

Council Meeting

Monday 10 December 2012

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Items Determined Under Delegated Authority by Council Committees

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

Corporate & Works Committee Meeting held on Monday 3 December 2012

- D1 Confirmation of Minutes of Meeting held on 19 November 2012
- D2 Minutes of The Audit & Assurance Committee Meeting of August & November 2012

Development Control Committee Meeting held on Monday 3 December 2012

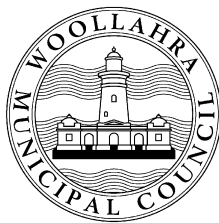
- D1 Confirmation of Minutes of Meeting held on 19 November 2012
- D2 DA141/2012 – 280 Glenmore Road, Paddington – New rear addition, new rear balcony with new spiral staircase to rear yard, new windows to existing study, new dormer window to attic & new skylights on roof, new landscaping to rear yard – 21/8/2012
- D3 DA88/2012 – 53 Village High Road, Vaucluse – Demolition of the existing dwelling-house, garage & swimming pool, construction of a new dwelling-house with integrated car parking & a new swimming pool, landscaping & siteworks – 1/3/2012
- D4 DA531/2010 part 4 - 7 Sutherland Street, Paddington – Section 96 Application – Proposed modification to the approved garage & new privacy screen – 27/8/2011
- D5 DA 545/2005/2 - 29-53 Victoria Road, Bellevue Hill (North-eastern section of The Scots College) - Section 96 Application – Proposed modification internal and external – 10/2/2012
- D6 DA546/2011 - 19 Kamabla Road & 5-7 Mansion Road, Bellevue Hill (The Scots College) – Change of use from a dwelling to a kindergarten associated with the Scots College including internal & external works – 25/11/2011
- D7 DA211/2012 – 6/14 Fairfax Road, Bellevue Hill – Addition to the existing balcony to Unit 6 – 21/5/2012
- D8 DA555/2011 - 92 Drumalbyn Road, Bellevue Hill – Construction of a new two storey dwelling and swimming pool on lot 152 (tennis court) – 28/11/2011 – **(See Item R3)**
- D9 DA138/2012 - 16-22 Bay Street, Double Bay – Demolition of existing above ground building (retention of the basement) & construction of a new four storey mixed use building containing two shops & 12 units (3x1 bed, 1x2 bed & 8x3 bed) – 2/4/2012
- D10 DA166/2012 part 2 - 15 Burrabirra Avenue, Vaucluse - Section 96 Application – Proposed modification deletion of Condition Nos. C.1(a) & (c) & modifications to the design of the pergola/privacy screen structure – 25/9/2012 – **(See Item R2)**
- D11 DA491/2011 part 2 - 93 Victoria Road, Bellevue Hill - Section 96 Application – Proposed modification internal & external – 24/9/2012 – **(See Item R4)**
- D12 Register of Current Land and Environment Court Matters and Register of Court Proceedings for Building Control, Environmental Control & Health Control

Urban Planning Committee Meeting held on Monday 26 November 2012

- D1 Confirmation of Minutes of Meeting held on 12 November 2012

Community & Environment Committee Meeting held on Monday 26 November 2012

- D1 Confirmation of Minutes of Meeting held on 12 November 2012
- D2 Delivery Program 2009 to 2013 & Operational Plan 2012/13 (DPOP) Quarterly Progress Report September 2012 against Goal 1 - A Connected & Harmonious Community, Goal 2 - A Supported Community, Goal 3 - A Creative & Vibrant Community, Goal 5 - Liveable Places, Goal 7 - Protecting our Environment and Goal 8 - Sustainable use of Resources
- D3 Woollahra Plaques Advisory Committee - Minutes of Meeting 25 October 2012



Council Meeting

Minutes of the Meeting of Woollahra Municipal Council held at the Council Chambers, Double Bay, on Monday 10 December 2012 at 8.07pm.

Present: His Worship the Mayor, Councillor Andrew Petrie
Councillors Ted Bennett
Anthony Boskovitz
Peter Cavanagh
Luise Elsing
Elena Kirillova
Greg Levenston
Anthony Marano
Katherine O'Regan
Matthew Robertson
Deborah Thomas
Elena Wise
Toni Zeltzer
Jeff Zulman

Staff:	Allan Coker	(Director – Planning & Development)
	Stephen Dunshea	(Director – Corporate Services)
	Gary James	(General Manager)
	Tom O'Hanlon	(Director – Technical Services)
	Kylie Walshe	(Director – Community Services)
	Les Windle	(Manager – Governance)

Also in Attendance: Nil

Confirmation of Minutes

(Boskovitz/Zeltzer)

- 1/20** THAT the Minutes of the Council Meeting held on 26 November 2012 be taken as read and confirmed.

Adopted

Leave of Absence

(Boskovitz/Zeltzer)

- 2/20** That leave of absence for all meetings of the Council and its Committees be granted to Councillor Susan Wynne for Monday 10 December 2012.

Adopted

Apologies

Nil

Declarations of Interest

- Note:** Councillor Thomas declared a Non-Significant Non-Pecuniary Interest in Development Control Committee Item R4 (93 Victoria Road, Bellevue Hill) as she knows and has worked with the owners. Councillor Thomas does not believe it would affect her vote.
- Note:** Councillor Zulman declared a Non-Significant Non-Pecuniary Interest in Development Control Committee Item R3 (92 Drumalbyn Road, Bellevue Hill) as he is a Choir Boy at the local Synagogue and the applicant is the Cantor and also from time to time his son has played on the applicants tennis court. Councillor Zulman does not believe it would affect his vote.
- Note:** The Mayor Councillor Petrie declared a Pecuniary Interest in Urban Planning Committee Item R1 (9a Cooper Park Road, Bellevue Hill – Rezoning and Reclassification) as he lives next door to the property. Councillor Petrie left the Chambers and did not participate in the debate or vote on this matter.
-

Petitions

Petition No: 1
From: Members of the Community
Table by Councillor: Elsing
File No: 884.G 2012, 271.G AACM

The Petition was in terms,

WE, the undersigned, petition Woollahra Council to reject the new Terms of Reference for the Animal Advisory Committee and to call for new draft which will allow the community more say about companion animals.

Motion moved by Councillor Elsing
Seconded by Councillor Boskovitz

3/20 That the petition lie on the table for fourteen (14) days and be considered in conjunction with the Agenda Item that is to be determined later in the meeting.

Adopted

Suspension of Standing Orders

Councillor Boskovitz

- 4/20** That Standing Orders be suspended to allow him to advise Council of the 5th Annual Silly Sausage Christmas Competition for our local dachshunds.

Adopted

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

Councillor Boskovitz advised:

I was fortunate enough yesterday to attend the 5th Annual Silly Sausage Christmas Competition for our local dachshunds. It was a fantastic event with over 150 dogs there. They had a number of different categories of competition, they had the Dapper Dach which was for the best costume and there was some very creative costumes, there was Rocker Dach and Rino Dach and Hammer Head Shark Dach, there was some very very spectacular outfits. They also had best tricks, best obedience and best on lead. If anyone knows about these dogs they don't obey anybody or anything so that was a sight to behold. They also had races for the puppies and the smaller dogs. I would like to congratulate the organisation that put that on, it was a fantastic event with well over 150 dogs and over 100 humans there.

