if not received (dated less than three months prior to the date of receipt) shall be submitted to the Council, forwarded to the Commissioner of the NSW Fire Brigades and displayed in a prominent position in the building in accord with Clause 177 of the EP & A Act regulation 2000 prior to the issue of a construction certificate.

D. Conditions which must be satisfied prior to the commencement of any development work

D.1 Compliance with Building Code of Australia and insurance requirements under the Home Building Act 1989

For the purposes of section 80A (11) of the Act, the following conditions are prescribed in relation to a development consent for development that involves any building work:

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

This condition does not apply:

- a. to the extent to which an exemption is in force under clause 187 or 188, subject to the terms of any condition or requirement referred to in clause 187 (6) or 188 (4),
- or
- b. to the erection of a temporary building.

In this condition, a reference to the *BCA* is a reference to that code as in force on the date the application for the relevant construction certificate is made.

Note: This condition must be satisfied prior to commencement of any work in relation to the contract of insurance under the Home Building Act 1989. This condition also has effect during the carrying out of all building work with respect to compliance with the Building Code of Australia.
Standard Condition: D1

D.2 Dilapidation Reports for public infrastructure

To clarify the existing state of public infrastructure prior to the commencement of any development (including prior to any demotion), the *Principal Contractor* must submit a dilapidation report on Council's infrastructure within and near the development site.

The dilapidation report must be submitted to Council prior to the commencement of any work and include:

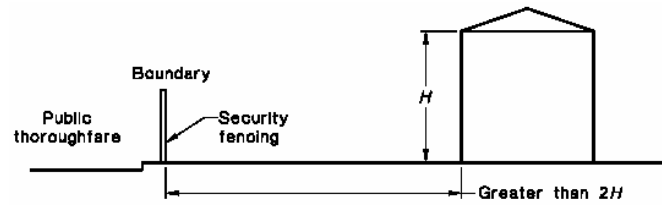
- a. Photographs showing any existing damage to the road pavement fronting the site,
- b. Photographs showing any existing damage to the kerb and gutter fronting the site,
- c. Photographs showing any existing damage to the footway including footpath pavement fronting the site,
- d. Photographs showing any existing damage to retaining walls within the footway or road, and
- e. Closed circuit television/video inspection (in DVD format) of public stormwater drainage systems fronting, adjoining or within the site.

The dilapidation report must specify (with supporting photographic/DVD evidence) the exact location and extent of any damaged or defective public infrastructure prior to the commencement of any work. If the required report is not submitted then Council will assume there was no damage to any infrastructure in the immediate vicinity of the site prior to the commencement of any work under this consent.

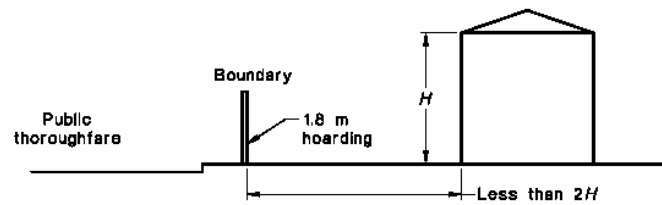
Note: If the Principal Contractor fails to submit the dilapidation report required by this condition and damage is occasioned to public assets adjoining the site Council will deduct from security any costs associated with remedying, repairing or replacing damaged public infrastructure. Nothing in this condition prevents Council making any claim against security held for this purpose.
Standard Condition: D5

D.3 Security Fencing, Hoarding and Overhead Protection

Security fencing must be provided around the perimeter of the development site, including any additional precautionary measures taken to prevent unauthorised entry to the site at all times during the demolition, excavation and construction period. Security fencing must be the equivalent 1.8m high chain wire as specified in AS 1725.



Where the development site adjoins a public thoroughfare, the common boundary between them must be fenced for its full length with a hoarding, unless the least horizontal distance between the common boundary and the nearest parts of the structure is greater than twice the height of the structure. The hoarding must be constructed of solid materials (chain wire or the like is not acceptable) to a height of not less than 1.8 m adjacent to the thoroughfare.

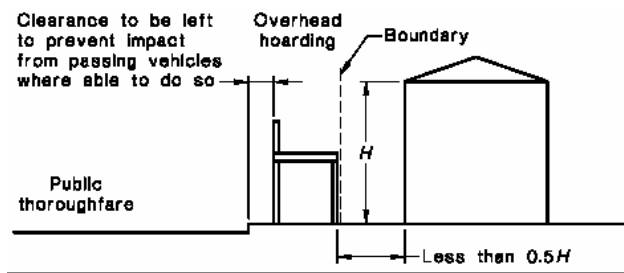


Where a development site adjoins a public thoroughfare with a footpath alongside the common boundary then, in addition to the hoarding required above, the footpath must be covered by an *overhead protective structure* and the facing facade protected by heavy-duty scaffolding, unless either

- the vertical height above footpath level of the structure being demolished is less than 4.0 m; or
- the least horizontal distance between footpath and the nearest part of the structure is greater than half the height of the structure.

The overhead structure must consist of a horizontal platform of solid construction and vertical supports, and the platform must

- extend from the common boundary to 200mm from the edge of the carriageway for the full length of the boundary;
- have a clear height above the footpath of not less than 2.1 m; terminate 200mm from the edge of the carriageway (clearance to be left to prevent impact from passing vehicles) with a continuous solid upstand projecting not less than 0.5 m above the platform surface; and
- together with its supports, be designed for a uniformly distributed live load of not less than 7 kPa.



The *principal contractor* or *owner builder* must pay all fees associated with the application and occupation and use of the road (footway) for required hoarding or overhead protection.

The *principal contractor* or *owner builder* must ensure that Overhead Protective Structures are installed and maintained in accordance with WorkCover NSW Code of Practice - Overhead Protective Structures, gazetted 16 December 1994, as commenced 20 March 1995. This can be downloaded from:

<http://www.workcover.nsw.gov.au/Publications/LawAndPolicy/CodesofPractice/oheadprotstructs.htm>.

Security fencing, hoarding and overhead protective structure must not obstruct access to utilities services including but not limited to man holes, pits, stop valves, fire hydrants or the like.

Note: The *principal contractor* or *owner* must allow not less than two (2) weeks from the date of making a hoarding application for determination. Any approval for a hoarding or overhead protection under the *Roads Act 1993* will be subject to its own conditions and fees.
Standard Condition: D11

D.4 Site Signs

The *Principal Contractor* or *owner builder* must ensure that the sign required by clauses 98A and 227A of the *Regulation* is erected and maintained at all times.

