



Ordinary Council Meeting

Agenda: *Ordinary Council Meeting*

Date: *Monday 29 January 2007*

Time: *8.00pm*

Woollahra Municipal Council

Notice of Meeting

25 January 2007

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

Dear Councillors

Council Meeting – 29 January 2007

In accordance with the provisions of the Local Government Act 1993, I request your attendance at Council's **Ordinary Council Meeting** to be held in the **Council Chambers, 536 New South Head Road, Double Bay, on Monday 29 January 2007 at 8.00pm.**

Gary James
General Manager

Meeting Agenda

1. Confirmation of Minutes – Ordinary Meeting 18 December 2006
2. Leave of Absence and Apologies
3. Declarations of Interest
4. Late Correspondence
5. Petitions Tabled
6. Mayoral Minute Nil
7. Public Forum
8. General Manager’s Report Nil
9. Reports of the Committees
 - 9.1 Corporate & Works Committee 22 January 2007 1
 - R1 Confirmation of Minutes of Meeting held on 11 December 2006
 - R2 Monthly Financial Report - December 2006
 - R3 Disclosure of Interest Returns submitted by New Designated employees October to December 06
 - R4 Blaxland Road, Bellevue Hill - Road Reconstruction and Streetscape Project
 - R5 Waverley/Woollahra Process Plant
 - 9.2 Development Control Committee 22 January 2007 3
 - R1 47 Russell Street, Vacluse – Section 82A review the entire proposal – 13/10/2005
 - R2 2A Heeley Street, Paddington – Alterations and additions to existing commercial property – 18/05/2006
 - R3 11A Jersey Road Woollahra – new roof sheeting to pergola and internal wall – 09/08/2006
 - 9.3 Urban Planning Committee 18 December 2006 Nil
 - R1 Draft Paddington Heritage Conservation Area DCP 2006 (**Submitted to Council 18 December 2006 as a Matter of Urgency**)
 - 9.4 Community & Environment Committee 18 December 2006 24
 - R1 Confirmation of Minutes of Meeting held on 27 November 2006
 - R2 Woollahra Traffic Committee Minutes - 5 December 2006
 - R3 Extraordinary Meeting Woollahra Traffic Committee Minutes - 12 December 2006
 - R4 Local History User Satisfaction Survey 2006
 - R5 Adoption of Draft Crime Prevention Plan
10. Rescission Motion Nil
11. Notices of Motion 33
12. Questions without Notice 34

9.1 Corporate & Works Committee

Items with Recommendations from the Committee Meeting of Monday 22 January 2007 Submitted to the Council for Determination

Item No: R1 Recommendation to Council
Subject: **Confirmation of Minutes of Meeting held on 11 December 2006**
Author: Les Windle, Manager – Governance
File No: See Council Minutes
Reason for Report: The Minutes of the Meeting of Monday 11 December 2006 were previously circulated. In accordance with the guidelines for Committees' operations it is now necessary that those Minutes be formally taken as read and confirmed.

Recommendation:

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

Item No: R2 Recommendation to Council
Subject: **Monthly Financial Report - December 2006**
Author: Tracey Walker, Financial Accountant
Michelle Phair, Acting Manager Finance
File No: 987G
Reason for Report: To present the monthly financial report for December 2006

Recommendation:

A. THAT the monthly financial report for December 2006 be received and noted.

Item No: R3 Recommendation to Council
Subject: **Disclosure of Interest Returns Submitted by New Designated Employees October to December 2006**
Author: Merle Karp – Team Leader Governance
File No: 169.G
Reason for Report: To table the disclosure of interest returns that have been lodged by new designated employees during the period October to December 2006

Recommendation:

- A. That the Disclosure of Interest Returns of the new designated persons who were required to submit a Primary Return during the period October to December 2006 be tabled.
- B. That Council notes that the Primary Disclosure of Interest Returns have been submitted in accordance with the requirements of the Local Government Act 1993.
-

Item No: R4 Recommendation to Council
Subject: **Blaxland Road, Bellevue Hill - Road Reconstruction and Streetscape Project**
Author: Joe Cavagnino - Purchasing Co-ordinator
File No: Tender 06/14
Reason for Report: To recommend to Council the acceptance of a Tender

Recommendation:

- A. That Council enter into a Contract with J.N. Civil P/L for the Reconstruction of Blaxland Road, Bellevue Hill, for the Lump Sum Price of \$222,401.40 excluding GST.
 - B. That successful and unsuccessful tenderers be advised accordingly.
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Item No: R5 Recommendation to Council
Subject: **Waverley/Woollahra Process Plant**
Author: Gary James, General Manager
File No: 1060.G
Reason for Report: To report to the Council on the recommendation from the WWPP Committee meeting of 19 December 2006, to sell the Waverley Woollahra Process Plant (WWPP) site.

