

# Council Meeting

Monday 12 March 2007

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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 5 March 2007**

- D1 Confirmation of Minutes of Meeting held on 19 February 2007
- D2 Proposed New Bus Shelters at Etham Avenue, Darling Point and Lyne Park, Rose Bay
- D3 Tender Evaluation Process
- D4 Draft Fees & Charges Schedule for 2007/2008
- D5 Management of Occupational Health and Safety Risk and Legal Obligations

### **Development Control Committee Meeting held on Monday 5 March 2007**

- D1 Confirmation of Minutes of Meeting held on 19 February 2007
- D2 DA620/2006 – 49 Dover Road, Rose Bay – Alterations & additions to house including two storey structure at the rear of the house – 22/9/2006
- D3 DA635/2004 Part 3 – 338 Oxford Street, Paddington – Section 96 application - Proposed modification to amend Condition No. 48 that states windows facing William Street are not openable & delete Condition Nos 51 & 52 – 3/1/2007
- D4 DA710/2005 Part 5 – 5 Billong Avenue, Vaucluse - Section 96 application - Proposed modification – Increase to the maximum number of children under care at the child care centre at any one time from 32 to 36 – 14/12/2006
- D5 DA562/2006 – 61 Dover Road, Rose Bay – Alterations & additions to the existing dwelling-house – New gazebo structure – 1/9/2006
- D6 DA538/2005 Part 2 – 33 New South Head Road, Vaucluse – Section 96 application – Proposed modification amendment of Condition No. 2(b) – 28/9/2006
- D7 DA297/2006 – 53A Ocean Street, Woollahra – Use of forecourt of church for sale of coffee from coffee cart, with associated seating & storage facilities – 24/5/2006
- D8 Register of Current Land and Environment Court Appeals for Building and Development Applications

### **Urban Planning Committee Meeting held on Monday 26 February 2007**

- D1 Confirmation of Minutes of Meeting held on 12 February 2007
- D2 Built Environment Principal Activity – Second Quarterly Management Plan Review

### **Community & Environment Committee Meeting held on Monday 26 February 2007**

- D1 Confirmation of Minutes of Meeting held on 12 February 2007
- D2 Woollahra Traffic Committee Minutes - 6 February 2007
- D3 Natural Environment Principal Activity - 2nd Quarter Management Plan Review
- D4 Community Services Principal Activity - 2nd Quarter Management Plan Review



# Council Meeting

**Minutes of the Meeting of Woollahra Municipal Council  
held at the Council Chambers, Double Bay, on  
Monday 12 March 2007 at 8.00pm.**

Present: Her Worship the Mayor, Councillor Keri Huxley  
Councillors Anthony Boskovitz  
John Comino  
Claudia Cullen  
Christopher Dawson  
Marcus Ehrlich  
Tanya Excell  
Julian Martin  
Andrew Petrie  
Geoff Rundle  
Isabelle Shapiro  
David Shoebridge  
Fiona Sinclair King  
John Walker

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

Also in Attendance: Nil

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## Confirmation of Minutes

(Martin/Cullen)

- 1/4 THAT the Minutes of the Council Meeting held on 26 February 2007 be taken as read and confirmed.

**Adopted**

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## Apologies

Nil

**Note:** Councillor Gardner has previously been granted Leave of Absence.

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## Declarations of Interest

Nil

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## General Manager's Report

**General Manager's No:** 1

**Subject:** Disposal of The Waverley Woollahra Process Plant

**Author:** Gary James, General Manager

**File No:** 1060.G

**Reason for Report:** To obtain Council's authorisation to affix the Seal to the Contract of Sale documents.

(Shoebridge/Waker)

2/4 **Resolved:**

1. That Council authorise the Mayor and the General Manager to sign all documents and affix the Seal of Council to the Contract required for change of ownership by Land and Property Information (LPI) NSW.
2. That the Mayor and General Manager not proceed with the affixing of the Seal to any documents until such time the certification to the effect that the documents protect the Council's interest is received from Clayton Utz Lawyers.

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### Background:

At its meeting held on 29 January 2007, the Council resolved to sell the Waverley Woollahra Process Plant site in accordance with the terms detailed in Annexure 1.

The Contract of Sale has been prepared by Clayton Utz Lawyers on behalf of Woollahra and Waverley Councils. It has been prepared on instructions from Michael Collins (the Councils' Consultant) who has been working in conjunction with the property managers of both Councils.

It is envisaged that the contract will be ready for exchange before the end of this week.

### Proposal:

The affixing of the Council Seal to the documents is an administrative matter only but requires a specific resolution of the Council.

It is proposed the Council authorise the Mayor and General Manager to sign the relevant Contract and execute documents as required by the Council resolution of 29 January 2007. In accordance with the Council's formal safeguard provisions, affixing the seal is conditional upon receipt of a certification from the Councils' lawyer that all documents protect the Council interests.

The contract of sale is not a complicated document. It is a standard sale contract which meets the terms of terms of A1 (a) and (b) of Council's resolution. There are some minor wording inclusions that relate to clarifying liability issues but the contract remains "unconditional" in all aspects of the sale. Part (c) could satisfied as the exchange could not occur on 28 February 2007 the preferred exchange date. Part (c) does not impact upon the commercial outcomes and the settlement date is still anticipated to be 30 June 2007.

Affixing of Council's Seal subject to receipt of the certification letter from the Councils' lawyers is recommended.

Gary James  
General Manager

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**Annexures:**

Annexure 1: Resolution of Council 29 January 2007.

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## Corporate & Works Committee

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### Items with Recommendations from the Committee Meeting of Monday 5 March 2007 Submitted to the Council for Determination

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**Item No:** R1 Recommendation to Council  
**Subject:** **Wentworth Road - Road and Drainage Reconstruction Works**  
**Author:** Joe Cavagnino – Purchasing Coordinator  
**File No:** Tender 07/02  
**Reason for Report:** To recommend to Council the acceptance of a Tender

(Martin/Shoebridge)

**3/4 Resolved without debate:**

- A. That Council enter into a Contract with Ozpave (Aust) Pty Ltd for the Wentworth Road - Road and Drainage Reconstruction project for the sum of \$194,233.35 (excluding GST).
- B. That successful and unsuccessful tenderers be advised accordingly.