“Erection of signs

1. For the purposes of section 80A (11) of the *Act*, the requirements of subclauses (2) and (3) are prescribed as conditions of a development consent for development that involves any building work, subdivision work or demolition work.
2. A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
 - a. showing the name, address and telephone number of the principal certifying authority for the work, and
 - b. showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
 - c. stating that unauthorised entry to the work site is prohibited.
3. Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.
4. This clause does not apply in relation to building work, subdivision work or demolition work that is carried out inside an existing building that does not affect the external walls of the building.
5. This clause does not apply in relation to Crown building work that is certified, in accordance with section 116G of the *Act*, to comply with the technical provisions of the State’s building laws.”

Note: *PCA* and *principal contractors* must also ensure that signs required by this clause are erected and maintained (see clause 227A which imposes a penalty exceeding \$1,000).

Note: If *Council* is appointed as the *PCA* it will provide the sign to the *principal contractor* or *owner builder* who must ensure that the sign is erected and maintained as required by Clause 98A of the *Regulation*.
Standard Condition: D12

D.5 Toilet Facilities

Toilet facilities are to 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.

Each toilet provided:

- a. must be a standard flushing toilet, and
- b. must be connected to a public sewer, or
- c. if connection to a public sewer is not practicable, to an accredited sewage management facility approved by the council, or
- d. 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.

The provision of toilet facilities in accordance with this condition must be completed before any other work is commenced.

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 *Local Government (Approvals) Regulation 1993*.

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*.

Note: This condition does not set aside the requirement to comply with Workcover NSW requirements.
Standard Condition: D13

D.6 Erosion and Sediment Controls – Installation

The *principal contractor* or *owner builder* must install and maintain water pollution, erosion and sedimentation controls in accordance with:

- a. The *Soil and Water Management Plan* if required under this consent;
- b. “*Do it Right On Site, Soil and Water Management for the Construction Industry*” published by the Southern Sydney Regional Organisation of Councils, 2001; and

- c. “*Managing Urban Stormwater - Soils and Construction*” published by the NSW Department of Housing 4th Edition” (“The Blue Book”).

Where there is any conflict The Blue Book takes precedence.

- Note:** The International Erosion Control Association – Australasia (<http://www.austieca.com.au/>) lists consultant experts who can assist in ensuring compliance with this condition. Where Soil and Water Management Plan is required for larger projects it is recommended that this be produced by a member of the International Erosion Control Association – Australasia.
- Note:** The “Do it Right On Site, Soil and Water Management for the Construction Industry” publications can be down loaded free of charge from www.woollahra.nsw.gov.au.
- Note:** A failure to comply with this condition may result in penalty infringement notices, prosecution, notices and orders under the Act and/or the *Protection of the Environment Operations Act 1997* **without any further warning**. It is a criminal offence to cause, permit or allow pollution.
- Note:** Section 257 of the *Protection of the Environment Operations Act 1997* provides inter alia that “the occupier of premises at or from which any pollution occurs is taken to have caused the pollution” **Warning**, irrespective of this condition any person occupying the site may be subject to proceedings under the *Protection of the Environment Operations Act 1997* where pollution is caused, permitted or allowed as the result of their occupation of the land being developed.
Standard Condition: D14

D.7 Building - Construction Certificate, Appointment of Principal Certifying Authority, Appointment of Principal Contractor and Notice of Commencement (s81A(2) of the Act)

The erection of the building in accordance with this development consent must not be commenced until:

- a. a construction certificate for the building work has been issued by the consent authority, the council (if the council is not the consent authority) or an accredited Certifier, and
- b. the person having the benefit of the development consent has:
- i. appointed a principal certifying authority for the building work, and
 - ii. notified the principal certifying authority that the person will carry out the building work as an owner-builder, if that is the case, and
- b1. the principal certifying authority has, no later than 2 days before the building work commences:
- i. notified the consent authority and the council (if the council is not the consent authority) of his or her appointment, and
 - ii. notified the person having the benefit of the development consent of any critical stage inspections and other inspections that are to be carried out in respect of the building work, and
- b2. the person having the benefit of the development consent, if not carrying out the work as an owner-builder, has:
- i. appointed a principal contractor for the building work who must be the holder of a contractor licence if any residential building work is involved, and
 - ii. notified the principal certifying authority of any such appointment, and

- iii. unless that person is the principal contractor, notified the principal contractor of any critical stage inspections and other inspections that are to be carried out in respect of the building work, and
- iv. given at least 2 days' notice to the council of the person's intention to commence the erection of the building.

Note: *Building* has the same meaning as in section 4 of the *Act* and includes part of a building and any structure or part of a structure.

Note: *New building* has the same meaning as in section 109H of the *Act* and includes an altered portion of, or an extension to, an existing building.

Note: The commencement of demolition works associated with an altered portion of, or an extension to, an existing building is considered to be the commencement of building work requiring compliance with section 82A(2) of the *Act* (including the need for a *Construction Certificate*) prior to any demolition work. See: *Over our Dead Body Society Inc v Byron Bay Community Association Inc* [2001] NSWLEC 125.

Note: *Construction Certificate* Application, *PCA Service Agreement* and *Notice of Commencement* forms can be downloaded from Council's website www.woollahra.nsw.gov.au.

Note: It is an offence for any person to carry out the erection of a *building* in breach of this condition and in breach of section 81A(2) of the *Act*.
Standard Condition: D15

E. Conditions which must be satisfied during any development work

E.1 Compliance with Building Code of Australia and insurance requirements under the Home Building Act 1989

For the purposes of section 80A (11) of the *Act*, the following condition is prescribed in relation to a development consent for development that involves any building work:

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

This condition does not apply:

- a. to the extent to which an exemption is in force under clause 187 or 188, subject to the terms of any condition or requirement referred to in clause 187 (6) or 188 (4) of the Regulation, or
- b. to the erection of a temporary building.

In this clause, a reference to the BCA is a reference to that Code as in force on the date the application for the relevant construction certificate is made.

Standard Condition: E1

E.2 Compliance with Australian Standard for Demolition

Demolition of buildings and structures must comply with Australian Standard AS 2601—1991: The Demolition of Structures, published by Standards Australia, and as in force at 1 July 1993.

Standard Condition: E2

E.3 Requirement to notify about new evidence

Any new information which comes to light during remediation, demolition or construction works which has the potential to alter previous conclusions about site contamination, heritage significance, threatened species or other relevant matters must be immediately notified to Council and the Principal Certifying Authority.

Standard Condition: E4

E.4 Critical Stage Inspections

Critical stage inspections must be called for by the *principal contractor* or *owner builder* as required by the PCA, any PCA service agreement, the *Act* and the *Regulation*.

Work must not proceed beyond each critical stage until the PCA is satisfied that work is proceeding in accordance with this consent, the Construction Certificate(s) and the *Act*. *critical stage inspections* means the inspections prescribed by the *Regulations* for the purposes of section 109E(3)(d) of the *Act* or as required by the PCA and any PCA Service Agreement.