Recommendation:

- 1. That the recommendations of the Corporate and Works Committee resolved in closed session remain confidential until Woollahra Council has met and resolved its position, following which the Council's decisions and all supporting reports (except for confidential annexures) shall be made public.
 - 2. That Woollahra's portion of the funds be reserved until the Council determines how the funds are to be allocated.
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9.2 Development Control Committee

Items with Recommendations from the Committee Meeting of Monday 22 January 2007 Submitted to the Council for Determination

Item No: R1 Recommendation to Council
Subject: 47 Russell Street, Vacluse – Section 82A Review the entire proposal – 13/10/2005
Author: David Waghorn –Senior Assessment Officer
File No: DA25/2004
Reason for Report: The original application was refused by the Development Control Committee and the Section 82A Review must be considered by a higher authority and as such is submitted to Council for consideration.

Recommendation:

- A. That the matter be deferred to a future Development Control Committee meeting to enable the submission and assessment of cross sections documenting the extent of excavation into the cliff and a further geotechnical report providing recommendations ensuring the stability of the cliff both during and post construction. The geotechnical report to also include assessment of the area known as the “cave”.
 - B. That the matter also be referred back to Council’s Heritage Officer for further review.
 - C. That further consideration be given to the potential impact on Derby Park pursuant to Clause 24 of the Woollahra Local Environment Plan having regard to excavation near cliff faces.
 - D. That the applicant be requested to submit a survey showing the exact property boundaries.
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Item No: R2 Recommendation to Council
Subject: **2A Heeley Street, Paddington – Alterations and additions to existing commercial property – 18/05/2006**
Author: Larissa Northridge – Assessment Officer
File No: DA284/2006
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 recommendation of the Development Control Committee to the Officer’s recommendation.

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

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

AND

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

1. Approved Plans

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

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

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

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

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

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

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

3. Heritage

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

4. Heritage

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

5. Water conservation

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

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

6. Existing trees which must be retained

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

Trees on Private Property

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

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

7. Hand excavation within tree root zones

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

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

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

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

8. Tree Protection Zones

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

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

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

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

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

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

9. Footings in the vicinity of trees

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

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

10. Requirement for a Construction Certificate

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

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

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

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

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

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

- a copy of the final heritage report submitted with the development application,
- A site plan at a scale of 1:200 (or 1:500 if appropriate) of all structures and major landscape elements including their relationship to the street and adjoining properties;
- floor plans at scale of 1:100;
- postcard sized photographs of:

- (i) each elevation;
- (ii) each structure and landscape feature and significant parts of the property as defined in the submitted statement of significance;
- (iii) views to the subject property from each street and laneway or public space; and
- (iv) external and internal details as nominated in the assessment report by Council's heritage officer.

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

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

12. Structural adequacy

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

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

13. Structural details

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

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

14. Layout of buildings

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

15. Levels

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

16. Building Inspections

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

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

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

17. Erosion and sediment control

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

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

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

A copy of the sign is available from Council.

19. Demolition, excavation and construction hours

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

20. Standard for demolition

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

21. Demolition and disposal of hazardous materials

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

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

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

22. Stockpiles

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

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

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

24. Location of building operations

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

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

25. Temporary disposal of roof water

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

26. Site fencing

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

27. Connection to existing drainage system

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

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

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

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

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

28. Footpath levels

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

29. Protection of services

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

30. Road Opening Permit

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

31. Public footpaths

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

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

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

32. Repair of Damaged Infrastructure

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

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

33. Toilet facilities

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

(d) In this condition:

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

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

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

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

34. Support for neighbouring buildings

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

35. Compliance with Building Code of Australia

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

36. Signs to be erected on building and demolition sites

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

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

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

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

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

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

Description	Amount	Indexed	Council Fee Code
LONG SERVICE LEVY			
under Building and Construction Industry Long Service Payments Act 1986			
Long Service Levy (Currently 0.35% of contract value – subject to change. Contact LSL Corporation to confirm current rate)	Contact LSL Corporation	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 Council as a consequence of the doing of anything to which the consent relates.	\$5 000	Yes, yearly	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	\$900	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	\$6 063 Plus any relevant indexed amounts and long service levy		

How must the payments be made?

Payments must be made by:

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

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

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

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

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

Do you need HELP indexing the security, bond or levy?