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**Item No:** R2 Recommendation to Council  
**Subject:** **Caledonia Street Road and Drainage Reconstruction Works**  
**Author:** Joe Cavagnino – Purchasing Coordinator  
**File No:** Tender No 07/01  
**Reason for Report:** To recommend to Council the acceptance of a Tender

(Martin/Shoebridge)

**4/4 Resolved without debate:**

- A. That Council enter into a Contract with Ozpave (Aust) Pty Ltd for the Caledonia Street - Road & Drainage Reconstruction project for the sum of \$317,764.48 (excluding GST).
  - B. That successful and unsuccessful tenderers be advised accordingly.
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**Item No:** R3 Recommendation to Council  
**Subject:** **Review of Ward Boundaries**  
**Author:** Les Windle - Manager Governance  
**File No:** 12.G  
**Reason for Report:** For Councillors to consider a review of ward boundaries

**Motion moved by Councillor Walker**  
**Seconded by Councillor Ehrlich**

That the matter be referred back to the Corporate and Works Committee to consider redesigning the wards of the Municipality into 3 wards with 3 councillors (9 councillors) or 2 wards with 3 councillors and a popularly elected mayor (7 councillors).

**Amendment moved by Councillor Martin**  
**Seconded by Councillor Petrie**

That the recommendation from the Corporate and Works Committee be adopted.

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

**5/4 Resolved:**

- A. That the following adjustment be made to ward boundaries in order to meet the Act requirements for the number of electors:
- Transfer CCD's numbered 1440901 and 1441010 from Vaucluse Ward to Bellevue Hill Ward (South west of New South Head Road/Norwich Road/Newcastle Street, Rose Bay).
  - Transfer CCD's 1440704, 1440712 and 1440713 from Bellevue Hill Ward to Cooper Ward (South of Cooper Park, Bellevue Hill).
  - Transfer CCD's 1440402 and 1440404 from Double Bay Ward to Paddington Ward (South west of New South Head Road/New McLean Street/Arthur Street/Thorne Street, Edgecliff).
- B. That the proposed new boundaries be advertised for a period of 28 days and that submissions be accepted for 42 days and a further report submitted to Council on the submissions received.
- C. That detailed information on the proposal set out in A. above be circulated to Councillors prior to the matter being considered by the Council.
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**Item No:** R4 Recommendation to Council  
**Subject:** **Cooper Park Tennis Court Lease Tender 06/012**  
**Author:** Anthony Sheedy – Property Officer  
Zubin Marolia – Manager Property & Projects  
**File No:** Tender 06/012  
**Reason for Report:** To recommend to Council the acceptance of a Tender

(Martin/Shoebridge)

**6/4 Resolved without debate:**

- A. That Council enter into a lease agreement with Teutonwald Pty Ltd for a seven (7) year initial term plus seven (7) year renewal option, at a commencement rent of \$162,000 per annum plus GST, with rent review to market upon exercise of the renewal option, and to CPI in the intervening years, subject to (B) and (C).
  - B. That, Teutonwald Pty Ltd agree in writing, in accordance with the provisions of clause 7.4 of the lease, that the upgraded court lighting will revert to Council ownership upon termination of the lease.
  - C. That Teutonwald Pty Ltd agree in writing that in either term of the lease any expenditure below the tendered amounts for the capital upgrade works in that term be converted to supplementary rent over the remaining period to ensure no disadvantage to Council .
  - D. That successful and unsuccessful tenderers be advised.
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**Item No:** R5 Recommendation to Council  
**Subject:** **Reconstruction and Upgrading of the Watsons Bay Baths**  
**Author:** Greg Stewart - Project Manager Strategic Projects and Policy  
**File No:** 149.G Part 13  
**Reason for Report:** To inform Council of the concept design developed by the Watsons Bay Baths Working Party for the reconstruction and upgrading of the Baths.

(Martin/Shoebridge)

**7/4 Resolved without debate:**

- A. That the concept design developed for the reconstruction and upgrading of the Watsons Bay Baths be placed on public exhibition for a minimum period of 28 days.
  - B. That, during the exhibition period, advice be sought from Spinal Cord Injuries Australia and the Spastic Centre on the suitability of the proposed disabled access to the Baths.
  - C. That, on completion of the exhibition period, a further report be submitted to Council on the results of the public exhibition.
  - D. That subject to Item F, an amount of \$1.58 million be included in the draft 2007 / 2008 Capital Budget for consideration by Council for the upgrading of the Watsons Bay Baths.
  - E. That State and Federal grant funding be sought for the reconstruction and upgrading of the Baths.
  - F. That the funding of the capital cost be a matter of consideration when the Council considers the use of the funds from the Waverley Woollahra Process Plant sale.
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## Development Control Committee

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### Items with Recommendations from the Committee Meeting of Monday 5 March 2007 Submitted to the Council for Determination

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**Item No:** R1 Recommendation to Council  
**Subject:** **29-53 Victoria Road, Bellevue Hill (Scots College) – The construction of a two-storey, general education building with a pitched roof – 5/9/2005**  
**Author:** David Waghorn – Senior Assessment Officer  
**File No:** DA545/2005  
**Reason for Report:** Condition No. 19 of the recommendation for approval requires/seeks Council to release an existing Easement of Support which benefits Council land. In accordance with Council's delegations the matter is referred to Full Council.

**Note:** Late correspondence was tabled at the meeting from Smyth Planning and Drs Lyn and Warren Kidson.

**Motion moved by Councillor Shoebridge  
Seconded by Councillor Excell**

That the recommendation be adopted subject to the ridgeline of the building being lowered by .5 of a metre and the inclusion of an additional Advising in relation to any fencing along the Cranbrook Road frontage to be of a transparent design.

**Amendment moved by Councillor Boskovitz  
Seconded by Councillor Petrie**

That the recommendation be adopted subject to:

1. Inclusion of an additional condition requiring the gate at the northern most end of the proposed new building being used on ceremonial occasions only.
2. Inclusion of an additional Advising in relation to any fencing along the Cranbrook Road frontage to be of a transparent design.

**Foreshadowed amendment advised by Councillor Cullen**

That the recommendation be adopted subject to the inclusion of an additional Advising in relation to any fencing along the Cranbrook Road frontage being of a transparent design.

**The Amendment was put and lost.**

**Amendment moved by Councillor Cullen  
Seconded by Councillor Shapiro**

That the recommendation be adopted subject to the inclusion of an additional Advising in relation to any fencing along the Cranbrook Road frontage to be of a transparent design.

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

**8/4 Resolved: Pursuant to Section 80(1) of the Environmental Planning and Assessment Act, 1979**

THAT the Council, as the consent authority, grant development consent to Development Application No. 545/2005 for the construction of a two-storey general education building with a pitched roof on land at 29-53 Victoria Road, Bellevue Hill (Scots College), subject to the following conditions:

**1. Approved Plans**

The development must be carried out in accordance with plans numbered A02, Issue G, A03, Issue H, A04, Issue F, A05, Issue G, A06, all dated 22 February 2007, drawn by Paul Jones and Associates, including landscape plans numbered 1 of 1, dated 11 July 2005, drawn by Paul Scrivener Landscape Architect, all of which carry a Council stamp "**Approved DA Plans**" and the signature of a Council officer, except where amended by the following conditions.