Note: The PCA may require inspections beyond mandatory critical stage inspections in order that the PCA be satisfied that work is proceeding in accordance with this consent.

Note: The PCA may, in addition to inspections, require the submission of *Compliance Certificates*, survey reports or evidence of suitability in accordance with Part A2.2 of the BCA in relation to any matter relevant to the development.

Standard Condition: E5

E.5 Hours of Work –Amenity of the neighbourhood

- a. No *work* must take place on any Sunday or public holiday,
- b. No *work* must take place before 7am or after 5pm any weekday,
- c. No *work* must take place before 7am or after 1pm any Saturday, and
- d. No piling, piling, cutting, boring, drilling, rock breaking, rock sawing, jack hammering or bulk excavation of land or loading of material to or from trucks must take place before 9am or after 4pm any weekday, or before 9am or after 1pm any Saturday.
- e. No rock excavation being cutting, boring, drilling, breaking, sawing, jack hammering or bulk excavation of rock, must occur without a 15 minute break every hour.

This condition has been imposed to mitigate the impact of work upon the amenity of the neighbourhood. Impact of work includes, but is not limited to, noise, vibration, dust, odour, traffic and parking impacts.

Note: The use of noise and vibration generating plant and equipment and vehicular traffic, including trucks in particular, significantly degrade the amenity of neighbourhoods and more onerous restrictions apply to these activities. This more invasive work generally occurs during the foundation and bulk excavation stages of development. If you are in doubt as to whether or not a particular activity is considered to be subject to the more onerous requirement (9am to 4pm weekdays and 9am to 1pm Saturdays) please consult with Council.

- Note:** Each and every breach of this condition by any person may be subject to separate penalty infringement notice or prosecution.
- Note:** The delivery and removal of plant, equipment and machinery associated with wide loads subject to RTA and Police restrictions on their movement out side the approved hours of work will be considered on a case by case basis.
- Note:** Compliance with these hours of work does not affect the rights of any person to seek a remedy to offensive noise as defined by the *Protection of the Environment Operations Act 1997*, the *Protection of the Environment Operations (Noise Control) Regulation 2000*.
- Note:** EPA Guidelines can be down loaded from <http://www.epa.nsw.gov.au/noise/nglg.htm> .
- Note:** see http://www.epa.nsw.gov.au/resources/ci_build_sheet7.pdf
Standard Condition: E6

E.6 Maintenance of Vehicular and Pedestrian Safety and Access

The *principal contractor* or *owner builder* and any other person acting with the benefit of this consent must:

- a. Not erect or maintain any gate or fence swing out or encroaching upon the road or the footway.
- b. Not use the road or footway for the storage of any article, material, matter, waste or thing.
- c. Not use the road or footway for any *work*.
- d. Keep the road and footway in good repair free of any trip hazard or obstruction.
- e. Not stand any plant and equipment upon the road or footway.

This condition does not apply to the extent that a permit or approval exists under the section 73 of the Road Transport (Safety and Traffic Management) Act 1999, section 138 of the Roads Act 1993 or section 94 of the Local Government Act 1993 except that at all time compliance is required with:

- a. Australian Standard AS 1742 (Set) Manual of uniform traffic control devices and all relevant parts of this set of standards.
- b. Australian Road Rules to the extent they are adopted under the *Road Transport (Safety and Traffic Management) (Road Rules) Regulation 1999*.

Note: Section 73 of the *Road Transport (Safety and Traffic Management) Act 1999* allows the Police to close any road or road related area to traffic during any temporary obstruction or danger to traffic or for any temporary purpose. Any road closure requires Police approval.

Note: Section 138 of the *Roads Act 1993* provides that a person must not:

- (a) erect a structure or carry out a work in, on or over a public road, or
- (b) dig up or disturb the surface of a public road, or
- (c) remove or interfere with a structure, work or tree on a public road, or
- (d) pump water into a public road from any land adjoining the road, or
- (e) connect a road (whether public or private) to a classified road, otherwise than with the consent of the appropriate roads authority.

Note: Section 68 of the *Local Government Act 1993* provides that a person may carry out certain activities only with the prior approval of the council including:

Part C Management of Waste:

- “1. For fee or reward, transport waste over or under a public place
2. Place waste in a public place
3. Place a waste storage container in a public place.”

Part E Public roads:

- “1. Swing or hoist goods across or over any part of a public road by means of a lift, hoist or tackle projecting over the footway
2. Expose or allow to be exposed (whether for sale or otherwise) any article in or on or so as to overhang any part of the road or outside a shop window or doorway abutting the road, or hang an article beneath an awning over the road.”

Any work in, on or over the Road or Footway requires *Council* Approval and in the case of classified roads the NSW Roads and Traffic Authority. Road includes that portion of the road uses as a footway.
Standard Condition: E7

E.7 Maintenance of Environmental Controls

The *principal contractor* or *owner builder* must ensure that the following monitoring, measures and controls are maintained:

- a) Erosion and sediment controls,
- b) Dust controls,
- c) Dewatering discharges,
- d) Noise controls;
- e) Vibration monitoring and controls;
- f) Ablutions;

Note 1: See http://www.epa.nsw.gov.au/small_business/builders.htm for additional information.
Standard Condition: E11

E.8 Erosion and Sediment Controls – Maintenance

The *principal contractor* or *owner builder* must maintain water pollution, erosion and sedimentation controls in accordance with:

- a) The Soil and Water Management Plan required under this consent;
- b) “*Do it Right On Site, Soil and Water Management for the Construction Industry*” published by the Southern Sydney Regional Organisation of Councils, 2001; and
- c) “*Managing Urban Stormwater - Soils and Construction*” published by the NSW Department of Housing 4th Edition (“*The Blue Book*”).

Where there is any conflict *The Blue Book* takes precedence.



Note 1: A failure to comply with this condition may result in penalty infringement notices, prosecution, notices and orders under the Act and/or the Protection of the Environment Operations Act 1997 without any further warning. It is a criminal offence to cause, permit or allow pollution.

Note 2: Section 257 of the Protection of the Environment Operations Act 1997 provides that “the occupier of premises at or from which any pollution occurs is taken to have caused the pollution”. **Warning**, irrespective of this condition any person occupying the site may be subject to proceedings under the Protection of the Environment Operations Act 1997 where pollution is caused, permitted or allowed as the result of the occupation of the land being developed whether or not they actually cause the pollution.