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

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

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

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

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

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

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

38. Occupation of premises

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

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

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

39. Use of Premises

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

Item No: R3 Recommendation to Council
Subject: **11A Jersey Road, Woollahra – New roof sheeting and internal wall – 09/08/2006**
Author: Tony Ristevski – Assessment Officer
File No: DA492/2006
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 recommendation of the Development Control Committee to the Officer’s recommendation.

Recommendation:

A. THAT, as the unauthorised works are unsatisfactory with regard to the relevant objectives and controls of the Woollahra Local Environmental Plan 1995 (WLEP 1995) and Woollahra Heritage Conservation Area Development Control Plan 2003 (WHCA 2003) for the following reasons:

1. The works result in a loss of the shared characteristics of the group of significant items, contrary to the objectives contained in cl 2(2)(g)(i - ii) of the WLEP 1995 and cl.1.6(c) of the WHCA DCP 2003 and the controls contained in C5 and C6 of Section 3.2.1 of the WHCA 2003.
2. The scale of the works is excessive and is contrary to the controls contained in C5 and C6 of Section 3.2.1 of the WHCA 2003.
3. The roofing materials are inappropriate within the Conservation Area and contrary to control C1 of Section 3.4.5 of the WHCA 2003 and pose a safety risk.
4. The roofing will adversely impact on the garden setting and open space.
5. The proposed development will impact on the visual amenity and acoustic privacy of the surrounding properties, contrary to objective 01 of Section 3.4.12 of the WHCA 2003.

Council requires these works to be removed within 28 days.

B. That this matter be referred to the Manager – Compliance to take appropriate action under Part 6 of the Environmental Planning and Assessment Act 1979 in accordance with Council’s Policy on Unauthorised Uses, Buildings and Works for failure to obtain Council’s consent prior to carrying out the unauthorised works.

C. THAT Council, as the consent authority, grant development consent to that part of DA 492/2006/1 for the internal single skin wall only, to the existing dwelling on land 11A Jersey Road, Woollahra, subject to the following conditions:

1. Approved Plans

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

2. Roof Sheeting

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

3. Requirement for a Construction Certificate

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

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

4. Structural details

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

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

5. Demolition, excavation and construction hours

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

6. Building Inspections

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

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

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

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

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

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

Description	Amount	Indexed	Council Fee Code
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.	\$2000	No	T600
INSPECTION FEES under section 608 of the Local Government Act 1993			
Security Administration Fee	\$163	No	T16
TOTAL SECURITY, CONTRIBUTIONS, LEVIES AND FEES	\$2,163.00 Plus any relevant indexed amounts and long service levy		

How must the payments be made?

Payments must be made by:

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

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

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

How will the section 94A levy be indexed?

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

Do you need HELP indexing the levy?

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

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

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

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

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

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

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

8. Stockpiles

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

9. Location of building operations

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

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

10. Disposal of site water during construction

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

11. Standard for demolition

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

12. Damage security deposit

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

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

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

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

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

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

14. Public footpaths

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

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

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

15. Water quality protection

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

16. Compliance with Building Code of Australia

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

17. Residential building work

- (a) Building work that involves residential building work (within the meaning of the *Home Building Act 1989*) must not be carried out unless the principal certifying authority (PCA) for the development to which the work relates:
 - in the case of work to be done by a licensee under that Act:
 - (i) has been informed in writing of the licensee's name and contractor license number; and
 - (ii) is satisfied that the licensee has complied with the requirements of Part 6 of that Act; or

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

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

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

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

18. Signs to be erected on building and demolition sites

- (a) A sign must be erected in a prominent position on any work site on which work involved in the erection or demolition of a building is being carried out:
 - (i) stating that unauthorised entry to the work site is prohibited; and
 - (ii) showing the name of the person in charge of the work site and a telephone number at which that person may be contacted outside working hours.
- (b) Any such sign must be removed when the work has been completed.
- (c) This clause does not apply to:
 - (i) building work carried out inside an existing building; or
 - (ii) building work carried out on premises that must be occupied continuously (both during and outside working hours) while the work is being carried out.

9.4 Community & Environment Committee

Items with Recommendations from the Committee Meeting of Monday 18 December 2006 Submitted to the Council for Determination

Item No: R1 Delegated to Committee
Subject: Confirmation of Minutes of Meeting held on 27 November 2006
Author: Les Windle – Manager Governance
File No: See Council Minutes
Reason for Report: The Minutes of the Meeting of 27 NOVEMBER 2006 were previously circulated. In accordance with the guidelines for Committees' operations it is now necessary that those Minutes be formally taken as read and confirmed.