**2. Student Numbers**

The maximum student numbers for Scots College shall not exceed 1,120 students in accordance with the 1992 Masterplan. This condition has been imposed to ensure the proposed development does not alter the student numbers, which in turn, will alter the demand for on and off-street car parking and the intensification of traffic for Scots College.

**3. 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) no approval is granted to any new wrought iron fence along the Cranbrook Road frontage (excluding the two gate structures as indicated on the approved plan)
- (b) the nine (9) Weeping Lilly Pilly trees between the western elevation of the proposal and Cranbrook Road are to be deleted

**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.

#### 4. No excavation within tree root zones

To allow for the preservation of a viable root zone, excavation work must not be undertaken within the specified radius of the trunks of the following trees. Beyond this radius, excavation is permissible only after root pruning by hand along the perimeter line of such works has been carried out.

Council Reference No:	Species	Location	Radius from Trunk(Metres)
1	All trees subject to the Tree Preservation Order.	All trees located along the eastern boundary of the property.	5m

#### 5. Level changes in the vicinity of trees

No level changes are to occur within the specified radius from the trunks of the following trees to allow for the preservation of their root zones.

Council Reference No:	Species	Location	Radius from Trunk (Metres)
1	All trees subject to the Tree Preservation Order.	All trees located along the eastern boundary of the property.	5m

#### 6. Tree Protection Zones

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

- Tree Protection Zones are to established within the specified radius from the trunks of the following trees;

Council Reference No:	Species	Location	Radius from Trunk (Metres)
1	All trees subject to the Tree Preservation Order.	All trees located along the eastern boundary of the property.	5m

**NB:** For the purposes of compliance with this Condition, trees located along the eastern boundary may be considered as a group. Therefore the Tree Protection Zone can be applied to them as a whole and an area fenced off as opposed to the fencing of individual specimens. The fence however, must not be placed no closer than 5meters from any tree, subject to the provisions of the Tree Preservation Order, than 5m.

- Tree Protection Zones are to be fenced with a 1.8 meter high chainmesh or weldmesh fence to minimise disturbance to existing ground conditions. The area within the fence must be mulched, to a depth of 75mm, irrigated and maintained for the duration of the construction works.
- Installation of all Tree Protection measures is to be at the direction of and overseen by a qualified Arborist (minimum Australian Qualification Framework Level 4 or recognised equivalent).

- A sign must be erected on each side of the fence indicating the existence of a Tree Protection Zone and providing the contact details of the site Arborist.
- Existing soil levels must be maintained within Tree Protection Zones. Where excavation is undertaken adjacent such an area, the edge of the excavation must be stabilised, until such time as permanent measures are installed (eg. retaining wall etc) to prevent erosion within the Tree Protection Zone.
- Sediment control measures are to be installed around all Tree Protection Zones to protect the existing soil levels.
- The storage of materials, stockpiling, siting of works sheds, preparation of mixes, cleaning of tools or equipment is not permitted within Tree Protection Zones.
- Site personnel must be made aware of all Tree Protection requirements, measures and any actions that constitute a breach of the Conditions of Development Consent with regard to tree protection on site during their site induction.

**7. Stormwater Management Plan including On-Site Detention**

A Stormwater Management Plan for the site must be submitted with the application for a Construction Certificate. This Condition is imposed to ensure site stormwater is disposed in a controlled and sustainable manner.

The Stormwater Management Plan must be in accordance with Council’s Draft Stormwater Drainage Management DCP (Draft Version 1, Public Exhibition Copy dated 23/08/2004). This is available from Council's website <http://www.woollahra.nsw.gov.au>. The plan must generally be in accordance with the drainage plans and documentation prepared by Buckton Lysenko P/L Consulting Engineers Job No. 24400 1- 0 Dwg No C01 to C03 dated 18.8.05

Stormwater run-off from the proposed development must drain to the existing system draining to Cranbrook Lane. New drainage systems must be designed in accordance with Section 6 - “Connection to drainage system” of Council’s Draft Stormwater Drainage Management DCP.

**An on-site stormwater detention (OSD) system must be provided.** The design and construction of the OSD system must be in accordance with Section 4 – “On-site stormwater detention” of Council’s Draft Stormwater Drainage Management DCP.

The minimum (On) Site Storage Requirements (SSR) and the Peak Site Discharge (PSD) from the site must be designed according to the following storage/discharge relationships.

<b>2 year ARI</b>	<b>P.S.D</b>	41.4	L/s
	<b>Min. Volume</b>	8.6	m <sup>3</sup>
<b>100 Year ARI</b>	<b>P.S.D</b>	58.7	L/s
	<b>Min. Volume</b>	50.0	m <sup>3</sup>

**Note:** Volume of OSD can be reduced with the provision rainwater storage - Contact Council's Drainage Engineer for details.

The Stormwater Management Plan must include the following specific requirements:

a) Layout plan

A detailed drainage plan at a scale of 1:100 based on drainage calculations prepared in accordance with the Institute of Engineers Australia publication, *Australian Rainfall and Run-off*, 1987 edition or most current version thereof. It must include:

- All pipe layouts, dimensions, grades, lengths and material specification
- Location of On-Site Detention unit
- All invert levels reduced to Australian Height Datum (AHD)
- Location and dimensions of all drainage pits
- Overland flow paths over impervious areas.
- Copies of certificates of title, showing the creation of private easements to drain water by gravity, if required.

b) On-site Detention (OSD) details:

- Internal dimensions and volume of the proposed detention storage.
- Diameter of the outlet to the proposed detention storage basin.
- Plans, elevations and sections showing the detention storage basin invert level, centre-line level of outlet, top water level, finished surface level and adjacent structures.
- Details of access and maintenance facilities.
- Construction and structural details of all tanks and pits and/or manufacturer’s specifications for proprietary products.
- Details of the emergency overland flow-path (to an approved Council drainage point) in the event of a blockage to the on-site detention system.
- Non-removable fixing details for orifice plates where used.

**8. Rainwater Reuse**

Council encourages re-use of stormwater through the use of rainwater tanks. The rainwater tank can be constructed to form part of the OSD system.

Where a rainwater tank is proposed in conjunction with an OSD system, the SSR may be reduced as per the following table;

Use of rainwater tank	Reduction of SSR
Stormwater tank is for outdoor use such as gardening only.	Minimum of 40% of the rainwater tank volume OR 4 m <sup>3</sup>
Stormwater tank is connected to household internal use such as toilet flushing.	Minimum of 75% of the rainwater tank volume OR 7.5 m <sup>3</sup>

Rainwater tanks and any stormwater retention devices topped up by mains water must be designed and installed in accordance with the requirements of Sydney Water authority outlined within the document “Guidelines for rainwater tanks on residential properties”. This document is available from <http://www.sydneywater.com.au>.

