

# Council Meeting

Monday 12 February 2007

## Table of Contents

Items Determined Under Delegated Authority by Council Committees .....	250
Confirmation of Minutes.....	252
Leave of Absence.....	252
Apologies .....	252
Declarations of Interest .....	252
Mayoral Minute .....	253
1.    Australia Day Honours – 26 January 2007 .....	253
Corporate & Works Committee .....	255
R1    2006/2007 Budget Review for the Quarter ended 31 December 2006.....	255
R2    Internet Webcast of Council Meetings.....	256
Development Control Committee .....	257
R1    42-42A Wolseley Road, Point Piper – Demolition of the existing dwelling-house & residential apartment building and the construction of a residential flat building comprising 5 units, 11 off-street car parking spaces; landscaping and siteworks – 06/09/2006 .....	257
Urban Planning Committee.....	259
R1    Unauthorised and Illegal Works & Uses.....	259
R2    Draft Paddington Heritage Conservation Area Development Control Plan 2006 .....	259
R3    Draft Development Control Plan for Advertising and Notification of Development Applications and Applications to modify Development Consents (Amendment No.1) .....	260
Urban Planning Committee.....	261
Matter of Urgency.....	261
R1    Draft White City DCP.....	261
Community & Environment Committee.....	263
R1    Commercial Fitness Training Activities on Public Open Space (2007).....	263
9.5 Strategic & Corporate Committee .....	265
R1    Cranbrook School DA.....	265
R2    Cranbrook School Draft LEP (Amendment 61) .....	303
Notice of Motion.....	304
Procedural Motion .....	305
Suspension of Standing Orders.....	305
Questions Without Notice Tabled Answers.....	306

## 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 February 2007

- D1 Confirmation of Minutes of Meeting held on 22 January 2007
- D2 26-28 Royston Street, Paddington - Proposed Road Closure and Sale
- D3 Internet Webcast of Council meetings – (See Item R2)

### Development Control Committee Meeting held on Monday 5 February 2007

- D1 Confirmation of Minutes of Meeting held on 22 January 2007
- D2 DA541/2006 – 75 Drumalbyn Road, Bellevue Hill – Demolition of existing dwelling and construction of new two storey dwelling incorporating a basement level, swimming pool, landscaping and site works – 25/08/06
- D3 DA573/2006 - 42-42A Wolseley Road, Point Piper – Demolition of the existing dwelling-house & residential apartment building and the construction of a residential flat building comprising 5 units, 11 off-street car parking spaces; landscaping and siteworks – 06/09/2006 – (See Item R1)
- D4 DA509/2006 - 2 Loch Maree Place, Vaucluse – Alterations and additions to the existing dwelling-house; landscaping works – 16/08/2006
- D5 DA 319/2006 – 9 Albert Street, Edgecliff – Alterations and additions including new swimming pool, garage with studio above, rear extension, fencing and air-conditioning- 2/6/2006
- D6 DA620/2006 – 49 Dover Road, Rose Bay – Alterations & additions to house including two storey structure at the rear of the house – 22/9/2006
- D7 DA576/2004 – 650-654 New South Head Road, Rose Bay – Substantial alterations & additions to convert an existing two-storey residential flat building to a four-storey mixed development (new mixed development) consisting of a retail component & 4 off-street car parking spaces at ground floor level & 6x2 bedroom units above – 3/9/2004
- D8 DA326/2006 – 15 Edgecliff Road, Woollahra – Alterations & additions including an extension to the garage, raised courtyard & two storey rear addition – 6/6/2006
- D9 DA137/2006 – 72 Bellevue Road, Bellevue Hill – Demolition of the existing dwelling & construction of residential flat building containing 3 units, carparking, swimming pool & landscaping – 17/3/2006
- D10 DA260/2006 – 147 Victoria Road, Bellevue Hill – Demolition of the existing buildings & construction of a new residential flat building containing three units – 9/5/2006
- D11 Register of Current Land and Environment Court Appeals for Building and Development Applications

### Urban Planning Committee Meeting held on Monday 29 January 2007

- D1 Confirmation of Minutes of Meeting held on 18 December 2006

### Community & Environment Committee Meeting held on Monday 29 January 2007

- D1 Confirmation of Minutes of Meeting held on 18 December 2006
- D2 Woollahra Plastic Bags Working Party – Minutes of Meeting 12 held on 7 December 2006
- D3 Community and Social Planning



# Council Meeting

**Minutes of the Meeting of Woollahra Municipal Council  
held at the Council Chambers, Double Bay, on  
Monday 12 February 2007 at 8.04pm.**

Present: Her Worship 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

Staff:

A Coker	(Director – Planning & Development)
G Clarke	(Director – Corporate Services)
W Hatton	(Director – Technical Services)
G James	(General Manager)
L Windle	(Manager – Governance)
P Kauter	(Executive Planner)

Also in Attendance: Nil

---

## Confirmation of Minutes

**(Shapiro/Ehrlich)**

- 1/2 THAT the Minutes of the Council Meeting held on 29 January 2007 be taken as read and confirmed.

**Adopted**

**(Petrie/Shapiro)**

- 2/2 THAT the Minutes of the Strategic and Corporate Meeting held on 6 February 2007 be taken as read and confirmed.
- 

## Leave of Absence

Nil

---

## Apologies

Nil

---

## Declarations of Interest

Councillor Marcus Ehrlich declared a pecuniary interest in the Community & Environment Committee Item R1 (Commercial Fitness Training Activities on Public Open Space) as his brother is a personal trainer. Councillor Ehrlich left the room during that item and did not debater or vote on the matter.

Councillor Marcus Ehrlich declared a non-pecuniary interest in the Urban Planning Committee Matter of Urgency Item R1 (Draft White City DCP) as he is a member of the White City Tennis Club.

Councillor Marcus Ehrlich declared a non-pecuniary interest in the Strategic and Corporate Committee Item R1 (Cranbrook School DA) as he is a Cranbrook Old Boy and a member of the Cranbrook Association.

Councillor Julian Martin declared a non-pecuniary interest in the Urban Planning Committee Matter of Urgency Item R1 (Draft White City DCP) as he lives at 1 Lawson Street, Paddington.

Councillor Boskovitz declared a non-pecuniary interest in the Strategic and Corporate Committee Item R1 (Cranbrook School DA) as he attended Cranbrook School between the Bicentennial year and 1994.

Councillor Wilhelmina Gardner declared a non-pecuniary interest in the Urban Planning Committee Matter of Urgency Item R1 (Draft White City DCP) as she is a member of the White City Tennis Club.

---

## Mayoral Minute

**Mayoral Minute No:** 1

**Subject:** Australia Day Honours – 26 January 2007

**Author:** The Mayor, Councillor Keri Huxley

**File No:** 13.G/5

**Reason for Report:** To inform the Council of the local recipients of the Australia Day Honours

(Comino/Martin)

3/2 **Resolved:**

That letters of congratulation, signed by the Mayor and General Manager on Council letterhead, be forwarded to the following recipients of the 2007 Australia Day Honours:

- i. Mrs Roslyn Redman PACKER, AO
- ii. Mr Ashley Ross BONTHORNE, AM
- iii. Dr Andrew Graham CHILD, AM
- iv. Warrant Officer Andrew John FREAME, AM
- v. Associate Professor David John GILLET, AM
- vi. Emeritus Professor Elizabeth Anne ASHBURN, OAM
- vii. Mr Peter Ronald FALK, OAM

---

I am pleased to inform the Council that seven (7) residents of the Woollahra Municipality were among those persons honoured in the recent Australia Day Honours. They are:

### **Officer (AO) in the General Division**

- i. Mrs Roslyn Redman Packer  
For service to the community as a major supporter of and fundraiser for a broad range of arts, cultural, medical research and health care organisations.

### **Member (AM) in the General Division**

- ii. Mr Ashley Ross Bonthorne  
For service to architecture and the planning and design of urban areas, to the architectural profession, to local government, and to the community.
- iii. Dr Andrew Graham Child  
For service to medicine in the fields of obstetrics and gynaecology as a clinician, teacher and administrator and through contributions to a range of professional organisations.
- iv. Warrant Officer Andrew John Freame  
For meritorious service as Junior Officers Warfare Course Divisional Officer, Staff Officer for Boatswains Mate Category Sponsor, and President of the Senior Sailors' Mess at HMAS WATSON.

- v. Associate Professor David John Gillett  
For service to medicine, particularly in the field of breast cancer research and education, to the development of multidisciplinary systems of care for patients, and as a surgeon.

**Medal (OAM) in the General Division**

- vi. Emeritus Professor Elizabeth Anne Ashburn  
For service to the visual arts, to contemporary Australian art, to education and to the community.
- vii. Mr Peter Ronald Falk  
For service to sport, particularly Rugby Union football, and to the community as a fundraiser for medical and ex-service organisations.

Cr Keri Huxley  
Mayor

---

## Corporate & Works Committee

---

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

---

**Item No:** R1 Recommendation to Council  
**Subject:** 2006/2007 Budget Review for the Quarter ended 31 December 2006  
**Author:** Michelle Phair – Team Leader Financial Services  
**File No:** 331.G  
**Reason for Report:** To report on the review of the 2006/2007 Budget for the quarter ended 31 December 2006

(Martin/Shoebridge)

**4/2 Resolved without debate:**

- A. THAT the report be received and noted and the variations to the Budget be adopted.
- B. that a further report(s) be provided on:
- an analysis of the reasons for staff leaving the organisation
  - the turnover of outdoor staff and the ability of the organisation to attract outdoor staff
  - the financial impact of recent resignations in construction and maintenance
  - any other relevant staffing issues
  - the changes and issues identified in the discussion concerning the balance sheet.
-

- Item No:** R2 Delegated to Committee
- Subject:** **Internet Webcast of Council Meetings**
- Author:** Nabil Saleh - Manager Information Systems  
Geoff Clarke – Director Corporate Services
- File No:** 900.G
- Reason for Report:** To determine if the Council wishes to proceed with the internet webcasting of full council meetings  
In accordance with Councils codes and meeting procedures this matter has been called to the full Council by Council Shoebridge for the following reasons:
- Equity in access to council meetings; and
  - Need to encourage and benefits of open decision making.

**(Martin/Shoebridge)**

**5/2 Resolved without debate:**

That a further report be prepared for the Committees consideration and that it include:

- Details for the internet broadcasting and archiving of the Council meeting
  - The practical implementation of same, and
  - The specifics for an effective broadcast
  - The prevalence of high speed internet connection in Woollahra
-

---

## Development Control Committee

---

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

---

- Item No:** R1 Recommendation to Council
- Subject:** **42-42A Wolseley Road, Point Piper – Demolition of the existing dwelling-house & residential apartment building and the construction of a residential flat building comprising 5 units, 11 off-street car parking spaces; landscaping and siteworks – 06/09/2006**
- Author:** David Booth – Senior Assessment Officer
- File No:** DA573/2006
- Reason for Report:** In accordance with Councils codes and meeting procedures this matter has been called to the full Council by Council Shoebridge for the following reasons:
- Such substantial and negative non-compliances prima-facie warrant the staff's recommendation of refusal not the site recommendation of deferral.
  - The expenditure of Council resources in reassessing, conferring and reconsidering such a non-compliant development is prima-facie not warranted as it inevitably results in compliant and long-suffering residents being unable to have council resources applied in a timely fashion to assessing their modest DAs.

**Note:** Late correspondence was tabled at the meeting from Damien Reed and Adam Tilley.

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

That the application be refused for the reasons recommended by Council staff to the Development Control Committee meeting held on 22 January 2007.

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

That the recommendation from the Development Control Committee meeting for a defer and confer of the application be adopted.