Recommendation:

That the Minutes of the Community and Environment Committee Meeting of 27 NOVEMBER 2006 be taken as read and confirmed.

Item No: R2 Delegated to Committee
Subject: Woollahra Traffic Committee Minutes - 5 December 2006
Author: Alan Opera – Manager, Public Infrastructure
File No: See Traffic Committee Minutes
Reason for Report: For the Committee to consider the recommendations of the Woollahra Traffic Committee.

Recommendation:

THAT the Recommendations Y1-Y7 contained in the minutes of the Woollahra Traffic Committee on Tuesday 5 December 2006 be adopted subject to Item Y7 being amended to read as follows:

- A. That the contents of the Darling Point Precinct Traffic Study dated July, 2005 be noted.
 - B. That the Revised Action Plan as detailed in this report be deferred to a later meeting of the Community and Environment Committee to allow the proposed submission by the Darling Point Society to be considered.
 - C. That the Darling Point Society be advised of Council's decision.
-

Item No: Y1 Traffic Matters on Local Roads – Recommendation to C&E for Consideration

Subject: **Parking Restrictions Changes**

Author: Frank Rotta – Traffic Engineer

File No: (Refer to Table 1)

Reason for Report: Various parking restriction changes throughout the Woollahra Council area.

Item Y1-1: Pacific Street, Watsons Bay – No Stopping Restrictions

Recommendation:

1. That the existing ‘No Stopping’ zone on the northern side of Pacific Street from 8.6 metres east of the western boundary of No.31 Pacific Street to 32.2 metres east of the western boundary of No.31 Pacific Street be changed to ‘No Stopping Saturdays, Sundays & Public Holidays’.
2. That full-time ‘No Stopping’ be introduced from the western side of the driveway to No.31 Pacific Street to opposite the eastern side of the driveway to No.30 Pacific Street, Watsons Bay (Note: this driveway is closest to the bend)

Item Y1-2: Mary Place, Paddington – No Parking Restrictions

Recommendation:

1. That the ‘No Parking’ zone across the Mary Place frontage of Nos.71, 73 & 75 Glenmore Road be extended 5.8 metres in a south-westerly direction across the Mary Place frontage of No.69 Glenmore Road, Paddington.

Item Y1-3: Glenmore Road, Paddington – Advance Pavement Markings

Recommendation:

1. That the proposed advanced zig-zag pavement markings on both Glenmore Road approaches to the raised pedestrian crossing in Glenmore Road just south of Walker Avenue, Paddington not be introduced.
2. That rumble bars be placed on the unbroken centreline on the south-bound approach (on the curve) in the vicinity of No.454 Glenmore Road.

Item Y1-4: Greenoaks Avenue, Darling Point – Parking Restrictions

Recommendation:

1. That a ‘No Stopping’ zone be installed from the western side of the driveway to No.26 Greenoaks Avenue around to the southern side of the driveway to No.8 Greenoaks Avenue, Darling Point.

Item Y1-5: Gipps Street, Paddington – No Entry Sign

Recommendation:

1. That a 'No Entry' sign be installed (facing northbound traffic in Glenmore Road) on ELP20372 which is located on the southern side of Gipps Street at its intersection with Glenmore Road, Paddington.
-

Item Y1-6: Greycliffe Avenue, Vaucluse – Change to Signage

Recommendation:

1. That all of the Angle Parking signage on the western side of Greycliffe Avenue north of Vaucluse Road be altered to read '90° Angle Parking, Rear to Fence, Vehicles under 6m only'.
-

Item Y1-7: Greycliffe Avenue, Vaucluse – Temporary No Parking Restrictions

Recommendation:

1. That the requested temporary 11 metres of 'No Parking' for Boxing Day 2006 not be introduced.
-

Item Y1-8: Queen Street, Woollahra – Request for Disabled zone

Recommendation:

1. That the '2HR Parking Mon-Sat 8.00am-11.00pm ARVE Pgn 4' (Arrow Left) sign located 1.3 metres east of the prolongation of the common boundary between Nos.67 & 69 Queen Street, Woollahra be relocated 5.5 metres in a westerly direction.
-

Item Y1-9: Vaucluse Road, Vaucluse – Alteration to Linemarking

Recommendation:

1. That the concept plan in Annexure 1 illustrating the installation of a broken centreline between the prolongation of the common boundaries of No.4A & 6 Vaucluse Road and the southern boundary of Queens Avenue with a southbound lane width of 3.1 metres and a northbound lane width of 4.7 metres be approved.
-