Standard Condition: E15

E.9 Placement and use of Skip Bins

The *principal contractor* or *owner builder* must ensure that all waste storage containers, including but not limited to skip bins, must be stored within the site unless:

- a) Activity Approval has been issued by Council under section 94 of the *Local Government Act 1993* to place the waste storage container in a public place, and
- b) Where located on the road it is located only in a positions where a vehicle may lawfully park in accordance with the Australian Road Rules to the extent they are adopted under the *Road Transport (Safety and Traffic Management) (Road Rules) Regulation 1999*.

Note: Waste storage containers must not be located on the footpath without a site specific activity approval. Where such site specific activity approval is granted a 1.5m wide clear path of travel is maintained free of any trip hazards.

Standard Condition: E21

E.10 Prohibition of burning

There must be no burning of any waste or other materials. The burning of CCA (copper chrome arsenate) or PCP (pentachlorophenol) treated timber is prohibited in all parts of NSW. All burning is prohibited in the Woollahra local government area.

Note: Pursuant to the *Protection of the Environment Operations (Control of Burning) Regulation 2000* all burning (including burning of vegetation and domestic waste) is prohibited except with approval. No approval is granted under this consent for any burning.

Standard Condition: E22

E.11 Dust Mitigation

Dust mitigation must be implemented in accordance with “*Dust Control - Do it right on site*” published by the Southern Sydney Regional Organisation of Councils.

This generally requires:

- a) Dust screens to all hoardings and site fences.
- b) All stockpiles or loose materials to be covered when not being used.
- c) All equipment, where capable, being fitted with dust catchers.
- d) All loose materials being placed bags before placing into waste or skip bins.
- e) All waste and skip bins being kept covered when not being filled or emptied.
- f) The surface of excavation work being kept wet to minimise dust.
- g) Landscaping incorporating trees, dense shrubs and grass being implemented as soon as practically possible to minimise dust.

Note 1: “*Dust Control - Do it right on site*” can be down loaded free of charge from Council’s web site www.woollahra.nsw.gov.au or obtained from Council’s office.

Note 2: Special precautions must be taken when removing asbestos or lead materials from development sites. Additional information can be obtained from www.workcover.nsw.gov.au and www.epa.nsw.gov.au. Other specific condition and advice may apply.

Note 3: Demolition and construction activities may affect local air quality and contribute to urban air pollution. The causes are dust, smoke and fumes coming from equipment or activities, and airborne chemicals when spraying for pest management. Precautions must be taken to prevent air pollution.
Standard Condition: E23

F. Conditions which must be satisfied prior to any occupation or use of the building (Part 4A of the Act and Part 8 Division 3 of the Regulation)

F.1 Occupation Certificate (section 109M of the Act)

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.
Standard Condition: F1

F.2 Food Premises - Inspection and Registration

Prior to the issue of any *Occupation Certificate* or occupation or use of any food premises:

- a. the *Principal Contractor* or *owner* must arrange an inspection of the fit out of the Food Premises by Council's Environmental Health Officer;
- b. a satisfactory final inspection must have been undertaken by Council's Environmental Health Officer; and
- c. the *owner* or *occupier* must have registered the Food Premises (Notification of conduct under section 100 of the *Food Act 2003*).

Note: Notification can be done on-line at www.foodnotify.nsw.gov.au

Note: Inspections are subject to payment of the adopted inspection fee.

Note: Section 100 of the *Food Act 2003* requires:

“100 Notification of conduct of food businesses

(1) The proprietor of a food business must not conduct the food business unless the proprietor has given written notice, in the approved form, of the information specified in the Food Safety Standards that is to be notified to the appropriate enforcement agency before the business is conducted. Maximum penalty: 500 penalty units in the case of an individual and 2,500 penalty units in the case of a corporation.”

Note: *Accredited Certifiers* are unable to issue *Compliance Certificates* in relation to compliance with the *Food Act 2003*, *Food Regulation 2004*; the Food Standards Code and the Australian Standard AS 4674-2004: *Construction and fit out of food premises*; since these are not matters which an *Accredited Certifier* can be satisfied in relation to under Clause 161 of the *Regulation*. This condition can only be satisfied following an inspection and sign off from Council's Environmental Health Officers.
Standard Condition: F15

F.3 Fire Safety Certificates

In the case of a *final occupation certificate* to authorise a person:

- a. to commence occupation or use of a *new building*, or
- b. to commence a change of building use for an existing building,

a *certifying authority* must be satisfied that a final fire safety certificate has been issued for the building.

In the case of an *interim occupation certificate* to authorise a person:

- a. to commence occupation or use of a partially completed *new building*, or
- b. to commence a change of building use for part of an existing building,

a *certifying authority* must be satisfied that a final fire safety certificate or an interim fire safety certificate has been issued for the relevant part of the building.

Note: This condition does not apply to a class 1a or class 10 building within the meaning of clause 167 of the Regulation.

Note: In this condition:

interim fire safety certificate has the same meaning as it has in Part 9 of the Regulation.

final fire safety certificate has the same meaning as it has in Part 9 of the Regulation.

new building has the same meaning as it has in section 109H of the Act.

Standard Condition: F4

G. Conditions which must be satisfied prior to the issue of any Subdivision Certificate

No relevant conditions.

H. Conditions which must be satisfied prior to the issue of a Final Occupation Certificate (s109C(1)(c))

H.1 Removal of Ancillary Works and Structures

The *principal contractor* or *owner* must remove from the land and any adjoining public place:

- a. The site sign;
- b. Ablutions;
- c. Hoarding;
- d. Scaffolding; and
- e. Waste materials, matter, article or thing.

Note: This condition has been imposed to ensure that all ancillary matter is removed prior to the issue of the *Final Occupation Certificate*.

Standard Condition: H12

H.2 Final Fire Safety Certificate

A copy of the final fire safety certificate shall be submitted to the Commissioner of the New South Wales Fire Brigades and displayed within the building as soon as practical after the completion of the works.

I. Conditions which must be satisfied during the ongoing use of the development

I.1 Noise Control

The use of the premises must not give rise to the transmission of *offensive noise* to any place of different occupancy. *Offensive noise* is defined in the *Protection of the Environment Operations Act 1997*.

Reason: This condition has been imposed to protect the amenity of the neighbourhood.

Note: Council will generally enforce this condition in accordance with the *Noise Guide for Local Government* (<http://www.environment.nsw.gov.au/noise/nglg.htm>) and the *Industrial Noise Guidelines* (<http://www.environment.nsw.gov.au/noise/industrial.htm>) published by the Department of Environment and Conservation. Other state government authorities also regulate the *Protection of the Environment Operations Act 1997*.

Useful links:

Community Justice Centres—free mediation service provided by the NSW Government (www.cjc.nsw.gov.au).

Department of Environment and Conservation NSW, Noise Policy Section web page (www.environment.nsw.gov.au/noise).