**The Amendment was put and carried.**

**The Amendment became the Motion.**

**The Motion was adopted.**

**6/2 Resolved:**

That consideration of Development Application No. 573/2006 for the demolition of the existing dwelling-house & residential apartment building and the construction of a residential flat building comprising 5 units, 11 off-street car parking spaces; landscaping and siteworks on land at 42 and 42A Wolseley Road Point Piper be deferred to enable the applicant to confer with Council staff in order to address concerns relating to the removal of natural rock features, excessive excavation, excessive number of storeys and excessive floor space ratio.

**Note:** A Division was called by Councillors Petrie and Ehrlich.

**For the Motion**

Councillor Comino  
Councillor Ehrlich  
Councillor Petrie  
Councillor Dawson  
Councillor Walker  
Councillor Shapiro  
Councillor Boskovitz  
Councillor Sinclair King  
Councillor Cullen  
Councillor Huxley

**Against the Motion**

Councillor Gardner  
Councillor Martin  
Councillor Excell  
Councillor Rundle  
Councillor Shoebridge

**10/5**

---

---

## Urban Planning Committee

---

### Items with Recommendations from the Committee Meeting of Monday 29 January 2007 Submitted to the Council for Determination

---

**Item No:** R1 Recommendation to Council  
**Subject:** **Unauthorised and Illegal Works & Uses**  
**Author:** Tim Tuxford, Manager - Compliance  
**File No:** 885.G ENF  
**Reason for Report:** To respond to the Notice of Motion adopted at the Council meeting of 1 May 2006 with regard to "Unauthorised and illegal works and uses".  
To present a revised Enforcement Policy for Council's approval.

(Rundle/Shoebridge)

**7/2 Resolved without debate:**

1. That the matter be deferred to allow amendments to be made to Sections 1.4, 3.4, 4.3 and 4.5 of the draft Policy as discussed at the Committee meeting.
2. That notice of the Committee meeting that will consider the draft policy with the amendments included in part 1 of the recommendation be given to those residents who have made submissions on this matter.
3. That a further report be submitted to the Committee considering methods of promoting Council's PCA service.

---

**Item No:** R2 Recommendation to Council  
**Subject:** **Draft Paddington Heritage Conservation Area Development Control Plan 2006**  
**Author:** Jodi Ayre – Strategic Heritage Officer  
**File No:** 899.G  
**Reason for Report:** To respond to a Council decision made on 18 December 2006.

**Note:** Late correspondence was tabled at the meeting from Council's Strategic Heritage Officer, Jodi Ayre,

(Rundle/Shoebridge)

**8/2 Resolved:**

- A. THAT the information brochure circulated to all properties in the Paddington Ward be noted.

- B. THAT the composition of the Peer and Community Review Panel be the experts identified in section 3.1 of the report, a representative of The Paddington Society and a community member, preferably who made representations to the Urban Planning Committee, as determined by the Chair of the Urban Planning Committee on the recommendation of staff, and that the workshops be co-ordinated as outlined in the project timeline contained in **annexure 4**.
- C. THAT a further report be brought to the Urban Planning Committee at the conclusion of the workshops with the Peer and Community Review Panel, to report on the expert advice received in relation to Clause 4.1.1 and 4.1.6 of the Draft Heritage Conservation Area Development Control Plan 2006.
- D. THAT written submissions be invited to be made to the Peer and Community Review Panel.

---

**Item No:** R4 Recommendation to Council

**Subject:** **Draft Development Control Plan for Advertising and Notification of Development Applications and Applications to modify Development Consents (Amendment No.1)**

**Author:** Chris Bluett - Manager Strategic Planning

**File No:** 1074.G Part 2

**Reason for Report:** To report on the public exhibition of the Draft DCP.  
To obtain Council's approval of the Draft DCP.

**(Rundle/Shoebridge)**

**9/2 Resolved without debate:**

THAT the Draft DCP for Advertising and Notification of Development Applications and Applications to Modify Development Consents (Amendment No. 1) as exhibited and contained in annexure 3 of the report to the Urban Planning Committee meeting of 29 January 2007 be approved and come into effect four weeks after the date of approval.

---

## Urban Planning Committee Matter of Urgency

---

### Items with Recommendations from the Committee Meeting of Monday 12 February 2007 Submitted to the Council for Determination

---

- Item No:** R1 Recommendation to Council
- Subject:** **Draft White City DCP**
- Author:** Margaret Zulaikha – Team Leader Urban Design  
Allan Coker – Director Planning and Development
- File No:** 1064 G Amend 59
- Reasons for Report:**
1. To provide the minutes from the Strategic Planning Working Party meeting held on 9 November 2006.
  2. To submit a recommendation for further action on the Draft White City DCP
- Note:** Councillor Marcus Ehrlich declared a non-pecuniary interest in this item as he is a member of the White City Tennis Club.
- Note:** Councillor Julian Martin declared a non-pecuniary interest in this item as he lives at 1 Lawson Street, Paddington.
- Note:** Councillor Wilhelmina Gardner declared a non-pecuniary interest in this item as she is a member of the White City Tennis Club.

**(Rundle/Comino)**

- 10/2** That in accordance with Council's Code of Meeting Practice, Item R1 of the Urban Planning Committee Meeting held on 12 February 2007 be brought forward as a Matter of Urgency.

**Adopted**

**The Mayor ruled urgency.**

**Motion moved by Councillor Rundle  
Seconded by Councillor Comino**

- A. That a principles based draft DCP for White City be prepared for the consideration of a future meeting of the Urban Planning Committee.
- B. That the Director of Planning and Development be requested to appoint a Project Officer to supervise the process of development, exhibition, reporting and completion of the DCP.
- C. That the Strategic Planning Working Party meet as a matter of priority in the development of the principles.

**Amendment moved by Councillor Walker  
Seconded by Councillor Boskovitz**

- A. That a principles based draft DCP for White City be prepared for the consideration of a future meeting of the Urban Planning Committee.
- B. That the Strategic Planning Working Party meet as a matter of priority in the development of the principles.

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

**11/2 Resolved:**

- A. That a principles based draft DCP for White City be prepared for the consideration of a future meeting of the Urban Planning Committee.
  - B. That the Strategic Planning Working Party meet as a matter of priority in the development of the principles.
-

---

## Community & Environment Committee

---

### Items with Recommendations from the Committee Meeting of Monday 29 January 2007 Submitted to the Council for Determination

---

**Item No:** R1 Recommendation to Council  
**Subject:** Commercial Fitness Training Activities on Public Open Space (2007)  
**Author:** David Sheils - Manager Public Open Space  
**File No:** 172.G  
**Reason for Report:** To report results of the public exhibition of draft policy and strategy and recommend adoption

**Note:** Councillor Marcus Ehrlich declared a pecuniary interest in this item as his brother is a personal trainer. Councillor Ehrlich left the room during the item and did not debater or vote on the matter.

**Note:** Late correspondence was tabled at the meeting from Council's Director Technical Services, Warwick Hatton, Mr Kevin Fitzgerald and Mr Richard Chadwick.

**Motion moved by Councillor Boskovitz  
Seconded by Councillor Excell**

- A. That Council resolve to regulate fitness activities by means of signage in Parks and Reserves clearly defining time and other restrictions, and by a permit system for fitness trainers with a single administrative fee, as set out in the in the late correspondence memo by the Director Technical Services to the Council Meeting on 12 February 2007 and the attached revised Policy for Commercial Fitness Training Activities on Public Open Space (Revision 1).
- B. That the administration fee be \$200.00.
- C. That the fee and the revised policy be exhibited.
- D. That the Commercial Fitness Training Activities on Public Open Space Policy (2007) be adopted for a 12 month trial period.
- E. That a further report be presented to Council following the 12 month trial period.
- F. That the Policy include that Redleaf be excluded from use by personal trainers.

**Amendment moved by Councillor Cullen  
Seconded by Councillor Shoebridge**

- A. That Council resolve to regulate fitness activities by means of signage in Parks and Reserves clearly defining time and other restrictions, and by a permit system for fitness trainers with a single administrative fee, as set out in the in the late correspondence memo by the Director Technical Services to the Council Meeting on 12 February 2007 and the attached revised Policy for Commercial Fitness Training Activities on Public Open Space (Revision 1).

- B. That the administration fee be \$200.00 for 2 years.
- C. That the fee and the revised policy be exhibited.
- D. That a report be submitted to the Community and Environment Committee regarding the signage proposed to control fitness activities in the Council parks prior to the exhibition.
- E. That the Commercial Fitness Training Activities on Public Open Space Policy (2007) be adopted for a 12 month trial period and a further report be presented to Council following the 12 month trial period.
- F. That the 5<sup>th</sup> dot point of the “Excluded areas” section on page 4 of the Policy be amended to read as follows:
  - McKell Park, Blackburn Gardens, Redleaf, Chiswick Gardens.

**Councillor Boskovitz withdrew his Motion.**

**The Amendment became the Motion.**

**The Motion was adopted.**

**12/2 Resolved:**

- A. That Council resolve to regulate fitness activities by means of signage in Parks and Reserves clearly defining time and other restrictions, and by a permit system for fitness trainers with a single administrative fee, as set out in the late correspondence memo by the Director Technical Services to the Council Meeting on 12 February 2007 and the attached revised Policy for Commercial Fitness Training Activities on Public Open Space (Revision 1).
- B. That the administration fee be \$200.00 for 2 years.
- C. That the fee and the revised policy be exhibited.
- D. That a report be submitted to the Community and Environment Committee regarding the signage proposed to control fitness activities in the Council parks prior to the exhibition.
- E. That the Commercial Fitness Training Activities on Public Open Space Policy (2007) be adopted for a 12 month trial period and a further report be presented to Council following the 12 month trial period.
- F. That the 5<sup>th</sup> dot point of the “Excluded areas” section on page 4 of the Policy be amended to read as follows:
  - McKell Park, Blackburn Gardens, Redleaf, Chiswick Gardens.

---

## 9.5 Strategic & Corporate Committee

---

### Items with Recommendations from the Committee Meeting of Tuesday 6 February 2007 Submitted to the Council for Determination

---

**Item No:** R1 Recommendation to Council  
**Subject:** Cranbrook School DA  
**Author:** P Kauter, Executive Planner  
A Coker, Director Planning and Development  
**File No:** DA508/2006  
**Reason for Report:** To consider the independent traffic report and additional information in relation to the Development Application by the Cranbrook School for a new Preparatory and Junior school

**Note:** Councillor Marcus Ehrlich declared a non-pecuniary interest in this item as he is a Cranbrook Old Boy and a member of the Cranbrook Association.

**Note:** Councillor Boskovitz declared a non-pecuniary interest in this item as he attended Cranbrook School between the Bicentennial year and 1994.

**Note:** Late correspondence was tabled at the meeting from Council's Executive Planner, Mr Peter Kauter, Mrs Cathy Whittaker, Masson Wilson Twiney, Harold Scruby of the Pedestrian Council of Australia, Mr Dan Farrenc, Mrs Olympia Fourtounis, Ms Kim Proctor, Stan and Victoria Halkeas, Mrs Marika Nabung, The Vacluse Progress Association, the Royal Sydney Golf Club Limited and Ms Angela Regan.

**Motion moved by Councillor Martin  
Seconded by Councillor Walker**

That the recommendation be adopted subject to:

- Condition E.30 **Trees which may be removed** – delete from the table rows A & B under the column headed *Council Reference No*:
- Include the following additional advising:

#### ***K.13 Jacaranda Trees***

*All reasonable measures are to be taken to preserve the two Jacaranda trees on the eastern side of the road reserve of Kent Road near its intersection with New South Head Road, including but not limited to:*

1. *the footpath being lifted before the road works and the root zones are assessed*
2. *if necessary some root pruning could be undertaken outside the critical root zone on the Jacaranda further from New South Head Road*
3. *root pruning of the tree closer to New South Head Road should be kept to a minimum, especially in the critical root zone*

4. *depending on the root spread exposed when the path is lifted consideration should be given to altering the thickness of the new kerbstone and to the replacement options for the footpath.*

*Approval under Council's Tree Preservation Order is required before this work is undertaken.*

- Condition B.3.A being amended to require additional dilapidation reports to be prepared for 687, 689, 691 and 693 New South Head Road, Rose Bay and 1, 2 and 3 Iluka Street, Rose Bay.