Rainwater tanks must be designed and constructed in accordance with Council’s Draft Stormwater Drainage Management DCP (Draft Version 1, Public Exhibition Copy dated 23/08/2004). In particular, Section 4.4.4 – “Rainwater use”, 5 “Water Sensitive Urban Design”, 5.4 “Rainwater tanks”.

## 9. Positive Covenant - Drainage system

A Positive Covenant, pursuant to Section 88E of the Conveyancing Act, must be created on the title of the subject property. The Covenant must provide for the indemnification of Council from any claims or actions and the on-going maintenance of the on-site detention, infiltration system and/or pump and sump system in the development. This includes all ancillary gutters, pipes, drains, walls, kerbs, pits, pumps, grates, tanks, chambers, basins and surfaces designed to temporarily detain stormwater.

The wording of the Instrument must be in accordance with Council's standard format (available from Councils web-site <http://www.woollahra.nsw.gov.au>) and the Instrument must be registered at the Land Titles Office prior to the issue of the final Occupation Certificate.

## 10. Stormwater Certification and Work-As-Executed (WAE) Plans

Prior to the issue of the final Occupation Certificate, Certification and Work-As-Executed (WAE) plans must be submitted and approved by the Accredited Certifier demonstrating that the site drainage system has been provided according to the submitted calculations and/or approved plans.

Certifications must be provided by a suitably qualified engineer. WAE plans must be prepared and certified by a Registered Surveyor.

The following must be provided:

a) Certification that:

- The drainage system has been installed in accordance with the drainage Conditions of Development Consent and relevant Australian Standards.
- That all drainage components, including the on site detention, are structurally adequate and have been installed in accordance with the relevant Codes and Standards and/or specifications.
- That the on-site detention system will provide the detention storage volume and attenuation in accordance with the submitted calculations.

b) Work-As-Executed (WAE) plans showing:

- Pipe and drainage system layout, including all pits, pipe diameters, grades, materials, invert levels and surface levels.
- Details (exact point and method) of connection to Council system
- OSD tank dimensions, location and orifice plate/outlet details.
- Contours indicating the direction in which water will flow should the OSD storage overflow.

**11. Compliance with erosion and sediment control plan**

The erosion and sediment control plan by Buckton Lysenko P/L Consulting Engineers Job No. 24400 1- 0 Dwg No C01 dated 18.8.05 must be implemented during site works and construction activities. All controls in the Plan must be maintained at all times. A copy of the Plan must be kept on-site at all times and made available to the accredited certifier and Council officers on request.

**12. Sediment removal from vehicle wheels**

A vehicle wheel wash, cattle grid, wheel shaker or other appropriate device, must be installed to prevent mud and dirt leaving the site and being deposited on the street.

**13. Stockpiles**

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

**14. Location of building operations**

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

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

**15. Temporary disposal of roof water**

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

**16. Compliance with the construction management plan**

All excavation, demolition and construction work and traffic movements must be carried out in accordance with the construction management plan prepared by Paul Jones & Assoc P/L dated May 2006. All controls in the Plan must be maintained at all times. A copy of the Plan must be kept on-site at all times and made available to the PCA or Council on request.

**17. Site fencing**

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

## 18. Works Zone

A Work Zone (Construction Zone) in Cranbrook Road is required for this development. Prior to issue of the Construction Certificate an application for the required Works Zone must be submitted to Woollahra Council, for consideration by the Woollahra Local Traffic Committee.

The extent of the Works Zone for this project must be discussed with Council's Traffic Engineer to ensure that the loss of on-street parking in Aston Gardens is minimised.

Prior to commencement of any demolition, land clearing, piling, piercing, excavation, construction or like work or the issue of a Notice of Commencement of building works, any Works Zone approval by the Woollahra Local Traffic Committee shall be implemented strictly in accordance with the Committee's terms and conditions.

Note:

- The Woollahra Local Traffic Committee meets monthly.
- A minimum of eight weeks is required for assessment and determination of a Works Zone application.
- Failure to comply with this condition may result in fines and proceedings pursuant to Part 6 of the *Environmental Planning & Assessment Act 1979*.

## 19. Easement for Embankment Support

1. Following practical completion of the approved development to the Council's satisfaction and prior to the issue of an Occupation Certificate:
  - (a) subject to Conditions 1(b) and 2, the Council will release the existing Easement for Support registered number D258527 (Existing Easement for Support); and
  - (b) simultaneously with the release of the existing Easement for Support there must be a grant in favour of the Council of:
    - (i) an easement for support whereby the Council and its successors are entitled to full and complete support by that part of the land which is subject of the Existing Easement for Support but is not included in the development site (New Easement Site) to that part of Cranbrook Road and the footpath of Cranbrook Road adjacent to the New Easement Site (New Easement for Support); and
    - (ii) a positive covenant whereby the registered proprietor of Lot 1 in Deposited Plan 929570 (Burdened Land) from time to time irrevocably and unconditionally covenants to repair and maintain at their or its expense all of the piercing and underpinning of the approved development as constructed to the extent necessary to continue to provide at all times full support of that part of Cranbrook Road and the footpath of that part of Cranbrook Road adjacent to the development site (Positive Covenant)
2. (a) The terms and conditions of the New Easement of Support and the Positive Covenant must be approved by the Council's legal advisor including:
  - (i) the New Easement for Support must include all of the terms of the Existing Easement for Support as regards the New Easement Site;

- (ii) if the registered proprietor of the Burdened Land from time to time fails to perform their or its obligations under the Positive Covenant, the Council shall be entitled to:
  - (A) by its servants, agents and contractors to enter the Burdened Land with equipment and materials to effect any repair or maintenance of the piercing and underpinning of the approved development necessary to continue to provide full support of that part of Cranbrook Road and the footpath of Cranbrook Road adjacent to the development site; and
  - (B) recover from the then registered proprietor of the Burdened Land all costs, fees and expenses incurred by the Council in exercising such rights; and
- (iii) Council will be solely empowered to release, vary or modify the New Easement for Support and the Positive Covenant.
- (b) The Applicant or the person having the benefit of this consent must pay:
  - (i) all survey fees, stamp duty and registration fees incurred in relation to, execution and registration of:
    - (A) the release of the Existing Easement for Support;
    - (B) the New Easement for Support; and
    - (C) the Positive Covenant; and
  - (ii) all reasonable legal costs (on an indemnity basis) and out of pocket expenses incurred by the Council of and incidental to:
    - (A) obtaining the Council's approval of the terms and conditions of the New Easement for Support and the Positive Covenant and confirming registration of the New Easement for Support and the Positive Covenant; and
    - (B) enforcing the Council's rights under the New Easement for Support and the Positive Covenant.