The Council noted the information.

Councillor Boskovitz

- 5/20** That the Suspension of Standing Orders continue to move forward consideration of Community and Environment Committee Item R3 (Review of the 'Terms of Reference' and Operations of the Animal Advisory Committee) as there are a number of people in the gallery for this item.

Adopted

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

Community & Environment Committee

Items with Recommendations from the Committee Meeting of Monday 26 November 2012 Submitted to the Council for Determination

Item No:	R3 Recommendation to Council
Subject:	Review of the ‘Terms of the Reference’ and Operations of The Animal Advisory Committee
Authors:	Suzy Rich, Chair - Animal Advisory Committee Colin DeCosta, Coordinator - Regulatory Services Tim Tuxford, Manager - Compliance
File No:	271.G AACM
Reason for Report:	To review the ‘Terms of Reference’ and operations of the Animal Advisory Committee as required by the Community & Environment Committee resolution of 22 October 2012.
Note:	Late correspondence was tabled by Aja Bradley, Michelle Donde, Graeme Lowry-Jones, Fiona Crimmins & family, Peter Winkler, Deborah Brun, Marilyn Condrau, Emma Delory-Burke, John Rutter & Lisa Stephens, Clarissa Wilson, Julie Cleary, Caroline Depledge, Simon Wakerman, Ericka van Aalst (2 pieces) and SCPAG.

(Thomas/Boskovitz)

6/20 **Resolved:**

- A. That the Animal Advisory Committee ‘Terms of Reference’ adopted on 27 September 2004 be amended in accordance with ‘Annexure 2’ to the report to the Community and Environment Committee meeting of 26 November 2012 subject to the following:
 - (i) Section 3.2 (Community representatives) being amended to read as follows:
 - *Two (2) local animal professionals (which may include, but not be limited to a veterinarian, animal behaviourist, member of the NSW Animal Welfare League, member of the Companion Animal Reference Group).*
 - *Five (5) Woollahra Council residents, one from each Ward within the Municipality.*
 - (ii) Section 8.2 (Meeting Procedures) being amended to read as follows:
Meetings will be held on the third Wednesday of the month at regular intervals four times a year at the Council Chambers with those specific months to be determined by the Chair of the Committee and announced in February 2013.
 - (iii) Section 8.5 (Meeting Procedures) being amended to read:
Minutes of all meetings are to be made accessible to the public and will be forwarded to the Community and Environment Committee for consideration and appropriate action.
- B. That Council invites nominations from the respective community representative categories for membership to the Animal Advisory Committee in accordance with the amended ‘Terms of Reference’ adopted under Part A above.
- C. That the Mayor be delegated authority to appoint all representatives to the Animal Advisory Committee in accordance with the amended ‘Terms of Reference’ adopted under Part A above.
- D. That a letter of gratitude and special acknowledgement be issued to Dr Barrie Towers, Vicki Etherington and Dr Pamela Tinslay who have been members of the Animal Advisory Committee since its inception in 1997.

Corporate & Works Committee

Items with Recommendations from the Committee Meeting of Monday 3 December 2012 Submitted to the Council for Determination

Item No: R1 Recommendation to Council
Subject: Budget Strategy for 2013/14
Author: Don Johnston, Manager Finance
File No: 331.G 2013/14
Reason for Report: To seek adoption of the strategy to guide the preparation of the 2013/14 Budget.

(O'Regan/Thomas)

7/20 Resolved without debate:

That Council:

- A. Receive and note the report on the Budget Strategy for 2013/14.
- B. Note the principal strategy for the preparation of the draft 2013/14 Budget (which supports the Operational Plan and adopted four year Delivery Program), subject to the completion of management's comprehensive budget review process is to:
 1. Provide sufficient funding for all continuing services;
 2. Provide funding for essential service expansions where identified;
 3. Continue Council's commitment to infrastructure renewal;
 4. Continue a program of capital improvements at similar budget levels and ratios; and
 5. Maintain an adequate working funds balance
- C. Endorse the following economic parameters around which the draft 2013/14 Budget will be prepared:
 1. That Council adopt a balanced budget for 2013/14.
 2. That the Draft 2013/14 Budget be prepared on the basis of no new borrowings other than those related to the Kiaora Lands redevelopment Project.
 3. That no transfers from the Property Reserve, other than for the Kiaora Lands project, be proposed in the Draft 2013/14 Budget and any transfers to and from other Reserves be clearly shown.
 4. That fees and charges be increased by at least CPI (3%) where practical unless it would have an adverse impact on forecast revenue or users' capacity to pay.
 5. That the 2013/2014 draft Budget be prepared on the basis of a 4.5% vacancy rate.
 6. That the 2013/2014 budget be prepared on the basis of the continuation of higher employer contributions to the defined benefits superannuation scheme as notified by the scheme.
- D. Receives further progress reports in relation to the preparation of Council's 2013/14 Operational Plan and Budget at future Corporate & Works Committee Meetings.

Item No: R2 Recommendation to Council
Subject: **Tender for construction - Guilfoyle Avenue, Double Bay - Stormwater Improvement Works**
Author: Jake Matuzic, Manager Capital Projects
File No: Tender 12/19
Reason for Report: To recommend to Council the acceptance of a Tender

(O'Regan/Thomas)

8/20 Resolved without debate:

- A. That Council enter into a Contract with Statewide Civil Pty Ltd for Guilfoyle Avenue, Double Bay - Stormwater Improvement Works for the sum of \$275,951 (excluding GST).
- B. That successful and unsuccessful tenderers be advised accordingly.

Item No: R3 Recommendation to Council
Subject: **Advanced Waste Treatment Disposal Tender**
Author: Manager Civil Operations – Mark Ramsay
File No: File No 588.G SSROC
Reason for Report: To recommend to Council the acceptance of a tender

(O'Regan/Thomas)

9/20 Resolved without debate:

- A. That Council receive and note the SSROC Report to the Participating Councils regarding the preferred AWT Waste Service Provider.
- B. That under Regulation 178 (1)(a) of the Local Government (General) Regulation 2005, Council accept the tender submission offered by Veolia Environmental Services for the provision of an Advanced Waste Treatment service.
- C. That Council agree to the Memorandum of Understanding with Veolia Environmental Services setting out the principles for developing the contract and nominate a senior Council position to represent and act on behalf of Council for the negotiation of the contract and throughout the contract term.
- D. That Council delegate to the General Manager the authority to agree to the contract terms on behalf of Council and approve the fixing of the seal of Council on all necessary documents
- E. That the unsuccessful tenderers are notified of the tender result.
- F. That the Evaluation of Findings report attached to Council's file be treated as confidential in accordance with section 11(3) of the Local Government Act 1993, as it relates to a matter specified in section 10A(2) of the Local Government Act 1993. These matters include information on prices and tonnages relating to other Councils associated with this tender.