**Amendment moved by Councillor Boskovitz  
Seconded by Councillor Excell**

That the recommendation be adopted subject to:

- Condition E.30 **Trees which may be removed** – delete from the table rows A & B under the column headed *Council Reference No*:
- Include the following additional advising:

***K.13 Jacaranda Trees***

*All reasonable measures are to be taken to preserve the two Jacaranda trees on the eastern side of the road reserve of Kent Road near its intersection with New South Head Road, including but not limited to:*

5. *the footpath being lifted before the road works and the root zones are assessed*
6. *if necessary some root pruning could be undertaken outside the critical root zone on the Jacaranda further from New South Head Road*
7. *root pruning of the tree closer to New South Head Road should be kept to a minimum, especially in the critical root zone*
8. *depending on the root spread exposed when the path is lifted consideration should be given to altering the thickness of the new kerbstone and to the replacement options for the footpath.*

*Approval under Council's Tree Preservation Order is required before this work is undertaken.*

- The setback to the northern boundary being increased to a minimum of 6 metres adjoining the class rooms and a minimum of 3 metres adjoining the tennis courts.
- Condition B.3.A being amended to require additional dilapidation reports to be prepared for 687, 689, 691 and 693 New South Head Road, Rose Bay and 1, 2 and 3 Iluka Street, Rose Bay.
- That a Risk Management Plan be conducted by the school at the time of the assessment of Stage 2 of this project.

**Foreshadowed Amendment advised by Councillor Shoebridge**

That the application be refused and Council continue its defence of the appeal in the Land and Environment Court.

**The Amendment was put and Lost.****Amendment moved by Councillor Shoebridge  
Seconded by Councillor Excell**

That the application be refused and Council continue its defence of the appeal in the Land and Environment Court.

**The Amendment was put and Lost.  
The Motion was Adopted.****13/2 Resolved:**

THAT, subject to the withdrawal of the appeal to the Land and Environment Court, Council as the consent authority, grant development consent under section 83B of the *Environmental Planning and Assessment Act 1979* to DA 508/2005/1 by the Cranbrook School for Staged Development on land at 6 and 6A Kent Road Rose Bay incorporating the following:-

- Land uses comprising Junior and Preparatory School
- Indicative building envelopes
- A maximum gross floor area for the school buildings of 6,300 square metres
- A landscaping concept
- Vehicular access, egress and circulation layout (not construction)
- 70 off-street car parking spaces (not construction)
- Siteworks comprising: demolition of former bowling club, site remediation and removal of identified trees and vegetation and drainage,

subject to the following conditions:

**A. General Conditions****A.1 Conditions**

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

Standard Condition: A1

**A.2 Definitions**

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

*Applicant* means the applicant for this Consent.

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

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

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

*Council* means Woollahra Municipal Council

*Court* means the Land and Environment Court

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

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

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

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

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

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

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

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

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

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

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

*Site* means the land being developed subject to this consent.

*WLEP 1995* means *Woollahra Local Environmental Plan 1995*

*Work* for the purposes of this consent means:

- a) the use of land in connection with development,
- b) the subdivision of land,
- c) the erection of a building,
- d) the carrying out of any work,
- e) the use of any site crane, machine, article, material, or thing,
- f) the storage of waste, materials, site crane, machine, article, material, or thing,
- g) the demolition of a building,

- h) the piling, piercing, cutting, boring, drilling, rock breaking, rock sawing or excavation of land,
- i) the delivery to or removal from the *site* of any machine, article, material, or thing, or
- j) the occupation of the *site* by any person unless authorised by an *occupation certificate*.

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

Standard Condition: A2

### A.3 Total or partial consent (s.83B of the Act)

Consent is granted for the following specific part or aspect of the development:

- a) Demolition of existing buildings and structures, other than those associated with the former bowling club; construction of the internal road, school buildings, carpark and landscaping – this consent does not authorise the carrying out of these works unless consent is subsequently granted following a further development application for such works pursuant to s.83B(3)(a) of the Act
- b) Siteworks comprising: demolition of the buildings and structures associated with the former bowling club, site remediation and removal of identified trees and vegetation and drainage – no further development consent is needed for these works pursuant to s.83B(3)(b) of the Act

### A.4 Approved Plans and supporting documents

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

Reference	Description	Author/Drawn	Date(s)
E19153FJ-ASSMP	Acid Sulphate Soil Management Plan	Environmental Investigation Services	August 2005
Report No 05148 version C	Acoustic Report	Wilkinson Murray	July 2005
DA004 (01)	Architectural Plans Existing locality and site analysis	PD Mayoh P/L	July 05
DA100 (01)	Ground floor plan	PD Mayoh P/L	July 05
DA1000 (01)	Ground floor plan (enlarged)	PD Mayoh P/L	July 05
DA1000 (01)	First floor plan (enlarged)	PD Mayoh P/L	July 05
DA150 (01)	Elevations – prep school	PD Mayoh P/L	July 05
DA151 (01)	Elevations – junior school	PD Mayoh P/L	July 05
DA160 (B)	Kent Street ramp engineering section	PD Mayoh P/L	Aug 06
DA201 (01)	Roof plane and building height plane study	PD Mayoh P/L	July 05
DA 600 (01)	Shadow diagrams	PD Mayoh P/L	July 05
DA 002 (01)	Locality plan of proposed development	PD Mayoh P/L	July 05
C01 (B)	Services plan	LHO Group	28.08.06
C02 (B)	Stormwater drainage concept plan, discharges & flood levels	LHO Group	28.08.06
C03 (D)	Stormwater concept plan sheet 1	LHO Group	28.08.06
C04 (D)	Stormwater concept plan sheet 2	LHO Group	28.08.06
C05 (A)	Longitudinal section and details	LHO Group	28.08.06
C06 (A)	Sediment & erosion control plan	LHO Group	28.08.06

E19153FJ-RAP	Contaminated Land - Remedial Action Plan (Stage 3)	Environmental Investigation Services (EIS)	August 2005
LC01/01 (D)	Landscape Plan Cranbrook School	Taylor Brammer	02.08.2005
	Arborist Report Development Impact Assessment Report	Earthscape Horticultural Services	July 2005
04264	Stage 1 Development Application Statement of Environmental Effects	JBA Urban Planning Consultants	August 2005
	Stormwater Management Plan		
	Traffic Report	Colston Budd Hunt & Kafes P/L	August 2005
SK/4667/jj			18 August 2006
NT02899-V3	Roadworks and Services	Hyder Consulting	4 August 2005
	Pick Up and Drop Off Traffic Management Plan – Dangar Precinct	Cranbrook School	Received with JBA letter 25 August 2006
	The Sporting Programme Student Management Plan	Cranbrook School	Received with JBA letter 25 August 2006
	Staff carpark access procedure	Cranbrook School	Received with JBA letter 25 August 2006
	<u>Cranbrook School Proposed Dangar Development Operational Traffic Management Plan</u>	<u>Cranbrook School</u>	<u>22 January 2007</u>
	<u>Dangar Precinct Masterplan Traffic Scheme A – September 2006 Revision 1</u>	<u>PD Mayoh P/L</u>	<u>25 September 2006</u>

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

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

Standard Condition: A5

#### A.5 School student enrolment numbers

Student numbers are not to exceed:

- 150 for the preparatory school
- 310 for the junior school

This condition is imposed to limit the intensity of the use of the school.

#### A.6 Building - height

The two (2) storey buildings being reduced in height so as to conform with the 9.5m control under clause 12 of Woollahra Local Environmental Plan 1995 so that the school buildings represent a distinctive but uniform group of buildings in the context. In this regard the objection submitted under State Environmental Planning Policy No. 1 – Development Standards in respect of the height of the gymnasium is not considered to be well founded.

### **A.7 Building and Tennis Court Setbacks**

All buildings, including the proposed store, year 1 and 2 classrooms and Prac room are to be set back at least 4m from the northern site boundary. The tennis courts are to be set back at least 3m from the northern site boundary. This condition has been imposed to ensure that there will be adequate room for site landscaping, privacy screening and maintenance and to provide adequate sunlight access to the school buildings.

### **A.8 Design of Eastern Roundabout**

The design of the proposed internal road is to be amended in accordance with Traffic Scheme A – September 2006 Revision 1, 25.9.06 prepared by PD Mayoh Pty Ltd. This condition is imposed to set the eastern roundabout away from the rear boundary of No. 4A Kent Road, to provide for the provision of screen landscaping in the setback area and to protect the amenity of that property.

### **A.9A Design of the Internal Road**

The design of the internal road is to be amended as follows:

- (a) The diameter of the western roundabout is to be increased to permit a 12.5m bus to negotiate the roundabout in a single movement.
- (b) The proposed disabled parking space on the eastern side of the eastern pedestrian crossing is to be relocated to one of the parallel visitor parking spaces in the Kent Road entry area.
- (c) The most eastern 90 degree parking space adjacent the western pedestrian crossing is to be relocated to the western end of that parking area.

This condition is imposed to provide for bus entry to and from the site from Kent Road and to improve pedestrian safety.

### **A.9B Operational Traffic Management Plan**

The site is to be operated in accordance with the key planning principles and procedures set out in the Operational Traffic Management Plan, January 2007. In particular:

- (a) the three parking spaces on the eastern side of the eastern pedestrian crossing are to be allocated to senior school staff and vehicles from these spaces are to reverse in an easterly direction and exit the site by negotiating the eastern roundabout.
- (b) There is to be no public vehicular access (except in emergencies) to the internal road past the retractable bollards on school days between the hours of 8.40am and 2.30pm.
- (c) Arrangements are to be made to restrict parking in the parking space on the western side of Kent Road adjacent to the school entry when necessary to permit the safe movement of buses into and out of the site.
- (d) The internal road is to be appropriately sign posted with a 10kmh speed limit in accordance with SKC 04 Issue P1, Internal Signage.
- (e) Student drop-off and pick-up is to be managed by staff in accordance with the management process outlined in section 2 of the plan.

This condition is imposed to ensure that there will be safe and efficient arrangements for student drop-off and pick-up and for the safe entry and egress of all vehicles.

**A.9C Ecologically Sustainable Building Design Principles**

The proposed buildings are to be designed to minimise water and energy use. The stage 2 DA is to be accompanied by a report from an appropriately qualified or experienced expert in environmentally sustainable building design illustrating the sustainability features of the proposed development.

**A.9D Ecologically Sustainable Landscaping Principles**

The Amended Master Landscape Plan required by condition C.1 is to incorporate ecologically sustainable planting of native species, water harvesting and recycling to minimise water use. The stage 2 DA is to be accompanied by a report and details from an appropriately qualified or experienced expert in sustainable development and landscape design illustrating how sustainable landscaping principles will be incorporated in the development.

**A.9E Landscaping along rear boundary of No.4A Kent Road**

The Amended Master Landscape Plan required by condition C.1 is to include the provision of advanced screen planting, using native species, along the rear boundary of No. 4A Kent Road to provide a buffer between the roundabout and 4A Kent Road. Details are to be submitted with the Stage 2 Development Application.

**A.9F Surface of Tennis Courts**

The tennis courts are to have a synthetic surface to reduce noise and are to be predominately green in colour. Details are to be provided with the Stage 2 development application.

**A.9 Gymnasium building – design**

The external design of the gymnasium building is to be articulated to reduce its perceived scale and bulk. Details are to be incorporated within the subsequent stage 2 development application.