Item No: Y2 Traffic Matters on Local Roads – Recommendation to C&E for Consideration
Subject: **No. 152 Wolseley Road, Point Piper – Request For Parking Restrictions**
Author: Frank Rotta – Traffic Engineer
File No: T503
Reason for Report: Request for parking restrictions in Wolseley Road, Point Piper

Recommendation:

- A. That ‘No Parking’ be introduced from the western side of the driveway to No.152 Wolseley Road for a distance of 8.3 metres in an easterly direction.
-

Item No: Y3 Traffic Matters on Local Roads – Recommendation to C&E for Consideration.
Subject: **New South Head Road, Between Rose Bay Park and Lyne Park, Parking Bays on North Side.**
Author: Frank Rotta – Traffic Engineer
File No: 680.G 2005 Pt6
Reason for Report: Resolution of Council for matter to be referred to Woollahra Traffic Committee.

Recommendation:

- A. That the RTA’s response that it would not support the provision of angle parking in parking bays on the northern side of New South Head Road, between Rose Bay Park and Lyne Park, be noted.
-

Item No: Y4 Traffic Matters on Local Roads – Recommendation to C&E for Consideration
Subject: **No. 6 Loftus Road, Darling Point – Works Zone**
Author: Frank Rotta – Traffic Engineer
File No: 407.G Pt7
Reason for Report: Request for a Works Zone

Recommendation:

- A. That approval be granted for a Works Zone to be temporarily installed in front of No.6 Loftus Road, Darling Point. The length of the proposed Works Zone is 7 metres, and it is to be located on the southern side of Loftus Road, just east of the double driveway to No.6 Loftus Road and is subject to:
- i. Any directive provided by the NSW Police Department is to be complied with.
 - ii. The Works Zone is to operate between the hours of 7.00am-4.00pm Mon-Fri and 7.00am-1.00pm Sat for a period of 12 weeks from 5 February, 2007 to 30 April, 2007.
-

- iii. Suitable traffic control measures are to be put in place to manage truck movements to and from the construction site.
 - iv. Existing parking restrictions (2HR Parking 8.00am-8.00pm ARVE Area RUSH 1) are to be maintained outside of the Works Zone hours of operation.
 - v. The applicant must ensure that the traffic lanes, footpaths and driveways, adjacent to the Works Zone, remain free of obstruction at all times during the construction.
 - vi. The applicant must inform Council's Traffic Engineer when the project is completed and the Works Zone can be removed.
 - vii. This Works Zone is in an area zoned as Residential 2(b). The fee payable shall be in accordance with Council's adopted fees and charges applying to the period for which the approval is given, and must be paid prior to the Works Zone being installed. Should the Works Zone be required for a shorter period, application may be made for a pro-rata refund.
 - viii. Failure to comply with any of these conditions may result in the cancellation of the Works Zone at Council's discretion.
 - ix. Should the Works Zone be required for a period longer than the approved period, permission from the Director of Technical Services is required to extend the Works Zone.
 - x. Should the Works Zone be required for additional hours of operation on any particular day, any amendment will require the approval of the Woollahra Traffic Committee.
- B. That the applicant notifies all adjacent residents by a letterbox drop of the conditions of the Works Zone.

Item No: Y5 Traffic Matters on Local Roads – Recommendation to C&E for Consideration.

Subject: No. 18 Edgecliff Road (Icasia Lane), Woollahra – Works Zone

Author: Frank Rotta – Traffic Engineer

File No: 407.G Pt7

Reason for Report: Request for a Works Zone

Recommendation:

- A. That approval be granted for a Works Zone to be temporarily installed for No.18 Edgecliff Road, Woollahra. The length of the proposed Works Zone is 6 metres, and it is to be located on the northern side of Icasia Lane, across the Icasia Lane frontage to No.18 Edgecliff Road Woollahra and is subject to:
- i. Any directive provided by the NSW Police Department is to be complied with.
 - ii. The Works Zone is to operate between the hours of 7.00am-4.00pm Mon-Fri and 7.00am-1.00pm Sat for a period of 12 weeks from 29 January, 2007 to 23 April, 2007.
 - iii. Suitable traffic control measures are to be put in place to manage truck movements to and from the construction site.
 - iv. Existing parking restrictions (No Stopping) are to be maintained outside of the Works Zone hours of operation.
 - v. The applicant must ensure that the traffic lanes, footpaths and driveways, adjacent to the Works Zone, remain free of obstruction at all times during the construction.
 - vi. The applicant must inform Council's Traffic Engineer when the project is completed and the Works Zone can be removed.