Item No: R4 Recommendation to Council
Subject: Council Car Park Management
Author: Zubin Marolia, Manager Property & Projects,
Tom O'Hanlon, Director Technical Services
File No: 1240.G & 1240.G Negotiations
Reason for Report: To advise regarding the outcome of negotiations for the management of Cross Street, Kiaora Lands, Cosmopolitan Centre and Grafton Street car parking stations and recommend a suitable operator.

(O'Regan/Thomas)

10/20 Resolved without debate:

1. That Council accept the negotiated offer received from Care Park Pty Ltd for an eight year term for:
 - a) the management of Cross Street, Double Bay car park for a minimum guaranteed income of \$560,000 per annum excluding GST plus surplus fees;
 - b) the management of Cosmopolitan Centre, Double Bay car park for a minimum guaranteed income of \$135,000 per annum excluding GST plus surplus fees; and
 - c) the management of Grafton Street, Bondi Junction car park for a minimum guaranteed income of \$230,000 per annum excluding GST plus surplus fees;
2. That Council accept the negotiated offer received from Care Park Pty Ltd for the proposed Kiaora Lands car park, for a fixed management fee of \$23,500 per annum excluding GST and \$116,128.40 per annum excluding GST for fixed operating expenses payable by Council. Council is entitled to all of the car parking fees and other revenues generated from this car park;
3. That the Management Agreement list the capital equipment specified by Care Park Pty Ltd, to ensure that all the proposed works are carried out and specified equipment installed.
4. That Wilson Parking be advised accordingly and thanked for their services during the short term management of the Council car parks and for their participation in the negotiation process.
5. That the General Manager be authorised to finalise negotiations and sign the Management Agreement.
6. That the report remains confidential until such time as the Management Agreement is finalised.

Development Control Committee

Items with Recommendations from the Committee Meeting of Monday 3 December 2012 Submitted to the Council for Determination

Item No: R1 Recommendation to Council

Subject: **Kiaora Lands, Double Bay - Section 96 Application – Proposed modification to modify and/or delete a number of consent conditions & changes to carparking circulation, weather protection, roof level travelator/lift lobby, supermarket layout, additional trolley bays, ESD measures, relocation of sub-stations, amended landscaping & security – 3/10/2012**

Author: Peter Kauter – Executive Planner

File No: DA531/2011 part 2

Reason for Report: In accordance with Council's meeting procedures and policy this matter is referred to full Council to allow Council to make a submission to the JRPP.

Note: Late correspondence was tabled by Philip Mason.

(Boskovitz/Zeltzer)

11/20 Resolved:

That Council advise the Regional Panel that it raises no objection to the recommendation of the assessment report on the application under s.96(2) of the Act, our reference Development Application No. 531/2011 part 2, to modify the consent granted in respect of DA NO. 531/2011 for the Kiaora Lands redevelopment at Double Bay consisting of:

- demolition of existing buildings and structures
- a new 4 storey commercial/retail building fronting New South Head Road and including a new public library
- a new 3 level commercial/retail building fronting Kiaora Lane, including a supermarket
- public parking and public domain improvements
- site remediation.

subject to the conditions recommended in the annexed report by Council's Executive Planner, Peter Kauter:

Further, the Councillors at the Development Control Committee unreservedly agree with the Report of Mr Kauter and its recommendations and fully endorse that the Regional Panel be advised as follows, as a consequence of submissions made by members of the public at the meeting of its Development Control Committee on 3/12/12:

- Anderson Street is only to be used as an exit for vehicles and this should be noted on the relevant documentation
- No delivery vehicles or compactors to be used in the loading docks until the roller door is shut

- Further sound mitigation measures be taken regarding the ramp in accordance with the diagram tabled by Professor Bruce Forster as late correspondence at the Development Control Committee meeting on 3/12/12 and which is annexed to Council's submission.
- Condition F.22 be amended to have dynamic signs provided at each entry to the carpark
- Condition F.37 emphasises the need for dynamic/live smart signage
- The endorsement of any sound proofing
- Our position in relation to condition F.33 is endorsed and the applicant needs to confer with Council's Traffic Engineer
- The implementation of the 2 boom gates is endorsed
- Drainage not to be changed without approval by Council

The terms of the resolution is as follows:

THAT the development consent granted in respect to Development Application No. 531/2011 for a retail, commercial, public library and public parking development on land at 433-451 New South Head Road, 1, 2, 3, 4, 5, 6 & 7 Kiaora Road, 1, 2, 3-7 & 4 Anderson Street, 1-9 & 2 Patterson Street and parts of Anderson Street, Kiaora Lane and Patterson Street, Double Bay, be modified in the following manner:

Include the following additional conditions:

A.10 Development Consent is not granted in relation to these matters

The modification of development consent vide DA531/2011/2 does not approve the relocation of the electricity substations from the locations shown on the plans in respect of which development consent was originally granted.

Standard Condition: A9 (Autotext AA9)

C10) Kiaora Road carpark entrance

The Kiaora Road carpark entrance must have the operating capacity to admit a minimum of 600 vehicles per hour. The applicant may be able to meet this condition through the *installation of one or two boom gates, subject to the equipment specifications. The applicant must* demonstrate to the satisfaction of Council's Technical Services Division, that the specifications for the boom gate/s and associated equipment meet this requirement prior to the issue of the Construction Certificate.

This condition is imposed to prevent inbound vehicles to the car park queuing across the Kiaora Road footpath and to ensure that vehicles queuing in Kiaora Road do not adversely impact on the efficient operation of the Kiaora Road/ New South Head Road intersection.

E.33 Landscape treatment of roof garden

Specific details of the proposed landscape treatment of the roof garden on the southern side of the Kiaora Lane building being submitted to Council for approval prior to the area being planted.

F.43 Noise from electricity substations

Any noise from the electricity substations being attenuated as may be necessary to prevent the emission of noise that would exceed the nocturnal background noise level when measured at the nearest, or any other, residential property façade at any time of the day or night in accordance with the Double Bay Centre Development Control Plan 2002, A2.5.3, C10.

I.33 Kiaora Road carpark entrance – operating capacity

The Kiaora Road carpark entrance must have the operating capacity to admit a minimum of 600 vehicles per hour.

This condition is imposed to prevent inbound vehicles to the carpark queuing across the Kiaora Road footpath and to ensure that vehicles queuing in Kiaora Road do not adversely impact on the efficient operation of the Kiaora Road/ New South Head Road intersection.

I.34 Configuration of carparking control system

The carpark control system installed in the carpark shall be configured in a way that could readily transmit carpark occupancy survey information to a centralised Double Bay car parking information system at such time as such a system is installed.

This condition is imposed with regard to the traffic impacts of the development.