**A.10 Screen hedge landscaping**

The screen hedge landscaping along northern boundary being extended along the eastern boundary (to the rear of 4A Kent Road) and along the southern and northern side boundaries of 4A and 8 Kent Road respectively to provide a buffer between the adjoining properties and the internal road.

**A.11 Noise attenuation**

- 11.1** The noise mitigation strategies provided in the Noise Impact Assessment Report prepared by Wilkinson Murray Pty. Limited (Report No. 05148 dated July 2005) for Noise from Site Access (vehicle movement), Noise from Outdoor Play Areas, Noise Assessment of Playing Fields and Noise Assessment from Classrooms & Outdoor Teaching Areas being fully implemented.
- 11.2** The applicant is to detail all proposed noise mitigation strategies to allow the windows of the music room to remain closed to meet the adopted criteria INP Laeq, 15 min noise level not to exceed the background noise level (RBL) by more than 5dB(A). Such details to be provided with the subsequent stage development application.
- 11.3** The applicant being required to submit to Council an acoustical assessment, prepared by a suitably qualified acoustic consultant, regarding the operation of all mechanical plant and equipment associated with the proposed development. All noise mitigation strategies shall be detailed within the report.

- 11.4** The use of the premises must not give rise to the transmission of offensive noise to any place of different occupancy. Offensive noise is defined in the Protection of the Environment Operations Act 1997.
- 11.5** The applicant forwarding to Council an acoustic analysis of the octave frequency band background noise level and the octave frequency band for L<sub>10</sub> noise level emitted from all proposed amplified equipment intended to be used in the gymnasium. The report must include the type of amplified equipment to be installed and all proposed noise mitigation strategies so that the use of the gymnasium meets the LAB Noise Criterion. The gymnasium is to be designed and the activities are to be limited to ensure LAB Noise Criterion is not exceeded. The acoustic analysis is to be submitted with the subsequent stage development application.
- 11.6** The location of the music room and the prac room being reversed, in accordance with the Plan, Revised Prep School Layout – Music and Multi - Purpose relocated to west plan, prepared by Mayoh Architects, to increase the separation between the music room and the adjacent residential properties.

**A.12 Ancillary Aspect of the Development (s80A(2) of the Act)**

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

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

Standard Condition: A8

**A.13 Conditions of consultation – Traffic Generating Development (SEPP 11)/Roads Act 1993 Section 138**

Compliance with the following general conditions approved by the NSW Roads and Traffic Authority's Sydney Regional Development Advisory Committee:

- (a) The design and construction of the right turn lane and modification of the Traffic Signals on New South Head Road shall be in accordance with Authority requirements. Details of these requirements should be obtained from the Authority's Project Services Manager, Traffic Projects Section, Blacktown (Ph 01 8814 2144)

Detailed design plans of the proposed right turn lane and traffic signal reconstruction are to be submitted to the Authority for approval prior to the issue of a Construction Certificate. The applicant shall note that these traffic signals shall be modelled in line with the proposed Lyne Park traffic signals and include a SCATES assessment of the road and signal network between O'Sullivan Road and Dover Road.

The developer is to be advised that a plan checking fee (amount to be advised) and lodgement of a performance bond may be required from the applicant prior to the release of the approved road design plans by the RTA.

- (b) All pick up/set down of students is to occur on site.
- (c) All works in relation to the development are to be at no cost to the Authority.

### **A.14 Prescribed Conditions**

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

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

Standard Condition: A30

### **A.15 Rainwater Reuse**

Council encourages re-use of stormwater through the use of rainwater tanks.

Rainwater tanks 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".

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

### **Heritage**

#### **1.1 Oral history program**

The applicant must undertake the research of oral history of key persons associated with the former Rose Bay Bowling Club. The oral history must be undertaken according to the guidelines of ethical practice of the Australian Association of Oral History. The final document transcriptions must be lodged with Woollahra Municipal Council for inclusion in the Local History Library.

#### **1.2 Interpretation Plan**

The applicant must prepare an interpretation plan according to the NSW Heritage Office guidelines for interpreting heritage places and items. The plan must be approved and implemented prior to issue of final building certificate.

#### **1.3 Moveable heritage**

All memorabilia including fixed honour boards and memorials must be conserved and safeguarded against damage until a suitable repository is found. The memorabilia must be considered for use in interpretation of the former Rose Bay Bowling Club.

A photographic 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 demolition work. The photographic archival recording is to be bound in an A4 format and is to include the following:

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.  
Postcard sized photographs of:

- (a) each elevation,
- (b) each structure and landscape feature;

- (c) internal or external details if nominated in Council's heritage officer's assessment
- (d) report; and
- (e) views to the subject property from each street and laneway or public space.

Each photograph is to be mounted, labelled and cross-referenced in accordance with recognised archival recording practice. One original coloured photographic set and a coloured photocopy are to be submitted to the satisfaction of Council's heritage officer prior to the commencement of demolition work and prior to the issue of a construction certificate. The original will be retained by Council and the coloured photocopy will be provided to the Woollahra Local History Library.

Standard Condition: B4

## **B.2 Construction Management**

A construction management plan must be submitted for the approval of Council's Development Engineer before the commencement of demolition or excavation-works. The plan must:-

- a) describe the anticipated impact of the construction works on:**
  - local traffic routes
  - pedestrian circulation adjacent to the building site
  - and on-street parking in the local area, and;
- b) describe the means proposed to:**
  - manage construction works to minimise such impacts,
  - provide for the standing of vehicles during construction,
  - provide for the movement of trucks to and from the site, and deliveries to the site, and;
- c) show the location of:**
  - any site sheds and any anticipated use of cranes and concrete pumps,
  - any areas of Council property on which it is proposed to install a Works Zone (Construction Zone),
  - structures to be erected such as hoardings, scaffolding or shoring,
  - any excavation, and;
- d) include:**
  - Traffic marshalling of plant (number of trucks on site at any time)
  - Rotation of trucks – trucks to not enter and exit the site during morning and afternoon peak hours and school pick-up and drop-off times
  - Size of trucks

The Plan must make provision for all materials, plant, etc. to be stored within the development site at all times during work. Structures or works on Council property such as hoardings, scaffolding, shoring or excavation need separate approval from Council.

Note: A minimum of four weeks will be required for assessment. Work must not commence until the Construction Management Plan is approved. Failure to comply with this condition may result in fines and proceedings to stop work.

## **B.3 Dilapidation Report – Council Infrastructure**

A dilapidation survey of Council property and infrastructure must be conducted prior to any works on the site and submitted in report format. The scope of investigation must incorporate all roadway, road pavement, footpath, kerb and gutter drainage infrastructure within Kent Road (extending from New South Head Road intersection to the site entry) and Iluka Street (extending from the New South Head Road intersection extending to the site entry).

The Report must be prepared by a qualified and practicing Civil Engineer and submitted to Council prior to the commencement of works (including excavation, demolition and stripping of the site).

Information within the report must consist of (but not limited to) photographs with reference to the exact location and features of any damage and a detailed survey plan showing relative levels to AHD of infrastructure adjoining the area of excavation.

Similarly, a second Dilapidation Report encompassing the same area and satisfying the above criteria must be carried out at the completion of the works and submitted to Council, prior to the release of the Occupation Certificate.

### B.3A Dilapidation Reports

A practicing structural engineer must prepare a full dilapidation report on the structural condition of all existing structures at 4A Kent Road, Rose Bay, 687, 689, 691 and 693 New South Head Road, Rose Bay and 1, 2 and 3 Iluka Street Rose Bay. The Report must be completed and submitted to Council prior to the commencement of any demolition or civil works.

A second dilapidation report, recording the structural condition 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.

### B.4 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.

### B.5 Payment of Security, Levies and Fees (S80A(6) & S94 of the Act, Section 608 of the Local Government Act 1993)

The person(s) with the benefit of this consent must pay the following long service levy, security, development levy, and fees prior to the commencement of work authorised by condition A.3 of this consent.

Description	Amount	Indexed	Council Fee Code
<b>LONG SERVICE LEVY</b> under Building and Construction Industry Long Service Payments Act 1986			
<b>Long Service Levy</b> Use Calculator: <a href="http://www.lspc.nsw.gov.au/levy_information/?levy_information/levy_calculator.stm">http://www.lspc.nsw.gov.au/levy_information/?levy_information/levy_calculator.stm</a>	Contact LSL Corporation or use their online calculator	No	
<b>SECURITY</b> under section 80A(6) of the Environmental Planning and Assessment Act 1979			
<b>Property Damage Security Deposit</b> - Making good any damage caused to any property of the Council as a consequence of the doing of anything to which the consent relates.	\$50,000	No	T600
<b>Infrastructure Works Bond</b> -Completing any public work (such as road work, kerbing and guttering, footway construction, stormwater drainage and environmental controls) required in connection with the consent.	\$59,000 (drainage) \$158,000 (works on Council property)	No	T600
Security Administration Fee	\$158	No	T16
<b>TOTAL SECURITY, CONTRIBUTIONS, LEVIES AND FEES</b>	\$267,158 Plus any relevant indexed amounts and long service levy		

## **Building & Construction Industry Long Service Payment**

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

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

### **How must the payments be made?**

Payments must be made by:

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

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

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

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

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

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

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

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

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

Standard Condition: C5

## **B.6 Tree Protection and Work Methods**

All works are to be carried out in accordance with the recommendations of the Development Impact Assessment Report, prepared by Earthscape Horticultural Services, dated July 2005. Tree Protection Zones, as detailed within this report are to be installed prior to any works, including demolition, commencing on the site.

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

### **C.1 Amended Master Landscape Plan**

An Amended Master Landscape Plan, prepared by a qualified Landscape Architect or Landscape Designer, to a scale of 1:100 or 1:200, conforming to the conditions of this Development Consent is to be submitted to Council for approval prior to issue of the Construction Certificate. The plan must detail all trees to be removed and those to be retained. All subsequent detailed landscape plans are to comply with this Master Plan.

### **C.2 Stormwater Management Plan**

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 LHO Group (Refer to Job No. 0300-056 Dwgs C01(B), C02(B), C03(D) and C04(D) and C05(A) dated 28<sup>th</sup> August 2006 subject to the following amendments;

- The proposed OSD system must be deleted. The site is located within an area that is exempt from the OSD requirement and would have a detrimental impact on flood levels if it were implemented.
- No consent is granted for the installation of rainwater tanks as part of Stage 1 of the works upon the site. The rainwater tank details are to be submitted for assessment with the stage 2 development application.

Stormwater run-off from the proposed development must drain directly to Councils in ground drainage infrastructure located within Iluka Street. New drainage systems must be designed in accordance with Section 6 - "Connection to drainage system" of Council's Draft Stormwater Drainage Management DCP.

A detailed Stormwater Management Plan must be produced by a suitably qualified civil or hydraulic engineer. The plan must be at a scale of 1:100 and 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 (as appropriate for the site and determined by the Hydraulic Consultant):

- All pipe layouts, dimensions, grades, lengths and material specifications
- All invert levels reduced to Australian Height Datum (AHD)
- Location and dimensions and of all drainage pits
- Point of connection to Councils drainage infrastructure
- Overland flow paths over impervious areas.
- Copies of certificates of title, showing the creation or existence of private easements to drain water by gravity, if required.
- Subsoil drainage details (layout, grades, material), clean out points and discharge point.

### C.3 Roads Act Approval

The applicant must apply to the RTA for an approval under Section 138 of the Roads Acts for any kerb realignment works required on the southern side of New South Head Road, west of Kent Road that is required to maintain the status quo for the retention of parking at this location. This application must be lodged prior to the issue of the Construction Certificate for this site.