## **20. Positive Covenant - Retaining wall system**

A Positive Covenant, pursuant to Section 88E of the Conveyancing Act, must be created on the title of the subject property. The Covenant must provide for the indemnification of Council from any claims or actions and the on-going maintenance of the retaining wall structures providing support for Council's roadway.

The wording of the Instrument must be in accordance with the requirements in the above Condition and the Instrument must be registered at the Land Titles Office prior to the issue of the final Occupation Certificate.

## **21. Damage security deposit**

Due to the potential impact on Cranbrook Road and associated services should there be any complications as a result of removal of the road embankment an additional security bond of \$100,000 is required in addition to the amount of \$62,000.

A total security deposit of **\$162,000 (One hundred and sixty two thousand dollars)** the cost of making good any damage to Council property caused as a consequence of the construction work, plus an administration fee of **\$163.00**, must be paid to Council prior to the issue of the Construction Certificate. The security deposit, which may be in the form of a bank guarantee must not have an expiry date.

The Bond will not be released until Council has inspected the site and is satisfied that the works have been carried out to Council's requirements. Council may use all or part of the Damage Security Deposit to complete damage restoration works if they do not meet Council's requirements.

After Council's final inspection of these works 10% of the Bond will be retained for a further twelve (12) month period and used by Council to repair any defects or temporary works necessary after the final inspection.

## **22. Protection of services**

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

## **23. Road Opening Permit**

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

## **24. Support for Council roads, footpaths, drainage reserves, etc**

Council property adjoining the construction site must be fully supported at all times during all excavation, demolition and building construction works. Details of shoring, propping and anchoring of works adjoining Council property, prepared by a qualified Structural Engineer or Geotechnical Engineer, must be submitted for the approval of Council's Development Engineer, or certified as structurally adequate by the accredited certifier, before the commencement of the works.

Backfilling of excavations adjoining Council property, or any void remaining at completion of construction between the building and Council property, must be fully compacted prior to release of the Damage Security Deposit.

## **25. Ground anchors**

The use of permanent ground anchors under Council land is not permitted.

Temporary ground anchors may be permitted, in accordance with Council's "Rock Anchor Policy", where alternative methods of stabilisation would not be practicable or viable, and where there would be benefits in terms of reduced community impact due to a shorter construction period, reduced disruption to pedestrian and vehicular traffic on adjacent public roads, and a safer working environment.

If temporary ground anchors under Council land are proposed, a separate application, including payment of fees, must be made to Council under Section 138 of the *Roads Act* 1993. Application forms and Council's "Rock Anchor Policy" are available from Council's web-site <http://www.woollahra.nsw.gov.au>. Approval may be granted subject to conditions of consent. Four weeks should be allowed for assessment.

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

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

## **27. Public footpaths**

A safe pedestrian circulation route a minimum of 1.5m wide and with a pavement free of trip hazards must be maintained at all times on or adjacent to the public footpaths fronting the construction site. Where the footpath is damaged, repair works must be carried when directed by Council officers and in accordance with the relevant clauses of Council's document "Standard Specifications for Roadworks, Drainage and Miscellaneous Works dated Jan 2003.

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

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

## **28. Repair of Damaged Infrastructure**

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

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

## **29. Vehicular access and garaging**

Driveways and access ramps must be designed not to scrape the underside of cars.

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

### **30. Dilapidation survey**

A dilapidation survey of the following Council infrastructure must be conducted prior to any site work. The extent of the survey must cover the likely “zone of influence” that may arise due to excavation works and/or construction induced vibration. A practicing structural engineer must prepare a full dilapidation report on the structural condition of all existing structures at the following locations:

- Cranbrook Road (Full pavement width, K&G, footpath on north side from Victoria Rd to Cranbrook Lane)
- Cranbrook Lane (Full pavement width, K&G, footpath on both sides from the proposed construction access to Cranbrook Rd)

The Report must be completed and submitted to Council prior to the commencement of **any** demolition, excavation or construction works.

A second dilapidation report, recording structural conditions of all structures originally assessed prior to the commencement of works, must be carried out at the completion of the works and be submitted to Council.

### **31. Compliance with the recommendations of the geotechnical and hydrogeological reports**

The development works are to be undertaken in accordance with the recommendations of the Geotechnical and Hydrogeological report/s prepared by Douglas Partners P/L Project 43239 dated July 2005.

### **32. Hydrogeological and Geotechnical Monitoring Program**

Excavation works associated with the proposed development must be overseen and monitored by a qualified and practising geotechnical engineer. A Hydrogeological and Geotechnical Monitoring Program must be produced to ensure that all geotechnical matters are regularly assessed during the construction to prevent adverse effects resulting from the excavation.

The Hydrogeological and Geotechnical Monitoring Program for the construction works must be in accordance with the recommendations of the Geotechnical and Hydrogeological Report prepared by Douglas Partners P/L Project 43239 dated July 2005.

Prior to the issue of a Construction Certificate, the applicant must submit to the Accredited Certifier details of the proposed Hydrogeological and Geotechnical Monitoring Program. A suitably qualified and practising geotechnical engineer must prepare the Program which must consist of the following;

- Recommendations as contained within the Geotechnical and Hydrogeological Report prepared by Douglas Partners P/L Project 43239 dated July 2005.
- Recommended hold points to allow for inspection by a geotechnical engineer during the following construction procedures;
  - ▶ Excavation of the site (face of excavation, base, etc)
  - ▶ Installation and construction of temporary and permanent shoring/ retaining walls.
  - ▶ Foundation bearing conditions and footing construction.
  - ▶ Installation of sub-soil drainage.

- Location, type and regularity of further geotechnical/hydrogeological investigations and testing.

### **33. Compliance with the Hydrogeological and Geotechnical Monitoring Program**

Excavation and construction works must be undertaken in accordance with the “Geotechnical and Hydrogeological Monitoring Program” submitted as required by condition of consent.

A qualified and registered geotechnical engineer shall provide certification to the Accredited Certifier that all earth works have been carried out;

- In accordance with the Hydrogeological and Geotechnical Monitoring Program.
- In accordance with the relevant Australian Standards and Codes of Practise.
- In a manner that does not compromise the structural integrity of all adjacent structures, property and infrastructure.

The certification and a complete record of inspections, testing and monitoring (with certifications) must be submitted in report form to the Accredited Certifier for approval, prior to the issue of a Final Building Certificate.