I.35 Operation of loading dock doors

Loading docks are to be operated so as to satisfy the Double Bay Centre Development Control Plan, A2.5.3, C11. For this purpose the following measures are, as a minimum, to apply in relation to the operation of the loading dock doors referred to in condition C.11)iii:

- delivery vehicles are not to begin reversing until loading dock doors are shut
- unloading and loading of delivery vehicles and use of compactors are not to commence until loading dock doors are shut

Staff assigned to the loading dock areas are to be made aware of these noise control measures.

The heading to conditions in Section C of the development consent notice being changed to read as follows:

- C.** *Conditions which must be satisfied prior to the issue of the relevant construction certificate or, as may be stipulated, prior to the issue of any construction certificate*

Deletion of the following conditions:

C.11)v

C.1n)

I.14

The following conditions being amended to read:

A.3 Approved Plans and supporting documents

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

Reference	Description	Author/Drawn	Date(s)
Project 36280.02-3	Updated report on acid sulphate soil management plan	Douglas Partners	18/2/10
Acoustics			
Report No. 11-1605-R1	Noise Impact Assessment	Reverb Acoustics	Nov 2011
11-1605-L2	Addendum to Reverb Acoustics Report 11-1605-R1	Reverb Acoustics	1/3/12
3109_SK_563	Acoustic control plan	nettletontribe	Feb 2012
3109_SK_564	Acoustic control-sections	nettletontribe	Feb 2012
Architectural Plans			
3109_DA_002-E	Site Plan/Roof Plan	nettletontribe	6/2/12
3109_DA_003-D	Ground Floor Plan	nettletontribe	10/11/11
3109_DA_004-C	First Floor Plan	nettletontribe	10/11/11
3109_DA_005-D	Second Floor Plan	nettletontribe	6/2/12
3109_DA_006-E	Third Floor Plan	nettletontribe	6/2/12
3109_DA_011-D	Ground Floor Plan	nettletontribe	10/11/11
3109_DA_012-D	First Floor Plan	nettletontribe	10/11/11
3109_DA_013-D	Second Floor Plan	nettletontribe	6/2/12
3109_DA_014-F	Roof Plan	nettletontribe	27/2/12
3109_DA_015-B	Library & Mixed Use Ground Floor Plan	nettletontribe	12/10/11
3109_DA_016-B	Library & Mixed Use First Floor Plan	nettletontribe	12/10/11
3109_DA_017-B	Library & Mixed Use Second Floor Plan	nettletontribe	12/10/11
3109_DA_018-C	Library & Mixed Use Third Floor Plan	nettletontribe	26/10/11
3109_DA_019-C	Library & Mixed Use Roof Plan	nettletontribe	26/10/11
3109_DA_021-D	Streetscape Elevations	nettletontribe	6/2/12
3109_DA_022-C	Streetscape Elevations	nettletontribe	10/11/11
3109_DA_023-B	Library & Mixed Use Streetscape Elevations	nettletontribe	12/10/11
3109_DA_024-D	Elevations	nettletontribe	6/2/12
3109_DA_025-C	Library & Mixed Use Elevations	nettletontribe	26/10/11
3109_DA_031-E	Sections	nettletontribe	27/2/12
3109_DA_032-B	Library & Mixed Use Library Sections	nettletontribe	12/10/11
3109_DA_035-A	Rooftop shade structure details	nettletontribe	27/2/12
3109_DA_041-D	Finishes Schedule	nettletontribe	6/2/12
3109_DA_042-B	Library & Mixed Use Finishes Schedule	nettletontribe	12/10/11
3109_DA_054-D	Signage	nettletontribe	6/2/12
3109_DA_055-A	Library & Mixed Use Signage	nettletontribe	12/10/11
3109_DA_071-B	Demolition Plan	nettletontribe	12/10/11
3109_SK551	Ramp Layout - Plans	nettletontribe	Jan 2012
3109_SK552	Ramp Layout - Sections	nettletontribe	Jan 2012
	Construction Management Plan	Caverstock Group	15/11/11
Project 36280.05	Report on Supplementary Contamination Assessment	Douglas Partners	13/4/12
Project 36280.04-2-rev 01	Contaminated Land - Remedial Action Plan (Stage 3)	Douglas Partners	Apr 2012
301015-12277 – 301015-02277-EN-REP-0001 Kiaora Lands.doc	DA Flooding, Stormwater and Pavement Design Report	Worley Parsons	27/10/11
301015-02277-EN-REP-002[0]-FIA.doc	Flood Impact Assessment Report	Worley Parsons	27/10/11
Project 30422.02	Report on geotechnical investigation	Douglas Partners	Mar 2010
E12616/1-BY	Hydrogeological Report	Coffey	16/10/03

Landscape Plans			
09582_LSK_000 E	Cover Sheet & Schedules	context	Nov 2011
09582_LSK_001 E	Tree Retention/Removal Plan	context	Nov 2011
09582_LSK_002 E	Landscape Concept Plan	context	Nov 2011
09582_LSK_003 E	Plaza Landscape Concept Plan	context	Nov 2011
09582_LSK_004 E	Kiaora Lane and Patterson Street Connection	context	Nov 2011
09582_LSK_005 E	Section A-A	context	Nov 2011
09582_LSK_006 E	Section B-B	context	Nov 2011
09582_LSK_007 E	Section C-C	context	Nov 2011
09582_LSK_008 E	Section D-D	context	Nov 2011
09582_LSK_009 E	Section E-E & I-I	context	Nov 2011
09582_LSK_010 E	Typical Landscape Details	context	Nov 2011
09582_LSK_011 E	Planting Palette + Schedule	context	Nov 2011
473AIA	Arboricultural Impact Assessment	Tree Wise Men Australia Pty Ltd	May 2011
Sample Boards			
3109_DA	Finishes Board - Supermarket	nettletontribe	
3109_DA	Finishes Board – Library	nettletontribe	
3109_DA	Finishes Board – Carpark	nettletontribe	
3109_DA	Finishes Board – Office	nettletontribe	
Stormwater drainage concept design			
3577 H-01 03	Cover sheet, legend, notes and drawing list	Warren Smith & Partners Pty Ltd	June 2012
3577 H-02 03	Ground floor plan	Warren Smith & Partners Pty Ltd	18/10/11
3577 H-03 03	Level 1 floor plan	Warren Smith & Partners Pty Ltd	18/10/11
3577 H-04 03	Level 2 floor plan	Warren Smith & Partners Pty Ltd	18/10/11
3577 H-05 03	Level 3 floor plan	Warren Smith & Partners Pty Ltd	18/10/11
3577 H-06 03	Level 4 roof floor plan	Warren Smith & Partners Pty Ltd	18/10/11
3577 H-07 03	Rectification and connection of existing stormwater discharge into Kiaora Lane	Warren Smith & Partners Pty Ltd	18/10/11
Civil works			
SKC01 rev. B	Kiaora Lane concept siteworks plan and longitudinal section	BG&E	24/10/11
SKC02 rev. B	Kiaora Lane cross section sheet 1	BG&E	24/10/11
SKC03 rev. C	Stormwater concept plan	BG&E	16/11/11
SKC04 rev. C	Carpark levels plan	BG&E	16/11/11
SKC05 rev. A	Cut and fill plan	BG&E	24/10/11
SKC06 rev. A	Culvert longitudinal section	BG&E	24/10/11
CSK001 rev. A	Sydney Water culvert barrier fence	BG&E	25/1/12
Project No: 209/058/47 RPT – Final	Statement of Environmental Effects	TPG	Nov 2011
Issue B Final issue (letter)	Heritage Assessment & Heritage Impact Assessment (referral response – pre DA lodgement heritage, clause A2.3.2.4 New South Head Road)	GB&A (GB&A)	02/09/11 (18/10/11)