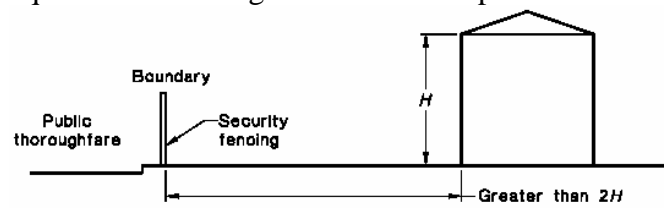
### C.4 Design of Roundabouts

The entry/exit to the circulation road and the roundabouts and other turning manoeuvres must be adjusted to cater for any private buses which are to be utilised by the school to ensure that bus access to and from the school will be limited to Kent Road only. Amended plans showing these adjustments must be lodged prior to the issue of the Construction Certificate for this site.

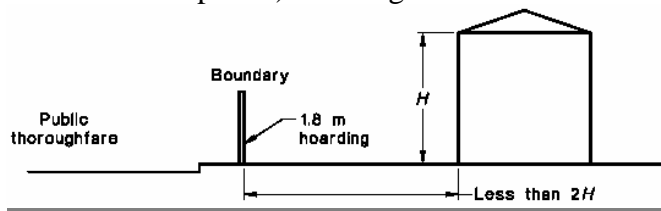
## D. Conditions which must be satisfied prior to the commencement of any development work

### D.1 Security Fencing, Hoarding and Overhead Protection

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



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

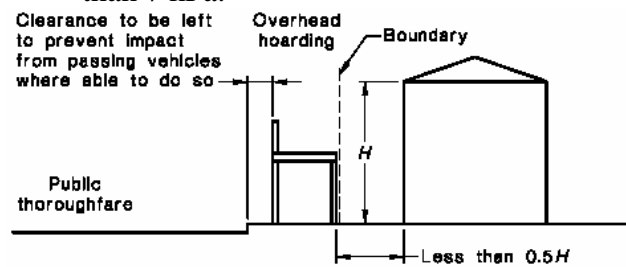


Where a development site adjoins a public thoroughfare with a footpath alongside the common boundary then, in addition to the hoarding required above, the footpath must be covered by an *overhead protective structure* and the facing facade protected by heavy-duty scaffolding, unless either —

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

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

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



The *principal contractor* or *owner builder* must pay all fees associated with the application and occupation and use of the road (footway) for required hoarding or overhead protection. The *principal contractor* or *owner builder* must ensure that Overhead Protective Structures are installed and maintained in accordance with WorkCover NSW Code of Practice - Overhead Protective Structures, gazetted 16 December 1994, as commenced 20 March 1995. This can be downloaded from:

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

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

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

Standard Condition: D11

## D.2 Site Signs

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

“Erection of signs

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

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

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

Standard Condition: D12

## D.3 Toilet Facilities

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

Each toilet provided:

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

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

In this condition:

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

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

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

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

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

Standard Condition: D13

## E. Conditions which must be satisfied during any development work

### E.1 Maintenance of Vehicular and Pedestrian Safety and Access

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

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

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

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

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

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

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

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

Part C Management of Waste:

“1 For fee or reward, transport waste over or under a public place

2 Place waste in a public place

3 Place a waste storage container in a public place.”

Part E Public roads:

“1 Swing or hoist goods across or over any part of a public road by means of a lift, hoist or tackle projecting over the footway

2 Expose or allow to be exposed (whether for sale or otherwise) any article in or on or so as to overhang any part of the road or outside a shop window or doorway abutting the road, or hang an article beneath an awning over the road.”

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

Standard Condition: E7

### E.2 Maintenance of Environmental Controls

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

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

Note 1: See [http://www.epa.nsw.gov.au/small\\_business/builders.htm](http://www.epa.nsw.gov.au/small_business/builders.htm) for additional information.

Standard Condition: E11

### E.3 Erosion and Sediment Controls – Maintenance

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

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

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



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

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

Standard Condition: E15

### E.4 Disposal of site water during construction

The principal contractor or owner builder must ensure:

- a) Prior to pumping any water into the road or public stormwater system that approval is obtained from *Council* under section 138(1)(d) of the *Roads Act* 1993;
- b) That *water pollution*, as defined by the *Protection of the Environment Operations Act* 1997, does not occur as the result of the discharge to the road, public stormwater system or other place or any site water;
- c) That stormwater from any roof or other impervious areas is linked, via temporary downpipes and stormwater pipes, to a Council approved stormwater disposal system immediately upon completion of the roof installation or work creating other impervious areas.

**Note:** This condition has been imposed to ensure that adjoining and neighbouring land is not adversely affected by unreasonable overland flows of stormwater and that site water does not concentrate water such that they cause erosion and water pollution.

Standard Condition: E17

### E.5 Filling of site

To the extent that this consent permits filling of the site such fill must be *virgin excavated natural material* (“VENM”).

*VENM* means “*Virgin excavated natural material (such as clay, gravel, sand, soil and rock) that is not mixed with any other type of waste and which has been excavated from areas of land that are not contaminated with human-made chemicals as a result of industrial, commercial, mining or agricultural activities and which do not contain sulphidic ores or soils.*”

**Note:** This definition is the same as in Schedule 1 of the *Protection of the Environment Operations Act 1997*, Appendix IX: Types of waste.

**Note:** Sulphidic ores and soils are commonly known as Acid Sulphate Soils.

**Note:** If a person transports waste to a place (the site) that cannot lawfully be used as a waste facility for that waste: (a) the person, and, (b) if the person is not the owner of the waste, the owner, are each guilty of an offence under section 143 of the *Protection of the Environment Operations Act 1997*.

**Note:** A person who is the owner or occupier (principal contractor) of any land that cannot lawfully be used as a waste facility and who permits the land to be used as a waste facility is guilty of an offence under section 144 of the *Protection of the Environment Operations Act 1997*.

**Note:** Additional information is available from the following websites:

**Illegal waste dumping** - <http://www.epa.nsw.gov.au/waste/dumping.htm>

**Is that fill legal?** <http://www.epa.nsw.gov.au/resources/012648web.epa%20fill.dl%20bro.pdf>

Standard Condition: E18

### E.6 Check Surveys - boundary location, building location, building height and stormwater drainage system relative to Australian Height Datum

The *Principal Contractor* must ensure that a surveyor registered under the *Surveying Act 2002* carries out check surveys and provides survey certificates confirming the location of the stormwater drainage system relative to the boundaries of the *site* and to Australian Height Datum complies with this consent.

**Note:** This condition has been imposed to ensure that development occurs in the location and at the height approved under this consent.

Standard Condition: E20

### E.7 Placement and use of Skip Bins

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

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

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

Standard Condition: E21

### E.8 Prohibition of burning

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

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

Standard Condition: E22

### E.9 Dust Mitigation

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

This generally requires:

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

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

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

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

Standard Condition: E23

### E.10 Compliance with Council’s Specification for Roadworks, Drainage and Miscellaneous Works Road works and work within the Road and Footway

All work carried out on assets which are under Council ownership or will revert to the ownership, care, control or management of Council in connection with the *development* to which this consent relates must comply with Council’s *Specification for Roadworks, Drainage and Miscellaneous Works* dated January 2003.

The *owner, principal contractor or owner builder* must meet all costs associated with such works.

This condition does not set aside the need to obtain relevant approvals under the *Roads Act 1993* or *Local Government Act 1993* for works within Roads and other public places.

Note: A copy of Council’s “*Specification for Roadworks, Drainage and Miscellaneous Works*” can be down loaded free of charge from Council’s website [www.woollahra.nsw.gov.au](http://www.woollahra.nsw.gov.au)

Standard Condition: E24

### E.11 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.

**E.12 Compliance with Australian Standard for Demolition**

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

Standard Condition: E2

**E.13 Requirement to notify about new evidence**

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

Standard Condition: E4

**E.14 Hours of Work –Amenity of the neighbourhood**

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

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

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

**Note:** Each and every breach of this condition by any person may be subject to separate penalty infringement notice or prosecution.

**Note:** The delivery and removal of plant, equipment and machinery associated with wide loads subject to RTA and Police restrictions on their movement outside the approved hours of work will be considered on a case by case basis.

**Note:** Compliance with these hours of work does not affect the rights of any person to seek a remedy to offensive noise as defined by the *Protection of the Environment Operations Act 1997*, the *Protection of the Environment Operations (Noise Control) Regulation 2000*.

**Note:** EPA Guidelines can be downloaded from <http://www.epa.nsw.gov.au/noise/nglg.htm> .

**Note:** see [http://www.epa.nsw.gov.au/resources/ci\\_build\\_sheet7.pdf](http://www.epa.nsw.gov.au/resources/ci_build_sheet7.pdf)

Standard Condition: E6

**E.15 Compliance with erosion and sediment control plan**

The Soil Erosion and Sediment Control plan prepared by LHO Group (Refer to Job No. 0300 – 0056 Dwg C06 dated 28<sup>th</sup> August 2006) and the Remedial Action Plan by EIS (Refer E19153FJ-RAP dated August 2005), 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.

**E.16 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.

**E.17 Display of Council's warning sign for soil and water management**

Throughout the demolition, remediation and construction period, 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 for the duration of works on the site.

A copy of the sign is available from Council.

**E.18 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.

**E.19 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.

**E.20 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.**

**E.21 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 "Guidelines for the disposal of site water during construction".

The pumping of site water to Council's stormwater system will require consent under Section 138 of the Roads Act – 1993. An "Application to carry out works in a public road" form will need to be completed and submitted together with detailed plans and work specifications concerning the water treatment procedures, rate of discharge and point of discharge to Council's stormwater system. These details must be prepared by a suitably qualified environmental engineer who must certify that the method of treatment is appropriate to prevent water pollution, as defined by the Protection of the Environment Operations Act 1997. Pumping water to the roadway must not commence until this consent has been issued. Four weeks should be allowed for assessment of the application.

**In the event that the water cannot be treated appropriately, the applicant is advised to liaise with Sydney Water regarding a Trade Waste Agreement.**

**E.22 Compliance with the construction management plan**

All excavation, demolition and construction work and traffic movements must be carried out in accordance with the approved construction management plan. 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.

**E.23 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.

**E.24 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.

**E.25 Remediation work**

Pursuant to clause 17 of *State Environmental Planning Policy No 55 - Remediation of Land*, notice of completion of a category 1 remediation work must be given to the council within 30 days after the completion of the work

This notice must be in accordance with clause 18 of SEPP 55.

**Note:** category 1 remediation work is defined in clause 9 of SEPP 55.

Standard Condition: D3

The site shall be remediated and validated in accordance with 'Column 1-Health based investigation levels' for residential sites with gardens accessible soils as published in the National Environment Protection (Assessment of Site Contamination) Measure 1999 (the NEPM).

Any variations to the proposed Remedial Action Plan shall be approved in writing by Council prior to the commencement of such works.

A Validation and Monitoring Report being submitted to Council demonstrating that the clean-up criteria and objectives stated in the Remedial Action Plan have been achieved.

All fill imported onto the site is to be validated by the supplier to ensure the imported material is suitable for the proposed land use and that it is not contaminated. Validation documentation from the supplier is to be submitted to Council. Any sampling and analysis of the fill material is to be in accordance with the NSW EPA's Sampling Design Guidelines 1995.

Prior to the disposal of contaminated soil from the site, such soil shall be classified in accordance with the provisions of both the Protection of the Environment Operations Act 1997 and the NSW EPA Guidelines: Assessment, Classification and Management of Liquid and Non-Liquid Wastes (1999).

**E.26 Acid sulfate soils**

The soil and groundwater monitoring program, contingency procedures and strategies for the management of acid sulfate soils being undertaken as recommended in the Acid Sulfate Soils Management Plan prepared by EIS (Ref: E19153FJ-ASSMP dated August 2005).

No site water is permitted to be discharged from the subject site until such site waters are tested by an approved NATA laboratory having regard to all Items listed in Schedule 3 'Prescribed matter for the definition of water pollution' of the Protection of the Environment Operations (General) Regulation 1998. The results of the water testing being forwarded to Woollahra Council for review.