### **34. Vibration Monitoring Program**

Vibration resulting from construction activities can adversely affect surrounding infrastructure. To ensure that vibration created by the method of construction does not adversely impact on the existing building and surrounding infrastructure, a Vibration Monitoring Program must be implemented.

Prior to the issue of the Construction Certificate, the applicant must submit to the Accredited Certifier details of the proposed Vibration Monitoring Program. A qualified and practising geotechnical and/or hydrogeological engineer must prepare the Vibration Monitoring Program and undertake all associated investigations. Details to be included in Vibration Monitoring Program to include:

- a) pre-set acceptable limits for the variation of:
  - ▶ settlement
  - ▶ deflection or movement of retaining mechanisms such as shoring and bracing and
  - ▶ vibration in accordance with AS 2187.2 1993 Appendix J, including acceptable velocity of vibration.
- b) the location and type of monitoring systems to be used
- c) the period of monitoring in terms of construction stages
- d) recommended hold points to allow for inspection and certification by a geotechnical engineer and
- e) a contingency plan should the pre-set acceptable limits be exceeded.

### **35. Compliance with the Vibration Monitoring Program**

The Vibration Monitoring Program submitted as required by condition of consent must be implemented during excavation works on the site. All controls within the Program must be maintained at all times. A copy of the Program must be kept on site at all times and made available to the accredited certifier and Council officers on request.

A record of inspections, monitoring and activities associated with the Program must be submitted to the accredited certifier in report format prior to the release of the Occupation Certificate. A qualified and practising geotechnical and/or hydrogeological engineer must prepare certification that all controls and activities within the Program have been maintained.

### **36. Provision of an Electricity Sub-Station**

An electricity sub station may be required on the site. If required, the owner shall dedicate to the appropriate energy authority, free of cost, an area of land adjoining the street alignment to enable an electricity substation to be established. The size and location of the electricity substation is to be in accordance with the requirements of the appropriate energy authority and Council. The opening of any access doors are not to intrude onto the public road reserve.

Documentary evidence of compliance, including correspondence from the energy authority is to be provided to the Principal Certifying Authority prior to issue of the Construction Certificate. The Principal Certifying Authority must be satisfied that the requirements of energy authority have been met prior to issue of the Construction Certificate.

Requirement for a Construction Certificate

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

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

### **37. Compliance with Disability Discrimination Act**

The development must be designed to comply with the requirements of the *Disability Discrimination Act* and AS 1428 – “*Design for Access and Mobility*”, Parts 1, 2, 3 and 4.

### **38. Structural details**

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

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

**39. Layout of buildings**

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

**40. Demolition, excavation and construction hours**

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

**41. Machine excavation**

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

**42. Building Inspections**

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

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

**43. Occupation of premises**

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

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

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

**44. Wet areas**

All floors of wet areas are to be constructed and finished so as to be impervious to water and graded to a sufficient number of floor drains.

**45. 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.

**Note:** 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.

**46. Water conservation**

Water saving showerheads must be fitted to all showers within the development to reduce water consumption and promote energy efficiency.

**47. Standard for demolition**

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

**48. Mechanical ventilation/services****Prior to the issue of any Construction Certificate**

Detailed mechanical ventilation system plans and specification prepared by a *professional engineer*, as defined by the Building Code of Australia, must be submitted to Council or an Accredited Certifier with the application for a Construction Certificate certifying compliance with AS/NZS 1668 *The Use of Mechanical Ventilation and Air Conditioning in Buildings*, Part 1-1998: *Fire and smoke control in multi-compartment buildings* and Part 2-1991: *Mechanical ventilation for acceptable indoor-air quality*.

**Installation and Commissioning**

The mechanical ventilation system must be installed and commissioned in accordance with AS/NZS 1668 *The Use of Mechanical Ventilation and Air Conditioning in Buildings*, Part 1-1998: *Fire and smoke control in multi-compartment buildings* and Part 2-1991: *Mechanical ventilation for acceptable indoor-air quality* under the supervision of a *professional engineer*.

**Prior to the issue of any Occupation Certificate**

Detailed "works as executed" mechanical ventilation system plans and specification prepared by a professional engineer, as defined by the Building Code of Australia, must be submitted to Council or an Accredited Certifier together with certification from the supervising *professional engineer* that the system as commissioned complies with AS/NZS 1668 *The Use of Mechanical Ventilation and Air Conditioning in Buildings*, Part 1-1998: *Fire and smoke control in multi-compartment buildings* and Part 2-1991: *Mechanical ventilation for acceptable indoor-air quality*.

**Note:** Part 1 of AS/NZS 1668 only applies to multiple compartment buildings.

**49. Noise from mechanical ventilation**

This condition has been applied to maintain a reasonable level of amenity to the area.

Prior to the issue of any construction certificate, the developer must submit to the Council or accredited certifier a report from a qualified practicing acoustic engineer (who is a member of either the Australian Acoustical Society or the Association of Australian Acoustical Consultants).

The report must certify that the method of treating the mechanical ventilation system will ensure that the noise level, as measured at the boundaries of the subject property, will not exceed the ambient noise level.

After completion of the works and prior to the issue of an occupation certificate or occupation, the developer must submit to the principal certifying authority, a report from a qualified practicing acoustic engineer (who is a member of either the Australian Acoustical Society or the Association of Australian Acoustical Consultants) certifying that the works have been undertaken to meet the above design criteria.

**50. Lighting**

Any lighting on the site must be designed so as not to cause nuisance to other residences in the area or to motorists on nearby roads and to ensure no adverse impact on the amenity of the surrounding area by light overspill. All lighting must comply with the *Australian Standard AS4282:1997 Control of the Obtrusive Effects of Outdoor Lighting*.

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

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

**52. Excavations and backfilling**

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

**53. Retaining walls and drainage**

If the soil conditions require it:

- (a) retaining walls associated with the erection or demolition of a building or other approved methods of preventing movement of the soil must be provided; and

- (b) adequate provision must be made for drainage.

#### **54. Support for neighbouring buildings**

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

#### **55. Protection of public places**

- (a) If the work involved in the erection or demolition of a building:
  - (i) is likely to cause pedestrian or vehicular traffic on a public place to be obstructed or rendered inconvenient, or
  - (ii) building involves the enclosure of a public place;a hoarding or fence must be erected between the work site and the public place.
- (b) If necessary, an awning must be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place.
- (c) The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.
- (d) Any such hoarding, fence or awning must be removed when the work has been completed.

**Note:** Prior to the erection of any hoarding, fence or the like on any footpath or other property owned or controlled by Council, permission must be sought and obtained from Council and the prescribed rental fee paid.