Traffic Report			
Revision 5	Traffic report	Halcrow	19/10/11
Letter	Council's request for additional information	Halcrow	10/2/12
	Waste Management Plan	JD MacDonald	Feb 2012
Ecologically Sustainable Development Reports			
	Woolworths Sustainable Design	Fabcot Pty Ltd	May 2011
6018326	ESD Review	AECOM	5/4/11
SM0084:29650 R01	Hazardous materials survey report	McNally Management Pty Ltd	Revision 1 – Dec 2010
Final v2	Accessibility review	Morris-Goding Accessibility Consulting	29/9/11
Project No: 209.058.47 CPTED FH	Crime prevention through environmental design assessment report	TPG	Oct 2011
(SEE appendix Z)	Trolley management plan		
	Letter	Sydney Water	10/2/12

And as amended by the works shown by clouding on following plans:

Reference	Description	Author/Drawn	Date(s)
Architectural Plans			
3109 DA 002-F	Site Plan/Roof Plan	nettletontribe	26/9/12
3109 DA 003-E	Ground Floor Plan	nettletontribe	26/9/12
3109 DA 004-D	First Floor Plan	nettletontribe	26/9/12
3109 DA 005-E	Second Floor Plan	nettletontribe	26/9/12
3109 DA 006-F	Third Floor Plan	nettletontribe	26/9/12
3109 DA 011-E	Ground Floor Plan	nettletontribe	26/9/12
3109 DA 012-E	First Floor Plan	nettletontribe	26/9/12
3109 DA 013-E	Second Floor Plan	nettletontribe	26/9/12
3109 DA 014-G	Roof Plan	nettletontribe	26/9/12
3109 DA 015-C	Library & Mixed Use Ground Floor Plan	nettletontribe	26/9/12
3109 DA 021-E	Streetscape Elevations	nettletontribe	26/9/12
3109 DA 023- C	Library & Mixed Use Streetscape Elevations	nettletontribe	26/9/12
3109 DA 024-E	Elevations	nettletontribe	26/9/12
3109 DA 025-D	Library & Mixed Use Elevations	nettletontribe	26/9/12
3109 DA 041-E	Finishes Schedule	nettletontribe	26/9/12
3109 DA 042-C	Library & Mixed Use Finishes Schedule	nettletontribe	26/9/12
3109 DA 054-E	Signage	nettletontribe	26/9/12
3109 DA 055-B	Library & Mixed Use Signage	nettletontribe	26/9/12

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

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

C.1)iii Automated solid acoustic roller shutter doors are to be provided to all loading dock areas to ensure that there is no break-out noise from the delivery vehicle activities and compactor use.

C.1)iv That acoustic treatment shall be provided to the underside of the ceilings in the entry and exit areas of the ground level carpark to control noise leakage paths by providing an effective reduction of the reverberant characteristics resulting from vehicular movements.

- C.11)vii** The ceiling of the entry and exit structure to Kiaora Road are to be provided with an appropriately selected and effective fire resistant, sound absorbing facing (an approved acoustical spray, or modular acoustical panels/tiles) to provide an effective reduction of the reverberant characteristics of that area.

C.4 Road and Public Domain Works

A separate application under Section 138 of the *Roads Act* 1993 is to be made to, and be approved by, Council for the following infrastructure works prior to the issuing of any Construction Certificate. The infrastructure works must be carried out at the applicant's expense:

a) Road and Drainage Works

Kiaora Lane

- Roadworks – Full width road reconstruction, kerb & gutter and/or dish footpath and level adjustment for the length of the development from about the eastern boundary of No 11 Patterson Street to Kiaora Road.
Full width road reconstruction, replacement kerb & gutter and footpath pavers from the development to Manning Road.
- Plaza – construction of all public domain assets.
- Drainage- Construction of drainage and pits and connections to the existing drainage line. Box culvert construction for the full length of the development.

Kiaora Road

- Roadworks - road shoulder reconstruction, Replacement of kerb & gutter and footpath for the length of the development, long section for driveways.
- Drainage – new pipe connections and pipeline upgrades across Kiaora Road.

Patterson Street

- Roadworks - road pavement, kerb & gutter, driveways and new footpath.
- Drainage – new 375mm diameter Reinforced Concrete Pipe and pits.

Anderson Street

- Roadworks -Kerb & gutter and driveways and road pavement.
- Drainage – new 375mm diameter Reinforced Concrete Pipe and pits. Drainage impacts on the existing system in Court Road to be detailed.

Manning Road

Omitted

Other

- There is conflict between the Flooding, Stormwater Report by Worley Parson, the Stormwater Drainage Concept Design by Warren Smith & Partners and the Kiaora Lane Concept Plan (Civil) by BG&E. Revised plans prepared by Brown Consulting Dwg No's C4-00, C4-01, C4-30, C4-40, C4-41, C4-60, C4-80, C4-90, C4-91 Rev B dated 28.09.2012 have been submitted to Council.
- The amended plans are to be certified by the authors of the flood report that they satisfy their requirements for flood management.
- Dilapidation reports will be required on the adjoining road network that will be affected by construction equipment.

- All the above works will be subject to the submission and approval by Council of a S138 Roads Act application.
- All new footpaths and kerb returns are to incorporate pram ramps which comply with Council's Specification for Roadworks, Drainage and Miscellaneous Works.

b) General

Detailed engineering plans (plan, sections and elevation views) and specifications of all works for the footpath, driveways, kerb & gutter, drainage long sections new gully pit showing clearly the connection point of site outlet pipe(s) of the works required by this Condition must accompany the S138 Application form. The plans must also clearly show the following:

- Full width vehicular crossings to be constructed in accordance with Council's standard driveway drawing RF2C
- A design longitudinal surface profile for the proposed driveway must be submitted for assessment.
- Removal and replacement of the existing footpath for the full width of the property in accordance with Council's standard drawing RF3.
- Removal of all driveway crossings and kerb laybacks which will be no longer required.
- Full footpath, kerb and gutter details.
- Full new pavement details.
- Where a grass verge exists, the balance of the area between the footpath and the kerb 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 Couch turf.
- Engineering drawings of the new drainage line to be constructed joining the new and existing drainage pits including services.

Note: To ensure that this work is completed to Council's satisfaction, this consent by separate condition, may impose one or more Infrastructure Works Bonds.

Note: *Road* has the same meaning as in the *Roads Act 1993*.