New South Wales Government Legislation home page for access to all NSW legislation, including the *Protection of the Environment Operations Act 1997* and the *Protection of the Environment Noise Control Regulation 2000* (www.legislation.nsw.gov.au).

Australian Acoustical Society—professional society of noise-related professionals (www.acoustics.asn.au/index.php).

Association of Australian Acoustical Consultants—professional society of noise related professionals (www.aaac.org.au).

Department of Gaming and Racing - (www.dgr.nsw.gov.au).

Standard Condition: I50

I.2 Noise from licenced premises

The L_{A10}^* noise level emitted from the licenced premises shall not exceed the *background noise* level in any Octave Band Centre Frequency (31.5 Hz – 8k Hz inclusive) by more than 5 dB between 07:00 am and 12:00 midnight at the boundary of any affected residence.

The L_{A10}^* noise level emitted from the licenced premises shall not exceed the background noise level in any Octave Band Centre Frequency (31.5 Hz – 8k Hz inclusive) between 12:00 midnight and 07:00 am at the boundary of any affected residence.

Notwithstanding compliance with the above, the noise from the licenced premises shall not be audible within any habitable room in any residential premises between the hours of 12:00 midnight and 07:00 am.

Reason: This condition has been imposed to protect the amenity of the neighbourhood.

Note: *Licensed premises* means premises licenced under the *Liquor Act 1982*, the *Registered Clubs Act 1976*. * For the purposes of this condition, the LA10 can be taken as the average maximum deflection of the noise emission from the licensed premises.

Note: This condition is identical to the minimum standard condition imposed by the Liquor Administration Board (LAB). The LAB may specify other standards in respect of the above condition under the *Liquor Act 1982*, the *Registered Clubs Act 1976* and associated Regulations. Section 104 of the *Liquor Act 1982* and section 17AA of the *Registered Clubs Act 1976* provides an informal mechanism for complaints to be made (by residents, Police, local consent authorities and others) where the amenity of local neighbourhoods is unduly disturbed by the conduct of licensed premises and registered clubs (or their patrons). The LAB is responsible for resolving such complaints and may impose temporary or permanent conditions on any licence. For further information go to the Department of Gaming and Racing's website: (www.dgr.nsw.gov.au).

Note: Interior noise levels which still exceed safe hearing levels are in no way supported or condoned by Council.
Standard Condition: I52

I.3 Annual Fire Safety Certificate

Within 12 months after the final fire safety certificate is issued an annual fire safety statement dealing with each essential fire safety measure in the building shall be submitted to council, the Commissioner of the New South Wales Fire Brigades and be displayed in the building in accordance with the requirements of Clause 177 of the Environmental Planning and Assessment Regulation 2000.

I.4 Smoking Area

The smoking area is to be provided in accordance with the requirements of the Smoke Free Environment Act 2000 and Regulation and maintained at all times so that litter from use of the subject area is contained within the area and littering of the adjoining public place does not occur.

I.5 Commercial Waste Management

All waste must be presented for collection in a receptacle. Waste receptacles must be presented no earlier than close of business on day before collection and removed from collection point an hour after open of business on day of collection. Receptacles are not to be stored in any public place at anytime. Waste and recycling receptacles must be stored at all times within the boundaries of the site.

Note: No waste will be collected by Council that isn't presented properly. The waste must be presented with lid closed to reduce littering.
Standard Condition: I46

J. Miscellaneous Conditions

No relevant conditions.

K. Advisings

K.1 Criminal Offences – Breach of Development Consent & Environmental laws

Failure to comply with this development consent and any condition of this consent is a **criminal offence**. Failure to comply with other environmental laws are also a criminal offence.

Where there is any breach Council may without any further warning:

- Issue Penalty Infringement Notices (On-the-spot fines);
- Issue notices and orders;
- Prosecute any person breaching this consent; and/or
- Seek injunctions/orders before the courts to restrain and remedy any breach.

Warnings as to potential maximum penalties

Maximum Penalties under NSW Environmental Laws include fines up to \$1.1 Million and/or custodial sentences for serious offences.

Warning as to enforcement and legal costs

Should Council have to take any action to enforced compliance with this consent or other environmental laws Council's policy is to seek from the Court appropriate orders requiring the payments of its costs beyond any penalty or remedy the Court may order. This consent and this specific advice will be tendered to the Court when seeking costs orders from the Court where Council is successful in any necessary enforcement action.

Note: The payment of environmental penalty infringement notices does not result in any criminal offence being recorded. If a penalty infringement notice is challenged in Court and the person is found guilty of the offence by the Court, subject to section 10 of *the Crimes (Sentencing Procedure) Act 1999*, a criminal conviction is recorded. The effect of a criminal conviction beyond any fine is serious. You can obtain further information from the following web sites:

<http://www.theshopfront.org/documents/ConvictionsCriminalRecords.pdf> and the Attorney General's www.agd.nsw.gov.au.

Standard Advising: K1

K.2 Dial before you dig



The *principal contractor, owner builder* or any person digging may be held financially responsible by the asset owner should they damage underground pipe or cable networks. Minimise your risk and Dial 1100 Before You Dig or visit www.dialbeforeyoudig.com.au.

When you contact Dial Before You Dig, you will be sent details of all Dial Before You Dig members who have underground assets in the vicinity of your proposed excavation.

Standard Advising: K2

K.3 Asbestos Removal, Repair or Disturbance

Anyone who removes, repairs or disturbs bonded or a friable asbestos material must hold a current removal licence from Workcover NSW.

Before starting work, a work site-specific permit approving each asbestos project must be obtained from Workcover NSW. A permit will not be granted without a current Workcover licence.

All removal, repair or disturbance of or to asbestos material must comply with:

- The Occupational Health and Safety Act 2000;
- The Occupational Health and Safety Regulation 2001;
- The Code of Practice for the Safe Removal of Asbestos [NOHSC: 2002 (1998)];
- The Guide to the Control of Asbestos Hazards in Buildings and Structures [NOHSC: 3002 (1998)] <http://www.nohsc.gov.au/>]; and
- The Workcover NSW Guidelines for Licensed Asbestos Removal Contractors.

Note: The Code of Practice and Guide referred to above are known collectively as the Worksafe Code of Practice and Guidance Notes on Asbestos. They are specifically referenced in the Occupational Health and Safety Regulation 2001 under Clause 259. Under the Occupational Health and Safety Regulation 2001, the Worksafe Code of Practice and Guidance Notes on Asbestos are the minimum standards for asbestos removal work. Council does not control or regulate the Worksafe Code of Practice and Guidance Notes on Asbestos. You should make yourself aware of the requirements by visiting www.workcover.nsw.gov.au or one of Workcover NSW's offices for further advice.
Standard Advising: K8

K.4 Lead Paint

It is beyond the scope of this consent to provide detailed information about dealing with lead paint. Painters working in an area containing lead-based paint should refer to Australian Standard AS 4361.1–1995, Guide to Lead Paint Management—Industrial Applications, or AS 4361.2–1998, Guide to Lead Paint Management—Residential and Commercial Buildings.