**E.27 Hazardous materials**

The detailed site and work specific requirements in the management, control and removal of identified hazardous materials being undertaken in accordance with recommendations provided in the Hazardous Materials Survey Report prepared by New Environment Management & Technology Pty Limited dated July 2005.

**E.28 Appointment of Site Arborist**

An Arborist, with minimum qualification of Australian Qualification Framework Level 5, is to be appointed Site Arborist. The Arborist is to be retained for the entire time that works are being carried out on site which form part of this or subsequent, related development consents. A regular inspection of all trees, required to be retained on site, must be carried out by the Site Arborist (minimum of 1 inspection per month). Any recommendations, resulting from these inspections, for remedial works are to be carried out immediately.

**E.29 Existing trees which must be retained**

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

**Trees on Council Land**

Council Reference No:	Species	Location	Dimension (Metres)
1	Weeping Bottlebrush ( <i>Callistemon viminalis</i> )	In road reserve (nature strip) between No.s 4A and 8 Kent Road.	H: 5m W: 5m Ø: 0.25m
3	Weeping Bottlebrush ( <i>Callistemon viminalis</i> )	In road reserve (nature strip) between No.s 4A and 8 Kent Road.	H: 5m W: 5m Ø: 0.25m
4	Weeping Bottlebrush ( <i>Callistemon viminalis</i> )	In road reserve (nature strip) between No.s 4A and 8 Kent Road.	H: 5m W: 5m Ø: 0.25m

**Trees on Private Property**

Council Reference No:	Species	Location	Dimension (Metres)
5	Jacaranda ( <i>Jacarana mimosifolia</i> )	Refer to Plan No.: LCO1/01 D, drawn by Taylor Brammer, dated 29 June 2005.	H: 14m W: 16m Ø: 0.5 & 0.3m
6	Liquidambar ( <i>Liquidambar styraciflua</i> )	As above.	H: 20m W: 25m Ø: 0.85m
7	Liquidambar ( <i>Liquidambar styraciflua</i> )	As above.	H: 18m W: 16m Ø: 0.65m
17	Hill's Weeping Fig ( <i>Ficus macrocarpa var hillii</i> )	As above.	H: 17m W: 16m Ø: 0.8m
18	London Plane ( <i>Platanus x hybrida</i> )	As above.	H: 17m W: 17m Ø: 1.05m
20	Broad Leafed Paperbark ( <i>Melaleuca quinquenervia</i> )	As above.	H: 16m W: 9m Ø: 0.8m

22	Broad Leafed Paperbark ( <i>Melaleuca quinquenervia</i> )	As above.	H: 14m W: 7m Ø: 0.65
27	Liquidambar ( <i>Liquidambar styraciflua</i> )	As above.	H: 14m W: 7m Ø: 0.35m
28	Liquidambar ( <i>Liquidambar styraciflua</i> )	As above.	H: 15m W: 13m Ø: 0.4 & 0.3m
29	Liquidambar ( <i>Liquidambar styraciflua</i> )	As above.	H: 15m W: 9m Ø: 0.4m
30	Poplar ( <i>Populus spp.</i> )	As above.	H: 6m W: 2m Ø: 0.08m
31	Cootamundra Wattle ( <i>Acacia baileyana</i> )	As above.	H: 6m W: 7m Ø: 0.18m
33	African Olive ( <i>Olea africana</i> )	As above.	H: 9m W: 11m Ø: 0.35m
34	Cape Chestnut ( <i>Calodendron capense</i> )	As above.	H: 6m W: 5m Ø: 0.3m

The subsequent development application plans must include reference to the retention of the above mentioned trees and identify the trees by Council's reference number (Ref No:) and colour or shade them in the colour green for trees to be retained and yellow for trees to be transplanted.

### E.30 Trees which may be removed

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

Council Reference No:	Species	Location	Dimension (Metres)
2	Weeping Bottlebrush ( <i>Callistemon viminalis</i> )	Refer to Development Impact Assessment Report, Appendix 6, prepared by Eathscape Horticultural Services, dated July 2005.	H: 5m W: 5m Ø: 0.25m
8	Nettle Tree ( <i>Celtis australis</i> )	As above.	H: 12m W: 9m Ø: 0.2 & 0.15(x2)m
9	Nettle Tree ( <i>Celtis australis</i> )	As above.	H: 7m W: 5m Ø: 0.25m
10	Nettle Tree ( <i>Celtis australis</i> )	As above.	H: 10m W: 6m Ø: 0.25m
11	Nettle Tree ( <i>Celtis australis</i> )	As above.	H: 10m W: 8m Ø: 0.25m
12	Nettle Tree ( <i>Celtis australis</i> )	As above.	H: 9m W: 13m Ø: 0.6m

13	Broad Leafed Paperbark ( <i>Melaleuca quinquenervia</i> )	<u>As above.</u>	<u>H: 12m</u> <u>W: 8m</u> <u>Ø: 0.6m</u>
14	Broad Leafed Paperbark ( <i>Melaleuca quinquenervia</i> )	<u>As above.</u>	<u>H: 12m</u> <u>W: 8m</u> <u>Ø: 0.4m (x2)</u>
15	Broad Leafed Paperbark ( <i>Melaleuca quinquenervia</i> )	<u>As above.</u>	<u>H: 12m</u> <u>W: 16m</u> <u>Ø: 1.1m</u>
16	Broad Leafed Paperbark ( <i>Melaleuca quinquenervia</i> )	<u>As above.</u>	<u>H: 14m</u> <u>W: 14m</u> <u>Ø: 0.8 &amp; 0.7m</u>
19	Nettle Tree ( <i>Celtis australis</i> )	As above.	H: 15m W: 16m Ø: 0.7m
21	Nettle Tree ( <i>Celtis australis</i> )	As above.	H: 14m W: 16m Ø: 0.5m
25	Magenta Cherry ( <i>Syzygium paniculatum</i> )	As above.	H: 8m W: 10m Ø: 0.45m
26	Nettle Tree ( <i>Celtis australis</i> )	As above.	H: 9m W: 12m Ø: 0.28 & 0.3 & 0.35m
32	Riberry ( <i>Syzygium leuhmannii</i> )	As above.	H: 5m W: 6m Ø: 0.35m

**The subsequent development application must include reference to the removal of the above mentioned trees and identify the trees by Council's reference number (Council Ref No:) and colour or shade them in the colour red.**

### E.31 Replacement trees which must be planted

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

Species/Type	Planting Location	Container Size or Size of Tree (at time of planting)	Minimum Dimensions at Maturity
6 x species of the owners selection*	In viable and sustainable location within subject site.	75 litre <b><i>OR</i></b> 2 metres.	H: 12m W: 6m
2 x species of the owners selection*	In viable and sustainable location within subject site.	45 litre <b><i>OR</i></b> 1.5 metres.	H: 8m W: 5m

**\*NB:** For the purposes of compliance with this condition of consent, palm trees, fruit trees or trees that have a recognised short life span (ie. less than 20 years) are not considered acceptable.

All plants used within this landscape are to have been grown and selected in accordance with Natspec specifications. All stock is to be inspected, by an appropriately qualified person, prior to installation and non compliant stock rejected and replaced. Installation methods must also comply with Natspec specifications.

### **E.32 Stormwater/Drainage Design**

Design of the final stormwater drainage plan is to be carried out with consultation between the designing Engineer and a qualified Arborist (minimum qualification of Australian Qualification Framework Level 5). Pipes, inlets, on site detention systems, rain water tanks and other related infrastructure are to be located so as to minimise the damage to trees located on the site. Where incursion into Tree Protection Zones is necessary, the most non invasive construction techniques are to be utilised eg. lateral boring.

### **F. Conditions which must be satisfied prior to any occupation or use of the building (Part4A of the Act and Part 8 Division 3 of the Regulation)**

No relevant conditions.

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

#### **G.1 Electricity Substations – Dedication as road and/or easements for access**

If an electricity substation, is required on the site the owner must dedicate to the appropriate energy authority (to its satisfaction), 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 (footway or road pavement).

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 detailing energy authority requirements.

The Accredited Certifier must be satisfied that the requirements of energy authority have been met prior to issue of the Construction Certificate.

Where an electricity substation is provided on the site adjoining the road boundary, the area within which the electricity substation is located must be dedicated as public road. Where access is required across the site to access an electricity substation an easement for access across the site from the public place must be created upon the linen plans burdening the subject site and benefiting the Crown in right of New South Wales and any Statutory Corporation requiring access to the electricity substation.

Standard Condition: G4

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

#### **H.1 Landscaping**

All landscape work including all planting must be completed by the *principal contractor* or *owner* in compliance with the approved landscape plan, arborist report, transplant method statement and tree management plan. The *principal contractor* or *owner* must provide to PCA a works-as-executed landscape plan and certification from a qualified landscape architect/designer, horticulturist and/or arborist as applicable to the effect that the works as completed comply with this consent.

**Note:** This condition has been imposed to ensure that all Landscaping work is completed prior to the issue of the *Final Occupation Certificate*.

Standard Condition: H9

## H.2 Maintenance of Landscaping

*All landscaping must be maintained in accordance with the approved Landscape Master Plan. Any alteration from that plan will require the prior written consent of Council.*

## H.3 Road Works (including footpaths)

The following works must be completed to the satisfaction of Council, in compliance with Council's "Specification for Roadworks, Drainage and Miscellaneous Works" dated January 2003 unless expressly provided otherwise by these conditions at the *principal contractor's* or *owner's* expense:

- a) stormwater pipes, pits and connections to public stormwater systems within the *road*;
- b) driveways and vehicular crossings in accordance with Council's Standard Drawing 14238 within the *road*;
- c) removal of redundant driveways and vehicular crossings;
- d) new footpaths within the *road*;
- e) new or replacement street trees;
- f) new footway verges, where a grass verge exists, the balance of the area between the footpath and the kerb or site boundary over the full frontage of the proposed development must be turfed. The grass verge must be constructed to contain a uniform minimum 75mm of friable growing medium and have a total cover of Council approved turf. Any alternative treatment must have the written approval of Council's Development Engineer.
- g) new or reinstated kerb and guttering in accordance within the *road*; and
- h) new or reinstated road surface pavement within the *road*.

**Note:** Security held by Council pursuant to section 80A(6) of the Act will not be release by Council until compliance has been achieved with this condition. An application for refund of security must be submitted with the *Final Occupation Certificate* to Council. This form can be downloaded from Council's website [www.woollahra.nsw.gov.au](http://www.woollahra.nsw.gov.au) or obtained from Council's customer service centre.

Standard Condition: H13

## H.4 Works on Council Property

### a) Works Required

The following infrastructure works must be carried out on Council property at the Applicants expense.

#### Iluka Street

A new kerb alignment and driveway crossover is required to delineate private property from Councils roadway. Council may consider realignment of the kerb such to enable vehicles to perform a "U-turn"/ three-point turn manoeuvre at this cul-de-sac. The following works are required;

- Removal of the existing driveway crossing servicing the site.
- Construction of new concrete kerb and gutter both sides of Iluka Street, from within 10 metres of the site boundary and extending to the new driveway crossover. The kerb and gutter may need to be realigned to permit vehicles to manoeuvre out of the cul-de-sac (subject to detailed assessment).

- Construction of a new concrete footpath on the northern side of Iluka Street within the region of the existing driveway crossover to be made redundant. Boundary levels must generally match existing.
- The balance of the area between the new footpath and the kerb within the region of the existing driveway crossover to be made redundant must be turfed. The grass verge must be constructed to contain a uniform minimum 75mm of friable growing medium and have a total cover of Couch turf.
- Construction of a new driveway crossover servicing the proposed carpark. The driveway must be constructed in accordance with Councils standard detail RF2 and must be to the width of the approved vehicle entry.
- Asphalt resurface of the entire roadway within 10 metres of vehicle entry.
- Re-installation of parking signage, services and street lighting if required.