Note: The intent of this condition is that the design of the road, footpaths, driveway crossings and public stormwater drainage works must be detailed and approved prior to the issue of any *Construction Certificate*. Changes in levels may arise from the detailed design of buildings, road, footpath, driveway crossing grades and stormwater. Changes required under *Roads Act 1993* approvals may necessitate design and levels changes under this consent. This may in turn require the applicant to seek to amend this consent.

Note: See condition K24 in *Section K. Advising of this Consent titled Roads Act Application*.
Standard Condition: C13 (Autotext CC13)

C.6 Utility Services Generally

The Construction Certificate plans and specifications, required by clause 139 of the Regulation, must demonstrate that all utility services (telecommunications, electricity, gas, water and waste water) will be provided underground. All service ducts, pipes and conduits must be provided within the fabric of the building (excluding stormwater down pipes).

Where telecommunications and electricity are provided from existing poles in the road they must, in accordance with the relevant suppliers' requirements, be carried to the site underground directly to the main switch board within the fabric of the building.

Note: Where adequate provision has not been made for an electrical sub-station within the building, this may necessitate the lodgement of an application to amend this consent under section 96 of the Act to detail the location, landscape/streetscape impacts and compliance with AS2890 as applicable.

The location of service poles and substations required by the relevant suppliers must be shown upon the plans submitted with the relevant Construction Certificate application together with a letter from each relevant supplier setting out their requirements.

Proposed water pipes, waste pipes, stack work, duct work, mechanical ventilation plant and the like must be located within the building unless expressly shown upon the approved DA plans. Details confirming compliance with this condition must be shown on the Construction Certificate plans and/or detailed within the Construction Certificate specifications. Required external vents or vent pipes on the roof or above the eaves must be shown on the Construction Certificate plans.

Note: The intent of this condition is that the design quality of the development must not be compromised by cables, pipes, conduits, ducts, plant, equipment, electricity substations or the like placed such that they are visible from any adjoining public place. They must be contained within the building unless shown otherwise by the approved development consent plans.

The Construction Certificate plans and specifications, required to be submitted to the Certifying Authority pursuant to clause 139 of the Regulation, must detail the replacement of all private sewer pipes between all sanitary fixtures and Sydney Waters sewer main where they are not found by inspection to be UPVC or copper with continuously welded joints.

Note: This condition has been imposed to ensure that where private sewer pipes are old, may leak or may be subject to root invasion (whether from existing or proposed private or public landscaping) that existing cast iron, concrete, earthenware or terracotta pipes be replaced with new UPVC or copper continuously welded pipes between all sanitary fixtures and Sydney Waters sewer main, such that clause 25(1) of WLEP 1995 be satisfied. Further, leaking sewer pipes are a potential source of water pollution, unsafe and unhealthy conditions which must be remedied in the public interest
Standard Condition: C20

C.17 Parking Facilities

The Construction Certificate plans and specifications required by clause 139 of the Regulation, must include detailed plans and specifications for any bicycle, car and commercial vehicle parking demonstrating compliance with AS2890.3: 1993 Parking Facilities - Bicycle Parking Facilities, ASINZS 2890.1 :2004 : Parking Facilities – Off Street Car Parking and AS 2890.2:2002 - Off-Street Parking: Commercial Vehicle Facilities respectively.

Access levels and grades must comply with access levels and grade required by Council under the Roads Act 1993.

The Certifying Authority has no discretion to reduce or increase the number or area of car parking or commercial parking spaces except where required to be amended, provided and maintained by this consent.

Standard Condition: C45

E.7 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,

- d) The following *work* **must not** take place before 9am or after 4pm any weekday, or before 9am or after 1pm any Saturday or at any time on a Sunday or public holiday;
 - i) Piling;
 - ii) Piering;
 - iii) Rock or concrete cutting, boring or drilling;
 - iv) Rock breaking;
 - v) Rock sawing; or
 - vi) Jack hammering;
- e) No loading or unloading of material or equipment associated with the activities listed in part d) above must take place before 9am or after 4pm any weekday, or before 9am or after 1pm any Saturday or at any time on a Sunday or public holiday.
- f) No operation of any equipment associated with the activities listed in part d) above must take place before 9am or after 4pm any weekday, or before 9am or after 1pm any Saturday or at any time on a Sunday or public holiday
- g) 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.

Item d) of this condition does not prevent the works referred to in that item from commencing from 8am in respect to the construction of the New South Head Road building.

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

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

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

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

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

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

Note: see http://www.epa.nsw.gov.au/resources/ci_build_sheet7.pdf
Standard Condition: E6

E.25 Filling of site

To the extent that this consent permits filling of the site such fill is to consist of either virgin excavated natural material (–VENM”) or soil redistributed from the subject site which is of a suitable standard as required by the site auditor.

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

F.20 Acoustic treatment – vehicle ramp between carparking levels

The ramp between the carparking levels being designed to satisfy the Double Bay Centre Development Control Plan, A2.5.3, C11. For this purpose the ceiling adjacent to the opening of the upper car park deck area is to be provided with an appropriately selected and effective fire resistant, sound absorbing facing (an approved acoustical spray, or modular acoustical panels/tiles) to provide an effective reduction of the reverberant characteristics of that area.

F.22 Electronic vacant car parking space identification

The carpark is to be equipped with an effective electronic vacant car space identification system through which a driver may more rapidly find an empty car space to minimise the need to circle around the carpark to find where they can park. Such a system may consist of:

A car space counting system that captures the following information:

- Cars entering and exiting at each external access point
- Cars entering and exiting the secured long stay parking on the roof top level, and
- Cars travelling up and down the ramp

Dynamic signage being provided at each entry to advise the driver of an entering vehicle the number of spaces available on each parking level. Static signage indicating the route from the entry to the roof top level parking is to supplement this signage.

F.34 Intersection treatment – Kiaora Road/ car park and loading dock entrances

The applicant is to pay all costs associated with the design and installation of an ~~intersection~~ treatment on Kiaora Road, at the proposed car park and loading dock entrances utilising line marking in Kiaora Road. The treatment is to include a right turn lane for southbound vehicles on Kiaora Road to allow them to turn into the car park and to allow heavy vehicles to turn into the loading dock. The treatment is to include a marked pedestrian crossing across the car park and loading dock driveway, with concrete pedestrian refuges between the entrance to the car park/ exit to the car park and the exit to the car park/ entrance to the loading dock.

Appropriate linemarking will need to be installed to accommodate the two left turning lanes from the Kiaora Road exit. This may require the removal of parking on the eastern side of Kiaora Road. The design of the intersection treatment is to be undertaken in consultation with the community and submitted and approved by the Woollahra Local Traffic Committee and Council. The installation of the intersection treatment is to be completed prior to the issue of the occupation certificate.

This condition is imposed with regard to traffic related impacts of the proposed development.

F.37 Installation of dynamic/ live smart signage

The applicant is to install dynamic/ live smart signage which indicates when the car park is full. These dynamic/ live smart signs are to be installed at the two proposed car park entrances. Details are to be submitted for approval by Council's Technical Services Division.

This condition is imposed with regard to traffic related impacts of the proposed development.