#### **56. Signs to be erected on building and demolition sites**

- (a) A sign must be erected in a prominent position on any work site on which work involved in the erection or demolition of a building is being carried out:
  - (i) stating that unauthorised entry to the work site is prohibited; and
  - (ii) showing the name of the person in charge of the work site and a telephone number at which that person may be contacted outside working hours.

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

#### **57. Toilet facilities**

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

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

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

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

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

#### **ADVISING**

#### **9. Fencing along Cranbrook Road**

Any fencing (to be approved) along the Cranbrook Road frontage is to be of a transparent design.

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## Urban Planning Committee

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### Items with Recommendations from the Committee Meeting of Monday 26 February 2007 Submitted to the Council for Determination

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**Item No:** R1 Recommendation to Council  
**Subject:** **Paddington Heritage Conservation Area DCP Peer and Community Review Panel**  
**Author:** Chris Bluett - Manager Strategic Planning  
**File No:** 899.G  
**Reason for Report:** To provide a status report on the review process

(Rundle/Comino)

**9/4 Resolved without debate:**

That the progress report on the Paddington Heritage Conservation Area DCP Peer and Community Review Panel be received and noted.

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**Item No:** R2 Recommendation to Council  
**Subject:** **Planning and Urban Design Assessment, Woolworths Scheme for Kiaora Lands**  
**Author:** Margaret Zulaikha - Team Leader Urban Design  
Allan Coker - Director Planning and Development  
**Reason for Report:** Recommendation from the Urban Planning Committee on 12 February 2007 to defer consideration of the report on Kiaora Lands.

**Motion moved by Councillor Shoebridge  
Seconded by Councillor Walker**

1. That any further consideration of traffic issues associated with the Woolworths proposed DA be deferred until following the Strategic and Corporate Committee meeting which will consider the future use of Council's Kiaora lands.
2. That a further report be prepared that includes the alternative processes available to obtain other adjoining parties interest in the development of Council's land, including this process running parallel with the consideration of the Woolworths proposal.
3. That a report be prepared that identifies appropriate land uses for the properties on Kiaora Road that formed part of the approved Kiaora Lands scheme, excluding 1 Kiaora Road.
4. That the Strategic and Corporate Committee meeting be held within 28 days.

**Amendment moved by Councillor Comino  
Seconded by Councillor Petrie**

1. That, if Council decides to have further discussions with Woolworths, (after considering the report to the Corporate and Works Committee on probity and direct negotiation issues) that Woolworths be requested to commission a full traffic report, including computer simulation modelling to determine the acceptability of the proposed traffic circulation, loading and unloading and parking arrangements of their proposed scheme for development of the Kiaora Lands site.
2. That the traffic report be reported back to a future meeting of the Kiaora Lands Working Party.
3. That a further report be prepared that includes the alternative processes available to obtain other adjoining parties interest in the development of Council's land, including this process running parallel with the consideration of the Woolworths proposal.
4. That a report be prepared that identifies appropriate land uses for the properties on Kiaora Road that formed part of the approved Kiaora Lands scheme, excluding 1 Kiaora Road.

**The Amendment was put and declared lost on the casting vote of the Mayor.  
The Motion was adopted.**

**10/4 Resolved:**

1. That any further consideration of traffic issues associated with the Woolworths proposed DA be deferred until following the Strategic and Corporate Committee meeting which will consider the future use of Council's Kiaora lands.
  2. That a further report be prepared that includes the alternative processes available to obtain other adjoining parties interest in the development of Council's land, including this process running parallel with the consideration of the Woolworths proposal.
  3. That a report be prepared that identifies appropriate land uses for the properties on Kiaora Road that formed part of the approved Kiaora Lands scheme, excluding 1 Kiaora Road.
  4. That the Strategic and Corporate Committee meeting be held within 28 days.
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## Notices of Motion

**Item No:** 1  
**From:** Councillors Rundle & Dawson  
**Date:** 26 February 2007  
**File No:** 900.G

**(Rundle/Dawson)**

- 11/4** That a report be brought to the appropriate Committee detailing steps that can be implemented to improve the traffic flow of the Kiaora Road, Bellevue Road and Cross Street intersection, with the view that such measures are undertaken as soon as possible and before any development in the Council car park.

**Adopted**

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**Item No:** 2  
**From:** Councillors Shoebridge & Excell  
**Date:** 4 March 2006  
**File No:** 900.G

**(Shoebridge/Excell)**

That Council, noting the clear scientific evidence of human induced climate change caused by global warming and the increasing concentrations of carbon dioxide and other greenhouse gasses in our atmosphere, and recognising the substantial potential affects of climate change on our local environment:

1. Calls for a report on the potential affects of climate change in Woollahra over the course of the 21<sup>st</sup> century including:
  - (a) The rise of sea levels in accordance with internationally recognised scientific predictions;
  - (b) The loss of coastal land including our harbour beaches from rising sea levels and storm surges;
  - (c) The exposure of large sections of low lying coastal areas in Woollahra, namely Double Bay, Rose Bay and Watsons Bay to rising sea levels and storm surges;
  - (d) The potential increase in ground water levels in Double Bay and Rose Bay from rising sea levels noting the existing evidence that ground water levels in the municipality do rise and fall with tidal levels;
  - (e) The effect on our municipality of increasingly severe weather patterns including flooding, drought and storm surge damage;

- (f) The potential areas of future expense to council and local residents of steps required to mitigate the affects of climate change including remedial drainage works, relocation or alteration of low lying housing and public land, beach remediation, sea wall extensions and maintenance and alteration housing stock.
2. Further that the report address what concrete steps Council can take, both in relation to its own operations and in relation to its regulatory capacity to reduce the greenhouse gas emissions of both Council and the municipality generally.

**Lost**

**Note:** A Division was called by Councillors Shoebridge and Martin

**For the Motion**

Councillor Martin  
 Councillor Excell  
 Councillor Sinclair King  
 Councillor Shoebridge

**Against the Motion**

Councillor Comino  
 Councillor Ehrlich  
 Councillor Dawson  
 Councillor Walker  
 Councillor Rundle  
 Councillor Shapiro  
 Councillor Boskovitz  
 Councillor Cullen  
 Councillor Huxley

4/9

**Item No:** 3  
**From:** Councillor Shoebridge  
**Date:** 6 March 2007  
**File No:** 900.G

**(Shoebridge/Boskovitz)**

- 12/4** That a report be brought to the Corporate & Works Committee considering the potential for Council to undertake weed reduction works on the retaining wall that separates Adelaide Parade from Cooper Park in Woollahra including any potential liability issue this may raise.