### Kent Road

#### Works required;

- Full removal of the existing concrete footpath, kerb and gutter in the region of road realignment with the intersection of New South Head Road.
- Construction of a new concrete kerb and gutter to the general alignment shown on the approved architectural plans. The region of reconstructed kerb and gutter must extend 3 metres beyond the point of realignment.
- Construction of a new concrete footpath to the general alignment shown on the approved architectural plans, extending from the intersection to the vehicle entrance to Royal Sydney Golf Course.
- Reconstruction of the concrete pram ramp on the intersection of New South Head Road. The pram ramp must be aligned with pedestrian traffic and defined pedestrian crossing.
- Resurfacing of the asphalt roadway, extending from the lip of the new gutter extending a metre into the existing roadway. New road crossfalls must be flush and consistent with the existing.
- Reconfiguration of the kerb inlet pit located on the intersection of New South Head Road. Roads and Traffic Authority may require the installation of a new kerb inlet pit on New South Head Road.
- Construction of new on street parking bays generally in the area nominated on the approved plans (east side of Kent Road). The existing 90 degree parking bays will be retained where possible. The new bays will require construction of a new kerb bounding the bays, asphalt paving and a new dish drain located in the region of the existing gutter.
- Construction of a new concrete footpath along the eastern side of Kent Road, extending from the Royal Sydney Golf Course vehicle entry to a point 4 metres beyond the commencement of the 90 degree parking bays.
- Full reconstruction of the concrete footpath and driveway crossover fronting the property on Kent Road. The crossover must be 7 metres wide and constructed generally in accordance with Councils standard detail RF2. A crest of kerb height must be provided on the driveway so as to prevent overland flow within the roadway inundating the footpath area. Driveway grades and levels must comply with AS 2890.1 – 2004. Footpath and driveway levels must generally be in accordance with the plans prepared by Hyder Consulting Engineers (Refer to Appendix K of the Statement of Environmental Effects – Project Code NS02899 Dwg SKC03 P1).
- The relocation/ reinstatement of other services, road signage or street lighting necessary to complete the works.

- Any works/ further amendments as recommended within Woollahra Municipal Council Local Traffic Committee minutes dated 5<sup>th</sup> September 2006 and any amendments made by Council to this report.
- The works specified above do not encompass reconfiguration of the traffic signals, controls, lane markings and other reconfiguration works required at the intersection of New South Head Road and Kent Road. The RTA is the approval body for works within a State Road (New South Head Road).

b) Approval

Development Consent does NOT give approval to these works on Council property. A SEPARATE APPROVAL IS REQUIRED UNDER SECTION 138 AND 139 OF THE ROADS ACT 1993 FOR THE WORKS REQUIRED BY THIS CONDITION. The Construction Certificate must not be issued until Council's Manager - Public Infrastructure has issued the Applicant with a written consent under the Roads Act.

An "Application to carry out works in a Public Road" form must be completed and lodged, with the Application fee, at Councils Customer Services counter.

Detailed engineering plans and specifications of the works required by this Condition must accompany the Application form. The documentation must clearly show the following:

- Engineering drawings (plan, sections and elevation views) and specifications of the road infrastructure works to be constructed. All plans must show existing and proposed levels, relevant longitudinal grades and cross falls of footpaths/ roadways.
- A construction methodology statement specifying how the works are to be staged.
- Details concerning the management of pedestrian and vehicle traffic (Traffic Management Plan).
- The requirements of service providers potentially affected by the infrastructure works (eg Telstra, Sydney Water).
- The Roads Act Consent and requirements from the RTA concerning the reconfiguration of the New South Head Road and Kent Road intersection. Council will not issue any consent for the works until this is finalised.

Four weeks should be allowed for assessment. Works generally must be in accordance with the relevant clauses of the current edition of AUS-SPEC.

c) Infrastructure works bond

To ensure that works on Council property required by this Condition are carried out to Council's requirements, the developer must lodge a bond to the value of \$158,000 (One hundred and fifty eight thousand Dollars). This bond does not encompass works associated with the reconfiguration of the New South Head Rd/ Kent Road intersection and may be adjusted upon assessment of the Roads Act application. The Bond may be in the form of a bank guarantee and must be lodged prior to the issue of a Construction Certificate. The Bond will be not be released until Council has inspected the site and is satisfied that the works have been carried out to Council's requirements. The approved infrastructure works must be finalised prior to completion of works upon the site. Council may use part or the entire bond to complete the infrastructure works if the works do not meet Council's requirements.

After Council's final inspection of these works 10% of the bank guarantee 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.

Standard Condition: I8

### **H.15 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.

### **H.6 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 are structurally adequate and have been installed in accordance with the relevant Codes and Standards and/or specifications.
- 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

### **H.7 Drainage Infrastructure Works – Councils in ground drainage infrastructure within Iluka Street**

#### a) Works Required

The development will require the upgrade of Councils drainage infrastructure within Iluka Street. To accommodate this requirement, the following drainage infrastructure works must be carried out on Council property at the Applicants expense:

- Connection of the sites private stormwater system requires the construction of a new kerb inlet pit located within the roadway, adjoining the boundary of the site within Iluka Street. The pit must be constructed in accordance with Council's Standard "Grated Gully Pit with extended Kerb Inlet" drawing DR1.

- Construction of a new surcharge pit located within the Golf course reserve, adjacent to the boundary over the existing drainage line.
- Reconstruction of the existing in-ground drainage line extending from the site to the new Council surcharge pit within the golf course reserve. The new drainage line must have capacity for a 20yr ARI storm event.
- Reconstruction of existing kerb inlet pits where required as a result of the drainage line upgrade.
- Any additional works required to restore Council's road/ verge infrastructure in order to construct the works.

b) Approval

Development Consent does NOT give approval to these works on Council property. A SEPARATE APPROVAL IS REQUIRED UNDER SECTION 138 AND 139 OF THE ROADS ACT 1993 FOR THE WORKS REQUIRED BY THIS CONDITION. The Construction Certificate must not be issued until Council's Manager - Public Infrastructure has issued the Applicant with a written consent under the Roads Act.

An "Application to carry out works in a Public Road" form (available from Council's web-site <http://www.woollahra.nsw.gov.au>) must be completed and lodged, with the Application fee, at Council's Customer Services counter.

Detailed engineering plans and specifications of the works (construction stage) required by this Condition must accompany the Application form. The documentation must clearly show the following:

- Engineering drawings (plan, sections and elevation views) and specifications of the drainage infrastructure works. The plans must clearly show existing and new drainage infrastructure invert levels and surface levels.
- Detailed calculations demonstrating the proposed drainage infrastructure is capable of conveying the 20yr ARI.
- A construction methodology statement specifying how the works are to be staged.
- Details concerning the management of pedestrian and vehicle traffic within Iluka Street (Traffic Management Plan).

Council may request further information pending a detailed assessment.

The design and construction of the works must be in accordance with Council's Draft Stormwater Drainage Management DCP (Draft Version 1, Public Exhibition Copy dated 23/08/2004) and "Specification for Road Works, Drainage and Miscellaneous Works". Both documents are available from Council's website <http://www.woollahra.nsw.gov.au>.

Four weeks should be allowed for assessment.

c) Infrastructure works bond

To ensure that works on Council property required by this Condition are carried out to Council's requirements, the developer must lodge a bond to the value of \$59,000 (Fifty nine thousand Dollars). The Bond may be in the form of a bank guarantee and must be lodged prior to the issue of a Construction Certificate. The Bond will be not be released until Council has inspected the site and is satisfied that the works have been carried out to Council's requirements. The approved infrastructure works must be finalised prior to completion of works upon the site. Council may use part or the entire bond to complete the infrastructure works if the works do not meet Council's requirements.

After Council's final inspection of these works 10% of the bank guarantee 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.

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

**I.1 Maintenance of Landscaping**

All landscaping must be maintained in general accordance with this consent.

This condition does not prohibit the planting of additional trees or shrubs subject that they are native species endemic to the immediate locality.

**Reason:** This condition has been imposed to ensure that the landscaping design intent is not eroded over time by the removal of landscaping or inappropriate exotic planting.

**Note:** This condition also acknowledges that development consent is not required to plant vegetation and that over time additional vegetation may be planted to replace vegetation or enhance the amenity of the locality. Owners should have regard to the amenity impact of trees upon the site and neighbouring land. Further, drought proof vegetation being native species endemic to the immediate locality is encouraged. Suggested native species endemic to the immediate locality are listed in the Brochure Titled "Local Native Plants for Sydney's Eastern Suburbs" published by Woollahra, Waverley, Randwick and Botany Bay Councils.

**I.2 Tennis court use**

The tennis courts are not to be used outside the following times:

- Weekdays 7.30am to 7.00pm
- Saturdays 8.00am to 5.00pm
- Sundays 8.00am to 2.00pm

to reduce the impact on the amenity of the occupants of nearby residential properties and that a Notice be erected on each tennis court requesting that noise be minimised while using the court.

**J. Miscellaneous Conditions**

No relevant conditions.

**K. Advisings**

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

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

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

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

### **Warnings as to potential maximum penalties**

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

### **Warning as to enforcement and legal costs**

Should Council have to take any action to enforced compliance with this consent or other environmental laws Council's policy is to seek from the Court appropriate orders requiring the payments of its costs beyond any penalty or remedy the Court may order.

This consent and this specific advice will be tendered to the Court when seeking costs orders from the Court where Council is successful in any necessary enforcement action.

**Note:** The payment of environmental penalty infringement notices does not result in any criminal offence being recorded. If a penalty infringement notice is challenged in Court and the person is found guilty of the offence by the Court, subject to section 10 of *the Crimes (Sentencing Procedure) Act 1999*, a criminal conviction is recorded. The effect of a criminal conviction beyond any fine is serious. You can obtain further information from the following web sites: <http://www.theshopfront.org/documents/ConvictionsCriminalRecords.pdf> and the Attorney General's [www.agd.nsw.gov.au](http://www.agd.nsw.gov.au).

Standard Advising: K1

## **K.2 Dial before you dig**



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

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

Standard Advising: K2

## **K.3 Commonwealth Disability Discrimination Act 1992 (“DDA”)**

The Disability Discrimination Act 1992 (DDA) makes it against the law for public places to be inaccessible to people with a disability. Compliance with this development consent, Council's Access DCP and the BCA does not necessarily satisfy compliance with the DDA.

The DDA applies to existing places as well as places under construction. Existing places must be modified and be accessible (except where this would involve "unjustifiable hardship").

Further detailed advice can be obtained from the Human Rights and Equal Opportunity Commission (“HEROC”):

- <http://www.hreoc.gov.au/index.html>
- [http://www.hreoc.gov.au/disability\\_rights/dda\\_guide/ins/ins.html](http://www.hreoc.gov.au/disability_rights/dda_guide/ins/ins.html)

If you have any further questions relating to the application of the DDA you can send an email to HEROC at [disabdis@humanrights.gov.au](mailto:disabdis@humanrights.gov.au).

Standard Advising: K3

#### **K.4 NSW Police Service and Road Closures**

The Rose Bay Local Area Command closely aligns with the boundaries of the Woollahra local government area.

Council and Police approval is required prior to a partial or full temporary road closure. If you are seeking a partial or full temporary road closure you must comply with the relevant conditions of this consent and you must also gain the approval of the Traffic Sergeant, Paddington Police Station, 16 Jersey Road, Paddington. Phone No.: 0283568299 or Fax No.: 0283568211.

**Warning:** If you partial or full close a road without compliance with Council and Police requirements Council Rangers or the Police can issue Penalty Infringement Notices or Court Attendance Notices leading to prosecution.

Standard Advising: K4

#### **K.5 Workcover requirements**

The *Occupational Health and Safety Act 2000 No 40* and subordinate regulations, codes of practice and guidelines control and regulate the development industry.