F.40 Street lighting

The applicant is to upgrade the street lighting in Kiaora Lane, Kiaora Road, Patterson Street and Anderson Street, adjacent to the site, to the Australian Standard 1158. The lighting is to be upgraded prior to the issue of the occupation certificate. Details of lighting are to be submitted for approval by Council's Technical Services Division.

The following additional advisings

K.28 Details of ecologically sustainable measures

Specific details of the ecologically sustainable development measures alluded to in the Statement of Environmental Effects prepared by TPG and dated September 2012, part 2.2.1 under the heading *Justification*, 6th dot point (e.g. photovoltaic cells on the roof of the travelator lobby) are to be submitted for approval prior to installation. This may require either the submission of a further modification application under section 96 of the Environmental Planning and Assessment Act 1979 or a new development application.

K.29 Building design/road traffic noise

The applicant is advised that durable materials should be incorporated into the design of the New South Head Road building to mitigate the impacts of road traffic noise from New South Head Road on future users of the development.

Note: In accordance with section 375A of the Local Government Act a Division of votes is recorded on this planning matter.

For the Motion

Councillor Bennett
Councillor Boskovitz
Councillor Cavanagh
Councillor Elsing
Councillor Kirillova
Councillor Levenston
Councillor Marano
Councillor O'Regan
Councillor Petrie
Councillor Robertson
Councillor Thomas
Councillor Wise
Councillor Zeltzer
Councillor Zulman
14/0

Against the Motion

Item No: R2 Recommendation to Council

Subject: **15 Burrabirra Avenue, Vacluse - Section 96 Application – Proposed modification deletion of Condition Nos. C.1(a) & (c) & modifications to the design of the pergola/privacy screen structure – 25/9/2012**

Author: David Booth – Senior Assessment Officer

File No: DA166/2012 part 2

Reason for Report: In accordance with Council's meeting procedures and policy this matter is called to full Council by Councillor Susan Wynne for the reason that the DA was only submitted to address privacy concerns following the removal of previous conditions to the neighbouring property through a section 96. The neighbouring DA had a long history and was part of a site visit with last council due to the fact that councillors had concerns about privacy for the current application.

(Boskovitz/Bennett)

12/20 Resolved:

THAT the Council, defer Development Application No. 166/2012 part 2 for the erection of a pergola/privacy screen ancillary structure on land at 15 Burrabirra Avenue, Vacluse, at the Applicants request.

Item No: R3 Recommendation to Council
Subject: **92 Drumalbyn Road, Bellevue Hill – Construction of a new two storey dwelling and swimming pool on lot 152 (tennis court) – 28/11/2011**
Author: Daniel Barber – Assessment Officer
File No: DA555/2011
Reason for Report: As the voting on the Amendment was 4 votes for the Amendment and 4 votes against the Amendment, in accordance with Council's Policies and Procedures, both the Motion and the Amendment are referred to Council for consideration.

Note: Councillor Zulman declared a Non-Significant Non-Pecuniary Interest in this Item as he is a Choir Boy at the local Synagogue and the applicant is the Cantor and also from time to time his son has played on the applicants tennis court. Councillor Zulman does not believe it would affect his vote.

Note: Late correspondence was tabled by Shimon Farkas & Paul Henningham.

Motion moved by Councillor Boskovitz
Seconded by Councillor Elsing

That the Staff Recommendation for approval of the application be adopted.

Amendment moved by Councillor Zeltzer
Seconded by Councillor Kirillova

That the Staff Recommendation for approval of the application be adopted with the deletion of the pool.

The Amendment was put and Lost.
The Motion was put and Adopted

(Boskovitz/Elsing)

13/20 Resolved: Pursuant to Section 80(1) of the Environmental Planning and Assessment Act 1979

THAT the Council, as the consent authority, grant development consent to Development Application No. 555/2011 for the construction of a new two storey dwelling & swimming pool on Lot 152 (tennis court) on land at 92 Drumalbyn Road Bellevue Hill, subject to the following conditions:

A. General Conditions

A.1 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:

- The collection of stormwater,
- The retention of stormwater,
- The reuse of stormwater,
- The detention of stormwater,
- The controlled release of stormwater; and
- 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:

- the use of land in connection with development,

- the subdivision of land,
- the erection of a building,
- the carrying out of any work,
- the use of any site crane, machine, article, material, or thing,
- the storage of waste, materials, site crane, machine, article, material, or thing,
- the demolition of a building,
- the piling, piercing, cutting, boring, drilling, rock breaking, rock sawing or excavation of land,
- the delivery to or removal from the *site* of any machine, article, material, or thing, or
- 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.2 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)
Drawings numbered 01, 02, 03, 04, 05, 06 & 07	Architectural Plans	Paul Henningham	Aug 2011
No 406760S	BASIX Certificate	Department of Planning	25/11/2011
No 1827-A	Geotechnical Report	Asset Geotechnical Engineering P/L	06/02/2012
	Additional Geotechnical Advice	Asset Geotechnical Engineering P/L	17/06/2012
LP01	Landscape Plan	Black Beetle	25/11/2011
LP01	Stormwater Plan	Black Beetle	Nov 2011

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

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

Standard Condition: A5

A.3 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.4 Works on adjoining land [s.80A(1)(f) of the Act]

Prior to the commencement of any works on the subject property, the sandstone block retaining wall between the subject property and the adjoining property at 57 Bundarra Road must be, assessed and stabilised in accordance with the recommendations contained in the Geotechnical Report prepared by Asset Geotechnical Engineering P/L, dated 06/02/2012 and the Additional Geotechnical Advice prepared by Asset Geotechnical Engineering P/L, dated 17/06/2012. The remediation work required on 57 Bundarra Road may only be carried out with the consent of the 57 Bundarra Road and pursuant to an approved construction certificate.

On completion of the sandstone block retaining wall remediation works and prior to the commencement of any other works a certificate from the supervising geotechnical engineer is to be submitted to the PCA certifying that the sandstone block retaining wall has been made structurally stable and that the modified retaining wall will withstand the other works to be undertaken on the subject site.

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

B.1 Construction Certificate required prior to any demolition

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

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

B.2 Stabilisation of retaining wall prior to any demolition

Prior to the commencement of any demolition works on the subject property the sandstone block retaining wall between the subject property and the adjoining property at 57 Bundarra Road, must be assessed and stabilised in accordance with the recommendations contained in the Geotechnical Report prepared by Asset Geotechnical Engineering P/L, dated 06/02/2012 and the Additional Geotechnical Advice prepared by Asset Geotechnical Engineering P/L, dated 17/06/2012. The remediation work required on 57 Bundarra Road may only be carried out with the consent of the 57 Bundarra Road and pursuant to an approved construction certificate.

On completion of the sandstone block retaining wall remediation works and prior to the commencement of any other works a certificate from the supervising geotechnical engineer is to be submitted to the PCA certifying that the sandstone block retaining wall has been made structurally stable and that the modified retaining wall will withstand the other works to be undertaken on the subject site.