**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 26 February 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 Ehrlich**

13/4 That the responses to previous Questions without Notice be noted.

**Adopted**

**The following questions were asked:-**

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**Councillor Comino:**

I understand the developer of the building site adjacent to Franklins in Dover Road, Rose Bay, has secured a crane permit for 17 March 2007 but works were carried out last Saturday blocking the westbound lanes in contravention of the DA consent. On what basis does Council issue a crane permit on the Dover Road frontage having regard to the strict requirements that the Development Control Committee placed, when this application came up to Council, for any work zone on this site to be restricted to part of Council's car park at the rear of the building site?

**Director Planning and Development in response:**

I will take this question On notice, but I can advise that an approval is required under section 68 of the Local Government Act for permission to swing a crane across a public road and that approval must be in place before that activity is undertaken.

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**Councillor Comino asking:**

What is the current status of the toilet and change shed building in Lyne Park? Is there any proposal or further report forthcoming on the use of such building for kiosk or other public uses?

**Director Technical Services in response:**

I will take this question On notice but there is a report coming shortly to Council.

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**Councillor Ehrlich asking:**

To Councillor Shoebridge

No man can serve two masters and be loyal to them both equally. Will you resign if elected to the Legislative Assembly, from Woollahra Council?

**Councillor Shoebridge in response:**

If I do get elected I would think that I would be a valuable asset on the Council and I would like to stay on the Council for the balance of my Council term.

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**Councillor Petrie asking:**

To the Mayor

Everybody has noticed Greens Party corflutes all along Lyne Park, Rose Bay Promenade, Cooper Park and Lough Park and everywhere else. This is an environmental abuse and I ask you to ask Councillor Shoebridge, Green candidate for Vaucluse, to request that the Green hierarchy remove them in the next 2 days.

**Mayor in response:**

I can make the request.

**Councillor Shoebridge in response:**

Why don't you ask me directly?

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**Councillor Petrie asking;**

To Councillor Shoebridge

Will you write to the hierarchy and get them to remove these corflutes which are all over every park in Woollahra?

**Councillor Shoebridge in response:**

There is no such hierarchy who has put in place the corflutes around Woollahra.

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**Councillor Martin asking:**

In reference to the fence and cement works now blocking the old entrance to White City from New South Head Road. Now that walkers have made an informal path under the railway viaduct to Mahoney Lane, should we make a proper path to avoid pedestrian injury? Can we discuss this with Sydney Water or another land owner if relevant? This new path may also negate the need for a pathway to be part of the public benefit as part of the rezoning?

**Director Planning and Development in response:**

I will take that On notice but just to note that the Council is not the owner of that land and any public access way through that land or across that land would need to be negotiated with the owner of that land.

**Mayor further in response:**

We can write a letter to Rail Corp requesting that they assist, seeing it is their land.

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**Councillor Excell asking:**

The lawn around the Council Chambers from New South Head Road to half way along the sarcophagi is in a terrible state. We have had plenty of rain and most lawns in the area are blooming. What is the reason for all this dead lawn? Could it be addressed and can our lawn be rejuvenated or replaced with low water usage ground covers?

**Director Technical Services in response:**

On notice.

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**Councillor Dawson asking:**

What is the number of clothing disposal bins allowed in Lyne Park? At the moment at least three bins meet ferry travellers at the Rose Bay Wharf and there are further two bins in the car park by the tennis courts.

**Director Planning and Development in response:**

On notice.

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**Councillor Shapiro asking:**

Some months ago Councillor Excell and I requested a garbage bin at the bus stop outside 103 Birriga Road. As a result the cleaning schedule was increased at that site. I note that there are still piles of rubbish in the rockery behind the bus stop, so please can we now install a garbage bin as the increased cleaning schedule does not seem to have worked?

**Director Technical Services in response:**

On notice.

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**Councillor Shapiro asking:**

There is a large sign from a real estate agent on the grass verge outside 48-50 Birriga Road. Can you please investigate?

**Director Planning and Development in response:**

Yes we will.

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**Councillor Sinclair King asking:**

Many months ago I asked for details regarding approval of a car advertisement on one side of the Edgecliff Centre and a report generally on signage of the Edgecliff Centre buildings. The car advertisement was later replaced with a more specific Edgecliff Centre advertisement has been put up but no report on signage has been forthcoming. Since then there has been signage creep on all facades of the building (it has become a giant billboard) and special effects lighting. Is Council the consent authority for signage and lighting on the Edgecliff Centre buildings, if so what signage has been authorised and what signage is unauthorised?

**Director Planning and Development in response:**

We are the consent authority. Development consent has been granted for a general advertising sign. From what you say there appears to be more signs than what may have been approved and I will take that part of the question On notice. I will organise for one of my staff to carry out an inspection and to audit the current signs against the approvals.

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**Councillor Sinclair King asking:**

Can we have an update on the concrete slab at the Shell Service Station and what advice our Lawyers have given Council?

**Director Planning and Development in response:**

I will be very happy to provide a briefing note to all Councillors on the current position with that unauthorised work. Suffice to say, I understand that we have a letter of undertaking from the owner not to carry out further work. I will provide a briefing note to Councillors. We have not asked the owner to remove the slab and that is a matter that we will need to consider in the context of our enforcement policy and the degree of environmental harm which is caused by the slab, the cost to Council and whether or not such action would be in the public interest.

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**Councillor Shoebridge asking:**

Can our Regulatory staff look at the advertising hoarding promoting a future redevelopment of the old Consulate on the corner of Trelawney and Ocean Streets, Woollahra?

**Director Planning and Development in response:**

Yes. I will take that On notice.

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**Councillor Shoebridge asking:**

Can we please have water wise native grasses and ground cover planted in the Rushcutters Bay median island rather than a high maintenance and water hungry lawn?

**Director Technical Services in response:**

On notice.

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**Councillor Shoebridge asking:**

To Councillor Comino

Why did you stay in the Urban Planning Committee and vote on the final resolution whilst the Committee considered the building envelopes for land which I understand your firm's client owns?

**Councillor Comino in response:**

Councillor Shoebridge, through the Mayor to you, you are very well aware of the reason, I answered that at both the commencement before the discussion took place. I also made sure that I did not participate in the progressive vote on the amendments which you put forward in relation to that part of the site, north of the viaduct, which the Chair is well aware of. And I also had it noted at the end of the meeting as well.

There being no further business the meeting concluded at 9.34pm.

*We certify that the pages numbered 497 to 535 inclusive are the Minutes of the Ordinary Meeting of Woollahra Municipal Council held on 12 March 2007 and confirmed by Council at the ordinary Meeting of Council on 26 March 2007 as correct.*

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**General Manager**

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**Mayor**