Industrial paints may contain lead. Lead is used in some specialised sign-writing and artist paints, and road marking paints, and anti-corrosive paints. Lead was a major ingredient in commercial and residential paints from the late 1800s to 1970. Most Australian commercial buildings and residential homes built before 1970 contain lead paint. These paints were used both inside and outside buildings.

Lead hazards - Lead particles are released when old lead paint flakes and peels and collects as dust in ceiling, wall and floor voids. If dust is generated it must be contained. If runoff contains lead particles it must be contained. Lead is extremely hazardous, and stripping of lead-based paint and the disposal of contaminated waste must be carried out with all care. Lead is a cumulative poison and even small levels in the body can have severe effects.

Standard Advising: K9

K.5 Appeal

Council is always prepared to discuss its decisions and, in this regard, please do not hesitate to contact:

Belinda Thomas, Assessment Officer on (02) 9391 7085

However, if you wish to pursue your rights of appeal in the Land & Environment Court you are advised that Council generally seeks resolution of such appeals through a Section 34 Conference, site hearings and the use of Court Appointed Experts, instead of a full Court hearing.

This approach is less adversarial, it achieves a quicker decision than would be the case through a full Court hearing and it can give rise to considerable cost and time savings for all parties involved. The use of the Section 34 Conference approach requires the appellant to agree, in writing, to the Court appointed commissioner having the full authority to completely determine the matter at the conference.

Standard Condition: K14

K.6 Release of Security

An application must be made to Council by the person who paid the security for release of the securities held under section 80A of the *Act*.

The securities will not be released until a *Final Occupation Certificate* has lodged with Council, Council has inspected the site and Council is satisfied that the public works have been carried out to Council's requirements. Council may use part or all of the security to complete the works to its satisfaction if the works do not meet Council's requirements.

Council will only release the security upon being satisfied that all damage or all works, the purpose for which the security has been held have been remedied or completed to Council's satisfaction as the case may be.

Council may retain a portion of the security to remedy any defects in any such public work that arise within 6 months after the work is completed.

Upon completion of each section of road, drainage and landscape work to Council's satisfaction, 90% of the Bond monies held by Council for these works will be released upon application. 10% may be retained by Council for a further 6 month period and may be used by Council to repair or rectify any defects or temporary works during the 6 month period.

Note: The Application for Refund of Security form can be downloaded from <http://www.woollahra.nsw.gov.au/pdf/Forms/Planning/RefundofSecurity.pdf>
Standard Condition: K15

Note: A Division was called by Councillors Huxley and Martin

For the Motion

Councillor Boskovitz
Councillor Comino
Councillor Martin
Councillor Sinclair King
Councillor Dawson
Councillor Shapiro
Councillor Cullen
Councillor Shoebridge
Councillor Petrie
Councillor Rundle

Against the Motion

Councillor Gardner
Councillor Huxley

10/2

Item No: R2 Recommendation to Council
Subject: 40-41 Olola Avenue, Vaucluse – Alterations and additions to the existing garage – 12/7/07
Author: Larissa Northridge – Senior Assessment Officer
File No: DA458/2007
Reason for Report: In accordance with Council’s meeting procedures and policy this matter is referred to full Council due to a substantive change of the Committee’s recommendation (refusal) to the Officer’s recommendation (approval).

Note: Late correspondence was tabled at the meeting from RG Sims & AM Pert.

**Motion moved by Councillor Gardner
Seconded by Councillor Shoebridge**

THAT the Council, as the consent authority, refuse development consent to Development Application No. 458/2007 for addition to existing two-storey garage on land at 40-41 Olola Avenue Vaucluse, for the following reasons:

1. Aim and Objectives of Woollahra LEP 1995

The proposal is considered contrary to the following objective of Woollahra LEP 1995:

- 2(2)(k)(iii) relating to impact of new development upon the public environment.

2. Height of Ancillary Structures

The proposed development does not comply with the maximum height for ancillary development, contrary to C5.2.4 of the Woollahra Residential Development Control Plan, 2003. This results in an unreasonable sense of enclosure and is detrimental to the visual amenity of the northern adjoining property.

3. Number of Storeys

The proposed development does not comply with C4.13.5.3 of the Woollahra Residential Development Control Plan, 2003 in that the maximum number of storeys has been exceeded. This results in a development that is inconsistent with the bulk and scale of surrounding development.

4. Setbacks

The proposed development does not comply with the minimum side boundary setbacks contrary to C4.13.3 of the Woollahra Residential Development Control Plan, 2003. This results in an unreasonable sense of enclosure and is detrimental to the visual amenity of the northern adjoining property.

5. Visual and Acoustic Privacy

The siting and proximity of the proposed new balconies and decks will have an adverse impact on the visual and acoustic privacy of habitable rooms and private open space of the northern adjoining property, contrary to C5.8.1, C5.8.4, C5.8.5 and C5.8.6 of the Woollahra Residential Development Control Plan, 2003.

6. Public Interest

The proposal is not considered to be in the public interest.

7. Deep Soil Landscaping

The proposed development does not comply with the minimum deep soil landscaping requirement (C 5.3.2) & deep soil landscaping at the frontage requirement (C 4.13.5.6) of the Woollahra Residential Development Control Plan, 2003.

8. Ancillary building

The proposed development is not permissible as it is not an ancillary building and is a separate dwelling on the land.

**Amendment moved by Councillor Comino
Seconded by Councillor Sinclair King**

That the matter go to a site inspection then back to the Development Control Committee for consideration.

**The Amendment was put and Lost
The Motion was adopted**

7/1 Resolved:

THAT the Council, as the consent authority, refuse development consent to Development Application No. 458/2007 for addition to existing two-storey garage on land at 40-41 Olola Avenue Vaucluse, for the following reasons:

1. Aim and Objectives of Woollahra LEP 1995

The proposal is considered contrary to the following objective of Woollahra LEP 1995:

- 2(2)(k)(iii) relating to impact of new development upon the public environment.

2. Height of Ancillary Structures

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8. Ancillary building

The proposed development is not permissible as it is not an ancillary building and is a separate dwelling on the land.

Urban Planning Committee

Items with Recommendations from the Committee Meeting of Monday 17 December 2007 Submitted to the Council for Determination

Item No: R1 Recommendation to Council

Subject: **Public Car Parking in the Double Bay Commercial Centre - Proposed amendments to Woollahra Section 94 Contributions Plan 2002 and Woollahra DCP for Off-Street Car Parking Provision and Servicing Facilities**

Author: Chris Bluett - Manager Strategic Planning

File No: 136.G

Reason for Report: To respond to a decision of the Council made on 26 November 2007 regarding proposed changes to the Woollahra Section 94 Contributions Plan 2002 and Woollahra DCP for Off-street Car Parking Provision and Servicing Facilities, both or which relate to public car parking in the Double Bay Commercial Centre.