- vii. This Works Zone is in an area zoned as Residential 2(b). The fee payable shall be in accordance with Council's adopted fees and charges applying to the period for which the approval is given, and must be paid prior to the Works Zone being installed. Should the Works Zone be required for a shorter period, application may be made for a pro-rata refund.
 - viii. Failure to comply with any of these conditions may result in the cancellation of the Works Zone at Council's discretion.
 - ix. Should the Works Zone be required for a period longer than the approved period, permission from the Director of Technical Services is required to extend the Works Zone.
 - x. Should the Works Zone be required for additional hours of operation on any particular day, any amendment will require the approval of the Woollahra Traffic Committee.
- B. That the applicant notifies all adjacent residents by a letterbox drop of the conditions of the Works Zone.

Item No: Y6 Traffic Matters on Local Roads – Recommendation to C&E for Consideration.

Subject: **Elanora Street, Iluka Street and Manion Avenue, Rose Bay - Resident Parking Restrictions**

Author: Greg Stewart - Project Manager Strategic Projects & Policy

File No: 150.G, 249.G, 299.G

Reason for Report: Resident requests received for the introduction of resident parking restrictions.

Recommendation:

- A. That 55 (72%) of the total existing car parking spaces in Elanora Street, Iluka Street and Manion Avenue that are currently signposted as 1 Hour Parking 8am-6pm SAT-SUN Permit Holders Excepted be converted to 1 Hour Parking 8am-6pm SAT-SUN, 4 Hour Parking 8am-4pm MON-FRI Permit Holders Excepted.
- B. That once implemented, the Resident Parking scheme recommended above be monitored on a regular basis and any adjustments to the Scheme considered necessary be reported to the Woollahra Traffic Committee for approval. This is to ensure that residents have a reasonable likelihood of finding an available on street parking space during the day and that on street parking spaces not required by the residents are available for public parking.
- C. That the parking on the western side of Elanora Street between New South Head Road and Iluka Street adjacent to the Woollahra Golf Course be signposted as 90 degree rear to kerb parking to reflect the current and long term parking practices at this location.

Item No: Y7 Traffic Matters on Local Roads – Recommendation to C&E for Consideration.

Subject: **Darling Point Precinct Traffic Study**

Author: Frank Rotta – Traffic Engineer

File No: 255.G Darling Point Traffic Study

Reason for Report: Consideration of Darling Point Precinct Traffic Study prepared for Council by Consultant, Stan Mack.

Recommendation:

- A. That the contents of the Darling Point Precinct Traffic Study dated July, 2005 be noted.
 - B. That the Revised Action Plan as detailed in this report be deferred to a later meeting of the Community and Environment Committee to allow the proposed submission by the Darling Point Society to be considered.
 - C. That the Darling Point Society be advised of Council's decision.
-

Item No: R3 Delegated to Committee

Subject: **Extraordinary Meeting
Woollahra Traffic Committee Minutes - 12 December 2006**

Author: Warwick Hatton, Director – Technical Services

File No: See Traffic Committee Minutes

Reason for Report: For the Committee to consider the recommendations of the Woollahra Traffic Committee.

Recommendation:

THAT the Recommendations contained in the minutes of the Woollahra Traffic Committee during its Extraordinary Meeting held on Tuesday 12 December 2006, Items Y8-9 be adopted.

Item No: Y8 Traffic Matters on Local Roads – Recommendation to C&E for Consideration.

Subject: **2007 Women's MFS Australian Open**

Author: Frank Rotta – Traffic Engineer

File No: 1188.G

Reason for Report: To submit the proposed Traffic Management Plan for the event to the Committee for approval

Recommendation:

- A. That the Traffic Management Plan, version 2 dated 12 December, 2006, that has been prepared by Assure Event Safety Services for the 2007 Women's MFS Australian Open to be held at the Royal Sydney Golf Course between 1-4 February, 2007 be approved for implementation.
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Item No: Y9 Traffic Matters on Local Roads – Recommendation to C&E for Consideration
Subject: **No. 17 Hamilton Street, Rose Bay – Works Zone**
Author: Frank Rotta – Traffic Engineer
File No: 407.G Pt7
Reason for Report: Request for a Works Zone

Recommendation:

- A. That approval be granted for a Works Zone to be temporarily installed in front of No.17 Hamilton Street, Rose Bay. The length of the proposed Works Zone is 6 metres, and it is to be located on the western side of Hamilton Street, just west of the driveway to No.19 Hamilton Street, Rose Bay and is subject to:
- i. Any directive provided by the NSW Police Department is to be complied with.
 - ii. The Works Zone is to operate between the hours of 7.00am-4.00pm Mon-Fri and 7.00am-1.00pm Sat for a period of 12 weeks from 29 January, 2007 to 23 April, 2007.
 - iii. Suitable traffic control measures are to be put in place to manage truck movements to and from the construction site.
 - iv. The applicant must ensure that the traffic lanes, footpaths and driveways, adjacent to the Works Zone, remain free of obstruction at all times during the construction.
 - v. The applicant must inform Council's Traffic Engineer when the project is completed and the Works Zone can be removed.
 - vi. This Works Zone is in an area zoned as Residential 2(b). The fee payable shall be in accordance with Council's adopted fees and charges applying to the period for which the approval is given, and must be paid prior to the Works Zone being installed. Should the Works Zone be required for a shorter period, application may be made for a pro-rata refund.
 - vii. Failure to comply with any of these conditions may result in the cancellation of the Works Zone at Council's discretion.
 - viii. Should the Works Zone be required for a period longer than the approved period, permission from the Director of Technical Services is required to extend the Works Zone.
 - ix. Should the Works Zone be required for additional hours of operation on any particular day, any amendment will require the approval of the Woollahra Traffic Committee.
- B. That the applicant notifies all adjacent residents by a letterbox drop of the conditions of the Works Zone.
-

Item No: R4 Delegated to Committee

Subject: **Local History User Satisfaction Survey 2006**

Author: Kerry-Ann Prideaux – Information Services Librarian

File No: 474.G

Reason for Report: To report to Council on the outcome of the results of the Local History Centre User Satisfaction Survey 2006.

Recommendation:

- A. That Council receive and note the report.
- B. That the results of this survey be included in the development of the upcoming Library and Information Services Strategic Plan.

Item No: R5 Recommendation to Council

Subject: **Adoption of Draft Crime Prevention Plan**

Author: Susan Turner, Manager, Community Development

File No: 79.G

Reason for Report: Presentation of submissions received following the public exhibition period and recommending amendments to the draft Crime Prevention Plan.

Recommendation:

- A. That Council adopt the draft Crime Prevention Plan with amendments as recommended.

Notices of Motion

Item No: 1
From: Councillors Shoebridge and Gardner
Date: 11 December 2006
File No: 900.G

That in respect of sale of public land that neighbours who would ordinarily be notified later in the process, be notified at the beginning of the process so that they can attend on site when the Committee forms the initial recommendation to sell/not sell the land.

Item No: 2
From: Councillor Comino
Date: 16 January 2007
File No: 900.G

That a report be brought to Urban Planning Committee of Council addressing and examining the anomaly currently existing between the zoning of areas immediately north of Sid Einfield Drive (in particular Vernon Street & Junction Street, Bondi Junction), the restrictions of the Heritage Conservation Area and Woollahra Conservation DCP, the permissibility of medical uses under the zoning for this area and Council becoming obliged to refuse DA's for Medical Rooms in this area due to lack of parking availability on-site.

Item No: 3
From: Councillor Comino
Date: 16 January 2007
File No: 900.G

That a report be prepared and brought to the appropriate Committee of Council reviewing the provisions of Council's Section 94 Plan 2002 having regard to the levy and parking requirements imposed on clubs and organisations that provide educational and/or community services in Woollahra.

ANSWERS TO QUESTIONS WITHOUT NOTICE FROM PREVIOUS COUNCIL MEETING

Item No: 12
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 18 December 2006 and for Councillors to ask Questions without Notice in accordance with Council's Code of Meeting Practice.

Recommendation:

That the responses to previous Questions without Notice be noted.

Background:

The provision for Councillors to ask Questions Without Notice is contained in Section 3 of Council's Code of Meeting Practice which states:

- (1) *As a standard practice, "Questions Without Notice" shall be listed in all agendas of Ordinary Meetings of Council*
- (2) *Questions shall be in writing.*
- (3) *The Mayor shall direct the question to the General Manager or responsible Division Head; or if the question is directed to another Councillor, the Councillor concerned. There shall be no requirement to answer the question immediately.*
- (4) *If the answer to a question can be given immediately then such shall be done and a record made in the Minutes of the Meeting. If an answer can be given, but not immediately, then the Mayor shall indicate to whom the question is to be directed and the basis upon which the answer is to be provided (whether in writing and direct to the Enquirer, or by means of a report to an appropriate Committee, or otherwise.)*
- (5) *In the spirit of achieving the expeditious discharge of Council business the agenda item "Questions Without Notice" shall generally be limited to not more than 30 minutes duration unless the Council determines otherwise, on the evening in question and by way of specific resolution.*

Questions Without Notice should be asked in accordance with the Code of Meeting Practice.