**Note:** Further information can be obtained from Workcover NSW's website: <http://www.workcover.nsw.gov.au/Industry/Construction/default.htm> or through their head office: Location: Workcover NSW, 92-100 Donnison Street, GOSFORD 2250 Postal address: WorkCover NSW, Locked Bag 2906, LISAROW 2252, Phone (02) 4321 5000, Fax (02) 4325 4145.

Standard Condition: K7

#### **K.6 Asbestos Removal, Repair or Disturbance**

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

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

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

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

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

Standard Advising: K8

**K.7 Lead Paint**

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

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

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

Standard Advising: K9

**K.8 Appeal**

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

Brett Daintry, Manager Development Control on (02) 9391 7081

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

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

Standard Condition: K14

**K.9 Bellevue Hill School**

Cranbrook is requested to advise the Council in respect to the future operations at its Bellevue Hill School as a consequence of the relocation of the Junior School to Rose Bay.

**K.10 Recycling of Demolition and Building Material**

It is estimated that building waste, including disposable materials, resulting from demolition, excavation, construction and renovation, accounts for almost 70% of landfill. Such waste is also a problem in the generation of dust and the pollution of stormwater. Council encourages the recycling of demolition and building materials.

Standard Condition: K17

**K.11 Provision of Public Art**

The school is requested to consult with Council about the provision of suitable public art options for the site.

**K12 Replacement trees**

The School is requested to replant 4 new trees of similar character to replace the 4 Melaleuca Quinquenervia (Broad Leaf Paperbark) trees that are to be removed near the eastern roundabout as a result of moving the roundabout as required by condition A.8.

**K.13 Jacaranda Trees**

All reasonable measures are to be taken to preserve the two Jacaranda trees on the eastern side of the road reserve of Kent Road near its intersection with New South Head Road, including but not limited to:

1. the footpath being lifted before the road works and the root zones are assessed
2. if necessary some root pruning could be undertaken outside the critical root zone on the Jacaranda further from New South Head Road
3. root pruning of the tree closer to New South Head Road should be kept to a minimum, especially in the critical root zone
4. depending on the root spread exposed when the path is lifted consideration should be given to altering the thickness of the new kerbstone and to the replacement options for the footpath.

Approval under Council's Tree Preservation Order is required before this work is undertaken.

---

**Note:** A Division was called by Councillors Petrie and Comino.

**For the Motion**

Councillor Comino  
Councillor Ehrlich  
Councillor Petrie  
Councillor Martin  
Councillor Dawson  
Councillor Walker  
Councillor Rundle  
Councillor Shapiro  
Councillor Sinclair King  
Councillor Boskovitz  
Councillor Cullen  
Councillor Huxley

**Against the Motion**

Councillor Gardner  
Councillor Excell  
Councillor Shoebridge

**12/3**

**Item No:** R2 Recommendation to Council  
**Subject:** Cranbrook School Draft LEP (Amendment 61)  
**Author:** A Coker, Director Planning and Development  
**File No:** 1064.G Amendment 61  
**Reason for Report:** To advise Council of the current position with the Draft Plan and its relevance to the determination of the Development Application 508/2005.

**(Rundle/Petrie)**

**14/2 Resolved:**

That the information be noted.

---

## Notice of Motion

**Item No:** 1  
**From:** Councillor Claudia Cullen  
**Date:** 7 February 2007  
**File No:** 900.G

**(Cullen/Petrie)**

- 15/2** Due to the possible implications for property owners of their buildings being included as 'contributory items' in development control plans, the Council, when considering the introduction or amendment of development control plans which would include buildings as 'contributory items', write to owners of those individual properties and advise them of its intention and invite them to make submissions.

**Adopted**

---

**Item No:** 2  
**From:** Councillors Tanya Excell & David Shoebridge  
**Date:** 8 February 2007  
**File No:** 900.G

**(Excell/Shoebridge)**

That Council hold a public meeting, open to all, to discuss the impact of, and hear the concerns of, the proponents and residents regarding the Rose Bay and Point Piper Marinas.

That notification of the meeting be placed along the promenade of Rose Bay and at the municipality's ferry wharfs as well as being advertised in all local publications.

**Lost**

---

**Item No:** 3  
**From:** Councillor Wilhelmina Gardner  
**Date:** 8 February 2007  
**File No:** 900.G

**(Gardner/Shoebridge)**

- 16/2** That the applicant for the Rose Bay and Point Piper Marinas development be required to promptly provide a detailed scale model of the development clearly showing the siting of the development in relationship to the adjoining residences, streets in Rose Bay and Rose Bay Bay.

**Adopted**

---

## Procedural Motion

**Motion moved by Councillor Shoebridge  
Seconded by Councillor Martin**

- 17/2** That in accordance with the requirements of Council's Code of Meeting Practice, the Council formally adopt a motion for the Council Meeting to continue beyond 11.00pm.

**Adopted.**

## Suspension of Standing Orders

**(Shoebridge/Cullen)**

- 18/2** That Standing Orders be suspended to allow Council to adopt a motion to take no further steps to assess the Rose Bay and Point Piper Marina Development Application prior to receiving landowners consent.

**Adopted**

The Mayor ruled Urgency and permitted the Suspension of Standing Orders.

**(Shoebridge/Cullen)**

- 19/2** That Council take no further steps to assess the Development Application regarding the Rose Bay and Point Piper Marinas prior to receipt of formal landowners' consent.

**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 29 January 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 Petrie**

**20/2** That the responses to previous Questions without Notice be noted.

**Adopted**

**The following questions were asked:-**

---

**Councillor Gardner asking:**

I have received complaints about the street signage of Yarranabbe Road. Upon turning east from New Beach Road into Yarranabbe Road, a street sign indicates that the road continues to the north only. This is incorrect as there is a southern section. Could Council please install another "Yarranabbe Road" street sign that points towards the south? Could the relevant street numbers also be noted on the sign?

**Director Technical Services in response:**

The matter will be investigated.

---

**Councillor Gardner asking:**

Many White City Tennis Club members use Council's walkway which runs from Glenmore Road to the Club. Heavy vegetation has overgrown this pedestrian access road. Could Council please prune and tidy up this area?

**Director Technical Services in response:**

On notice.

---

**Councillor Gardner asking:**

I have been contacted by an elderly resident who lives on the southern corner of New South Head Road and Hillside Avenue. Over the years she has caringly looked after her adjoining nature strip. Recently Energy Australia has done some work there and left the footpath and nature strip in a devastating condition. She is most upset about this. Could Council please take steps to return this footpath and nature strip to its previous state?

**Director Technical Services in response:**

The matter will be investigated.

---

**Councillor Comino asking:**

Some months ago I asked whether our tenant Shindlers at O'Dea Avenue Depot had exercised its option to renew its lease. I was advised that was in hand. I now understand Shindlers is relocating. What steps have been taken to secure another tenant for Council's asset at O'Dea Avenue?

**Director Technical Services in response:**

Steps are being taken to invite proposals for another tenancy.

---

**Councillor Comino asking:**

Please advise the current status of the Rose Bay Secondary College (Vaucluse Campus) site. Has the Department of Education sold the site? Has Council received any communications as to the use of the site?

**Director Planning and Development in response:**

This refers to the Vaucluse High School site. I met with a group called the ZINGINGE Group which is a group based in Melbourne. I met with them on Friday 9 February and they have purchased that land and will be submitting a development application to the Council for consent to develop the land for aged persons housing under SEPP Seniors Living. The ZINGINGE Group I understand is a property development group who work only in seniors housing developments. I will provide more detail in the next Councillor notes.

---

**Councillor Comino asking:**

To the Director Planning and Development

Are you aware that the Foreshore and Waterways Committee met last Friday, 9 February 2007?  
Was Council invited?

**Director Planning and Development in response:**

The Foreshores and Waterways Advisory Committee met on 2 February and it was attended by our Mr Peter Kauter. It first dealt with the issue of the marina application that is for Rose Bay and Point Piper Marinas. The Committee decided to defer its consideration of the application and it asked the applicant to provide a 3D walk through model in order to assist it in assessing the visual impact of the development and it therefore deferred its consideration of the application until the completion of the public consultation process.

---

**Councillor Petrie asking:**

After hard work by Councillors and staff for the Council reserved playing fields for school girl sport, I am informed that these facilities are no longer being used by the school girls. Can we have a report detailing what grounds and times the school girls are using these facilities for sports?

**Director Technical Services in response:**

Yes we can.

---

**Councillor Martin asking:**

I notice the gate exit from White City via the car park next to the Shell Station is now closed off and the area is fenced off. People are now traversing via the overpass and having to exit via the lane next to the Bay Side. Are you aware of this?

**Mayor in response:**

On notice. We will investigate which land owner has done that.

---

**Councillor Excell asking:**

Now that we have called a stop to the Rose Bay and Point Piper Marina DA process, if we get landowners permission to the application, will the DA be re-notified again with 3 days left to make submissions? Will submissions currently received be still of value? Will it be re-notified for two weeks?

**Director Planning and Development in response:**

There will be no need to readvertise the application. The submissions already received will still stand and they will be dealt with in the normal way.

---

**Councillor Dawson asking:**

That bus shelter opposite Manion Avenue Rose Bay War Memorial. When is it to be reinstated?

**Director Technical Services in response:**

That bus shelter is, along with the Etham Avenue bus shelter, the subject of a resolution by the Council for a further report and we have just received the recommendations from the consultant on that and a report will be submitted shortly.

---

**Councillor Sinclair King asking:**

Walking to or from Double Bay Village via the Marathon Road steps Darling Point, one could be forgiven for mistaking that they are in the Bronx, New York City. Could the strip of garden be weeded, pruned and replanted, rubbish cleared and Graffiti cleared?

**Director Technical Services in response:**

On notice

---

**Councillor Sinclair King asking:**

The landscaping of the median strip at Bayswater looks very sad. Could we consider commissioning some public art for this site?

**Mayor in response:**

On notice

---

**Councillor Boskovitz asking:**

I received a letter from a Mr Knobelman of the Watsons Bay Residents Group regarding the Anglicare clothing bin at 331 Old South Head Road Watsons Bay. I will provide a copy of the letter. They request the removal of the bin because:

- (1) they believe there was no appropriate approval,
- (2) the bin is being cleared at inappropriate times of the day.

Could you please address the first point regarding the approval and also communicate with the owner of the bin to ensure that collection only occurs at appropriate times?

**Director Planning and Development in response:**

On notice

---

**Councillor Boskovitz asking:**

To the Mayor, General Manager or Director Community Services

I received an e-mail from a group from Minneapolis, Minnesota in the United States today which is running a program to try to educate kids with childhood obesity. Could one or all of you please communicate with these people and try to help them as much as possible in their work? I enclose a copy of the e-mail for your information.

**General Manager in response:**

On notice.

---

**Councillor Shoebridge asking:**

There is a metal fence outside Ms Jennifer Parkinson's residence at 186 Hargrave Street Paddington. It is on the road side edge of the footpath and places a considerable barrier in getting into and out of hers and other neighbour's vehicles for no apparent reason. Can this please be reviewed?

**Director Technical Services in response:**

The purpose of it is to prevent people falling over the kerb which is raised at that point. It can be reviewed.

---

**Councillor Shoebridge asking:**

Outside the residence of Mr Zannetides at No 3 Hargrave Street Paddington there are an anomalous group of non-residential parking spots that have very long-term parking on them and often prevent him and other residents from having a parking spot. Can this please be reviews?

**Director Technical Services in response:**

On notice.

---

There being no further business the meeting concluded at 11.27pm.

*We certify that the pages numbered 249 to 310 inclusive are the Minutes of the Ordinary Meeting of Woollahra Municipal Council held on 12 February 2007 and confirmed by Council at the ordinary Meeting of Council on 26 February 2007 as correct.*

---

**General Manager**

---

**Mayor**