(Comino/Huxley)

8/1 Resolved without debate:

- A. That a draft development control plan be prepared to amend Woollahra Development Control Plan for Off-street Car Parking Provision and Servicing Facilities by removing the requirement for additional off-street car parking and the requirement for a contribution under Woollahra Section 94 Contributions Plan 2002 for development involving a change of use in the Double Bay Commercial Centre, unless the proposed development will result in a net increase in gross floor area.
- B. That a draft development control plan be prepared to amend the Double Bay Commercial Centre Development Control Plan by including references which have the effect of allowing exemptions for off-street car parking provision and car parking section 94 contributions for certain development proposals, including change of use proposals, described in the Development Control Plan for Off-street Car Parking Provision and Servicing Facilities and the Woollahra Section 94 Contributions Plan 2002.
- C. That a draft contributions plan be prepared to amend Woollahra Section 94 Contributions Plan 2002 by:
- (i) reducing the contribution for car parking in the Double Bay Commercial Centre from \$38,496 per space to \$27,325 per space,
 - (ii) making consequential changes to the Contributions Plan, including changes to the following clauses:
 - (a) clause 2.1 (schedule of contribution rates) - change contribution rate
 - (b) clause 2.2 (works schedule) – update the total cost figure for providing additional public parking in the Cross Street Car Park and the staging for the works

- (c) clause 3.3 (land and development to which plan applies) – identify the exemption for change of use proposals and provide a cross reference to the Car Parking DCP
- (d) clause 4.7.2 (additional public facilities), clause 4.7.3 (apportionment of costs) and clause 4.7.4 (contribution calculations) –update the total cost figure for providing additional public parking in the Cross Street Car Park; insert the new contribution rate; and note the exemption for change of use proposals.

D. That a meeting of the Strategic Planning Working Party be convened in late January/early February 2008 to consider part D of the Council Resolution of 26 November 2007 referred to in the report by the Manager Strategic Planning to the Urban Planning Committee meeting on 17 December 2007 and that the further investigation into the provision of parking in Double Bay include a review of the application of the Section 94 Contributions Plan generally.

Item No: R2 Recommendation to Council
Subject: **Draft Woollahra LEP 1995 (Amendment No.60) - Neighbourhood Centres and William Street Paddington**
Author: Chris Bluett - Manager Strategic Planning
File No: 1064.G (Amendment 60)
Reason for Report: To inform the Council of advice from the Parliamentary Counsel and Department of Planning.
To modify the Council's decision of 29 October 2007.

(Comino/Huxley)

9/1 Resolved without debate:

That the matter be deferred for further consideration of amending Clause 14 (Schedule 2, Development for certain additional purposes) to require the upper floor of the premises to be used primarily for residential purposes.

Urban Planning Committee Matter of Urgency

Items with Recommendations from the Committee Meeting of Tuesday 29 January 2008 Submitted to the Council for Determination

Item No: R1 Recommendation to Council

Subject: **Improving The NSW Planning System - Discussion Paper**

Author: Allan Coker – Director Planning and Development
Chris Bluett – Manager Strategic Planning
Tim Tuxford – Manager Compliance
Peter Kauter – Acting Manager Development Control
Craig Jenner – Team Leader Compliance
Jacquelyne Jeffery – Team Leader Strategic Planning

File No: 696.G

Reason for Report: To inform Council about the Discussion Paper released by the Department of Planning on proposed changes to the NSW planning system.
To obtain Council's endorsement of a submission to the Discussion Paper.

(Comino/Huxley)

10/1 That in accordance with Council's Code of Meeting Practice, Item R1 of the Urban Planning Committee Meeting held on 29 January 2008 be brought forward as a Matter of Urgency due to the closing date for submissions being prior to the next Council Meeting.

Adopted

The Mayor ruled urgency.

(Comino/Huxley)

11/1 Resolved without Debate:

That the Urban Planning Committee endorse the draft submission to the Department of Planning's Discussion Paper *Improving the NSW Planning System* provided at Annexure 2 of this report subject to inclusion of the matters raised at the Urban Planning Committee meeting on 29 January 2008.

Community & Environment Committee

Items with Recommendations from the Committee Meeting of Monday 17 December 2007 Submitted to the Council for Determination

Item No: R1 Recommendation to Council
Subject: **Proposed Community Garden at Trumper Park and Community Garden Policy.**
Author: Paul Fraser - Parks and Recreation Coordinator
File No: 1208.G
Reason for Report: To report to Council the outcome of the public notification period for the Community Gardens Policy and the proposed Trumper Park Community Garden.

(Shoebridge/Huxley)

12/1 Resolved:

- A. That the Community Garden Policy (Annexure 4) be adopted.
 - B. That the exhibited site for the Community Garden at Trumper Park be adopted.
 - C. That the Mayor nominate two Councillors to participate in a Community Garden Steering Group to oversee the formation of the Association.
 - D. That one representative each from the Paddington Society and Holdsworth Community Centre, a resident from Cameron or Thorne Street and one of the Joyners be invited to participate in the Community Garden Steering Group.
 - E. That, once the Community Garden Association is formed, Council enter into a 12 month Licence/User Agreement with the Association.
 - F. That Council authorise the General Manager to execute all necessary documentation including affixing of Council's seal.
 - G. That, as part of the December 2007 quarterly budget review, a report be provided on funding the \$45,000 to allow the Garden to be set up and commence operation; works to be funded to comprise perimeter fencing and garden bed establishment, including some beds to be accessible for members with impaired mobility.
 - H. That, prior to the conclusion of the 12 month Licence/User Agreement, a report be submitted for Council's consideration outlining the results of the garden's management and recommendations for its future management.
-

Notice of Motion

Item No: 1
From: Councillor Shoebridge
Date: 14 December 2007
File No: 900.G

(Shoebridge/Dawson)

THAT Council use its current stock of still bottled water, then end its use of bottled water.

Lost

Note: A Division was called by Councillors Shoebridge and Huxley

For the Motion

Councillor Gardner
Councillor Dawson
Councillor Shoebridge

Against the Motion

Councillor Boskivitz
Councillor Comino
Councillor Huxley
Councillor Martin
Councillor Sinclair King
Councillor Shapiro
Councillor Cullen
Councillor Rundle

3/8

Item No: 2
From: Councillor Petrie
Date: 11 January 2008
File No: 900.G

(Petrie/Comino)

13/1 THAT, having regard to recent publicity in relation to the use and cost of bike lanes elsewhere, a report be submitted to the Corporate and Works Committee canvassing the cost of the construction and implementation of bike plans in the Woollahra Municipality up to date, estimates of any stages yet to be constructed, estimates of the number of users and any appropriate comment as to the visual impacts as a consequence of signage and road marking.