Responses to Councillors Questions Without Notice on 18 December 2006 are as follows:

Councillor Comino asking:

Will Council examine any modifications, changes or extensions to the mobile phone base stations within the Municipality to ensure that the ARPANSA Guidelines and Regulations on radiation exposure and the latest requirements are being fulfilled?

Director Technical Services in response:

On notice

Councillor Martin asking:

When rescission motions are tabled in future can we ensure the original motion is printed in the papers? It makes the debate more easy to follow.

General Manager in response:

That is the normal process.

Councillor Dawson asking:

What is the outcome to all the written concern about traffic safety at St Marks Pre-school on Greenoaks Avenue and Darling Point Road?

Mayor in response:

After discussions I had regarding Councillors and the pre-school's concerns about the parking, it is acknowledged by everyone here that there is a serious safety issue regarding the pick-up of children as it is a very narrow road. The traffic officer has gone to notification to notify the residents opposite the pre-school, they all have off street parking and remedial action to this strip of the road to ensure safety would potentially require the loss of about three spaces. The residents are being notified and that will come back in January and it will come to the Woollahra Traffic Committee meeting in February.

Traffic Engineer further in response:

Consultation with affected residents is about to be undertaken and preliminary investigations indicate that approximately six carspaces may be lost. The matter will be reported to Woollahra Traffic Committee at its February meeting.

Councillor Rundle asking:

Whilst I welcome the retention of the traffic lights at New South Head Road and Lyne Park, the left turning lane appears to be completed but barricades remain in this traffic lane. What is the purpose and when will they be removed?

Manager Public Infrastructure in response:

The RTA will be changing the support arm which holds the traffic lights over the roadway. The present arm is not within RTA specifications for the new layout and as such the left turn lane below has been blocked until a replacement arm can be installed. Unfortunately, due to the geometry, the replacement arm is not a stock item and is being fabricated.

Councillor Rundle asking:

The pedestrian bridge over the water course in Ruschutters Bay Park between Sydney City Council and Woollahra Municipal Council replacement was due to be completed this week. When will it be completed?

Manger Public Open Space in response:

The bridge was installed and was opened for public use 22 December 2006. Rain caused the opening of the bridge to be delayed by a day.

Councillor Shapiro asking:

Has the Maritime Authority, as landowner, given permission for the development of the Point Piper and Rose Bay Marina?

If the landowner's consent has not been given, why has it not been given?

Director Planning and Development in response:

Landowners consent has not been issued however the proponents of that development have applied for landowners consent and advice we have received from the Maritime Authority is there are reasonable prospects of that consent being granted. It is our view that those circumstances allow us to continue with the processing of the application. In the latest Councillor's Briefing Notes from the Directors we provided information on the status of that development application including the proposed advertising dates commencing in January next year.

Councillor Sinclair King asking:

What is the status of the development of the Double Bay Marina?

Director Planning and Development in response:

An application for the Double Bay Marina has not been submitted. Landowners consent has not been issued and as far as I am aware the Director General's requirements for the preparation of an environmental impact statement have not been issued. In those circumstances it is unlikely that a development application will be submitted for that development for several months, it certainly won't be till well into the new year.

Councillor Sinclair King asking:

Has Council been advised that there may be a development application (for the Double Bay Marina)?

Director Planning and Development in response:

We have met with the proponents and they have canvassed the relevant planning issues with us and we have advised what those issues are, which won't be any surprise, as they are very similar to the issues which have been raised already in relation to the Point Piper and Rose Bay Marinas. The major difference between the two proposals is that in relation to the Double Bay Marina there is a proposal which involved substantial dredging of the bay and that raises a number of additional environmental considerations that are absent from the Point Piper and Rose Bay Marinas which, in that case does not involve dredging of the bay.

Further details will be found at <http://www.doublebaymarina.com.au/>

Councillor Cullen asking:

To the General Manager

Could you personally ensure that Council seeks that the tree butchers responsible for slaughtering the 100 year old Moreton Bay Fig at 75 Kambala Road Bellevue Hill receive the maximum penalties for this crime?

General Manger in response:

I certainly will.

Manager Public Open Space further in response:

We have investigated the matter, received necessary information and briefed a solicitor to proceed with a prosecution.

Gary James
General Manager

Annexures: Nil