Adopted

Questions Without Notice Tabled Answers

Item No: 11
Subject: Questions Without Notice
Author: Gary James, General Manager
File No: 467.G/Q01
Reason for Report: To provide a response to Questions without Notice from Council Meeting of 17 December 2007 and for Councillors to ask Questions without Notice in accordance with Council's Code of Meeting Practice.

Motion moved by Councillor Comino

Seconded by Councillor Huxley

14/1 That the responses to previous Questions without Notice be noted.

Adopted

The following questions were asked:-

Councillor Comino asking:

Does Council have any policy limiting the maximum axle weight unladen/fully laden of trucks carrying construction and demolition waste entering over secondary and local roads in the Municipality?

If there is no such policy, what measures does Council have to cover repair and restoration of damage to Council's road pavements?

If such measures include a dilapidation report, how does Council propose to deal with already damaged roads including those dug up and asphalted by public authorities such as Energy Australia and Sydney Water.

Director – Planning & Development in response:

On notice

Councillor Comino asking:

Where is the legal report from Council's solicitors on the Land and Environment Court determination of the DA on 4-6 Patterson Street, Double Bay? When will it be made available to Councillors?

Director – Planning & Development in response:

I have been advised by Peter Rigg from Deacons, that their report is dependant upon the transcripts of those proceedings being made available. I did email Mr Rigg today to follow up on that matter and I will follow up again because I would have thought that the report would have been available to us by this date but it hasn't been.

Councillor Huxley asking:

Could Mr Hatton please let me know when Guilfoyle Park in Double Bay is to be cleaned? The park is unkempt and untidy and has litter all over it?

Director – Technical Services in response:

On notice

Councillor Martin asking:

What knowledge do you have of the “handwash” development activities at the Crystal Car Wash site at White City?

Also, do the two massive signs on the old garage comply with Council’s signage policy?

Director – Planning & Development in response:

I am aware of the activities that have recently occurred on that site. I am also aware of the signs that have been erected. The view that we have expressed to the owner of that property is that development consent is required for the work that is being carried and for the use of that land as a carwash. The applicant or the owner of that property has a different view. We have referred that matter to our lawyers and in fact there was a conference with Counsel in the last couple of days and it is likely that we will be filing papers in the Land and Environment Court shortly to commence class 4 proceedings against the owner of the property.

Councillor Sinclair King asking:

Re the site on the corner of Rose Bay Avenue and New South Head Road. I recall several years ago that Council approved an application there under SEPP 5 which is the seniors living DCP. As one drives past now there is an enormous sign saying 8 luxury residences for sale. I was just wondering how it is that at the time of approving the development application as seniors living apartments that they are now being advertised as luxury residences with contact numbers. I was wondering if there is anything we can do about that and has the development been built under that SEPP seniors living DCP?

Director – Planning & Development in response:

The conditions of development consent must be adhered to. I need to go back to the specific terms of that consent but my understanding is it was approved under that policy for accommodation for aged persons. Now that could still be the case notwithstanding the advertising of the development as 8 luxury dwellings or apartments. I will look into that matter and come back to you with further advice.

Councillor Sinclair King asking:

Following my Question without Notice on 17 December 2007, could you please update Councillors on the progress and exhibition of the Double Bay Marina and as to whether a model has been lodged? Will the same procedures be put in place as per the hearing and information session for the Rose Bay Marina DA?

Director – Planning & Development in response:

The Development Application for that project was lodged in mid-December. It was not accompanied by a model at the time. We had discussions with the applicant and indicated that while we accepted the application, we would not proceed to the advertising of that application until a model had been submitted. A model was submitted to us last week or the week before last and we are currently in the process of preparing the papers for the advertising of that development application under the designated provisions of the Environmental Planning and Assessment Act. The advertising will commence, I believe next week, and will be for a period of at least 30 days.

I will discuss the procedures for the development application with the Mayor at our weekly meeting and obviously we will work in with whatever the Councillors would like us to do by way of briefings.

Councillor Sinclair King asking:

When is a detailed report coming to Council on improvements to beach cleaning in the Municipality? In particular what is being done to improve the appearance and safety of the beach at Parsley Bay in view of residents who in their frustration at Council's inaction have offered to buy a Barber beach cleaning machine and to establish a residents roster to clean the beach themselves. I attach a letter to Council from Paul Tobin dated December 10, 2007. Could Council respond to the letter?

Director – Technical Services in response:

This is on track for March. That proposal will be included in the report to Council.

Councillor Cullen asking:

The footpath along Hopetoun Road is treacherous, particularly at night:

1. The path is degraded and has major tripping hazards. Will this be rectified as part of the current works?
2. The lighting is on the opposite side of the road to the side that the footpath is – so pedestrians must find their way in near solid blackness.
3. Many of the private home developers have taken over the footpath forcing pedestrians onto the street – can we prevent this?

Director – Planning & Development in response:

In relation to the developments, we will need to carry out an inspection to see exactly what the circumstances are and then to check the development consent conditions to see whether there are any breaches. I will take that On notice and get back to you after we have carried out this work.

Director – Technical Services in response:

I will arrange for an inspection of the footpath for trip hazards and also the lighting.

Councillor Shoebridge asking:

When will the RTA provide the pedestrian crossing over New South Head Road to the west of Neild Avenue as its continued absence leads to dangerous crossings by pedestrians, especially students who continue to attempt to cross there.

Director – Technical Services in response:

We have raised that matter again with the RTA after the Christmas break and we are pursuing an answer. We have not got an answer yet and will continue to pursue it.

Councillor Petrie asking:

Is the Mayor aware that the State of Massachusetts Regulators are probing whether Merrill Lynch acted improperly in recommending certain risky investments, being CDOs, to the County of Springvale?

Mayor in response:

I am not fully apprised but you did kindly send me a news clipping. When I read that it did indicate there are a number of councils in America who have been sold CDOs which have caused them great concern and did not realise that they were involved in the prime mortgage. As I read the article, there has been some, for want of a better word, puffery, by the promoters of the products similar to what seems to be the situation in NSW.

There being no further business the meeting concluded at 9.58pm.

We certify that the pages numbered 138 to 181 inclusive are the Minutes of the Ordinary Meeting of Woollahra Municipal Council held on 29 January 2008 and confirmed by Council at the ordinary Meeting of Council on 11 February 2008 as correct.

General Manager

Mayor