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

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

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

- a) The first floor study window (W11 eastern elevation) is to have fixed and translucent glazing to a height of 1.7m above floor level, this would ensure a direct view will not be available from the proposed window to the terrace area adjoining the swimming pool at 57 Bundarra Road.
- b) The clerestories and the stone cladding elements extending above RL 61.9 are to be deleted. The maximum height of the proposal is to be RL 61.9.
- c) Additional investigation is required to permit a quantitative stability analysis of the retaining wall, to assist with identifying the sections of the wall requiring remedial works and to assist the detailed design of the remedial works.
- d) Remedial works to the sandstone block retaining wall located between the two properties are to proceed as soon as possible but not later 12 months.
- e) Remedial works to the sandstone block retaining wall located between the two properties are to be finalised before work commences on the rest of the development.
- f) Surcharge loads on top of the sandstone block retaining wall are to be managed in such a manner as not to further destabilise the wall.

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

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

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

Standard Condition: C4

C.2 Payment of Security, Levies and Fees (Section 80A(6) and Section 94 of the Act, Section 608 of the Local Government Act 1993)

The certifying authority must not issue any *Part 4A Certificate* until provided with the original receipt(s) for the payment of all of the following levy, security, contributions, and fees prior to the issue of a *construction certificate*, *subdivision certificate* or *occupation certificate*, as will apply.

Description	Amount	Indexed	Council Fee Code
LONG SERVICE LEVY			
under Building and Construction Industry Long Service Payments Act 1986			
Long Service Levy http://www.lspc.nsw.gov.au/levy_information/?levy_information/levy_calculator.stm	Contact LSL Corporation or use online calculator	No	
SECURITY			
under section 80A(6) of the Environmental Planning and Assessment Act 1979			
Property Damage Security Deposit -making good any damage caused to any property of the <i>Council</i>	\$28,125	No	T115

DEVELOPMENT LEVY			
under Woollahra Section 94A Development Contributions Plan 2011			
This plan may be inspected at Woollahra Council or downloaded at www.woollahra.nsw.gov.au .			
Development Levy (Section 94A)	\$13,061.85 + Index Amount	Yes, quarterly	T96
INSPECTION FEES			
under Section 608 of the Local Government Act 1993			
Public Road and Footpath Infrastructure Inspection Fee (\$138 Fee)	\$420	No	T45
Security Administration Fee	\$180	No	T16
TOTAL SECURITY, CONTRIBUTIONS, LEVIES AND FEES	\$41,786.85 plus any relevant indexed amounts and long service levy		

Building and Construction Industry Long Service Payment

The Long Service Levy under Section 34 of the *Building and 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*. 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 the Long Service Payments Corporation on 13 14 41.

How must the payments be made?

Payments must be made by:

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

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

- The guarantee is by an Australian bank for the amount of the total outstanding contribution;
- The bank unconditionally agrees to pay the guaranteed sum to the Council on written request by Council on completion of the development or no earlier than 12 months from the provision of the guarantee whichever occurs first [NOTE: a time limited bank guarantee or a bank guarantee with an expiry date is not acceptable];
- 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;
- The bank guarantee is lodged with the Council prior to the issue of the construction certificate; and
- The bank's obligations are discharged when payment to the Council is made in accordance with the guarantee or when Council notifies the bank in writing that the guarantee is no longer required.

How will the section 94A levy be indexed?

To ensure that the value the development levy is not eroded over time by increases in costs, the proposed cost of carrying out development (from which the development levy is calculated) will be indexed either annually or quarterly (see table above). Clause 3.13 of the Woollahra Section 94A Development Contributions Plan 2011 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 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 2011

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:

- The reasons given;
- Whether any prejudice will be caused to the community deriving benefit from the public facilities;
- Whether any prejudice will be caused to the efficacy and operation of this plan; and
- 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:

- The guarantee is by an Australian bank for the amount of the total outstanding contribution;
- The bank unconditionally agrees to pay the guaranteed sum to the Council on written request by Council on completion of the development or no earlier than 12 months from the provision of the guarantee whichever occurs first [NOTE: a time limited bank guarantee or a bank guarantee with an expiry date is not acceptable];
- 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;
- The bank guarantee is lodged with the Council prior to the issue of the construction certificate; and
- The bank's obligations are discharged when payment to the Council is made in accordance with the guarantee or when Council notifies the bank in writing that the guarantee is no longer required.

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

Standard Condition: C5

C.3 BASIX commitments

The *applicant* must submit to the *Certifying Authority* **BASIX Certificate No 406760S** with any application for a *Construction Certificate*.

Note: Where there is any proposed change in the BASIX commitments the applicant must submit of a new *BASIX Certificate* to the *Certifying Authority* and Council. If any proposed change in the BASIX commitments are inconsistent with development consent (See: Clauses 145 and 146 of the *Regulation*) the applicant will be required to submit an amended development application to *Council* pursuant to section 96 of the Act.

All commitments in the *BASIX Certificate* must be shown on the *Construction Certificate* plans and specifications prior to the issue of any *Construction Certificate*.

Note: Clause 145(1)(a1) of the *Environmental Planning & Assessment Regulation 2000* provides: "A certifying authority must not issue a construction certificate for building work unless it is satisfied of the following matters: (a1) that the plans and specifications for the building include such matters as each relevant BASIX certificate requires,"

Standard Condition: C7

C.4 Road and Public Domain Works

A separate application under Section 138 of the *Roads Act* 1993 is to be made to, and approved by Council prior to the issuing of a Construction Certificate for the following infrastructure works, which must be carried out at the applicant's expense:

- a) The construction of a full width vehicular crossings having a width of 3.0m in accordance with Council's standard driveway drawing RF2B; and
- b) A design longitudinal surface profile for the proposed driveway must be submitted for assessment.

Note: To ensure that this work is completed to Council's satisfaction, this consent by separate condition, may impose one or more Infrastructure Works Bonds.

Note: *Road* has the same meaning as in the *Roads Act* 1993.

Note: The intent of this condition is that the design of the road, footpaths, driveway crossings and public stormwater drainage works must be detailed and approved prior to the issue of any *Construction Certificate*. Changes in levels may arise from the detailed design of buildings, road, footpath, driveway crossing grades and stormwater. Changes required under *Roads Act* 1993 approvals may necessitate design and levels changes under this consent. This may in turn require the applicant to seek to amend this consent.

Note: See condition K24 in *Section K. Advising* of this Consent titled *Roads Act Application*.
Standard Condition: C13

C.5 Waste Storage - Single Dwelling

The *Construction Certificate* plans and specifications required by clause 139 of the Regulation, must make provision for:

- a) A storage area for two x 120 litre general wastes bin, one x 240 litre green waste bin, two recycling crates behind the building line or within non-habitable areas of the dwelling; and
- b) A path for wheeling bins between the waste and recycling storage area and the collection point free of steps and kerbs and having a maximum grade of 1:8.

Standard Condition: C15

C.6 Soil and Water Management Plan – Submission & Approval

The *principal contractor* or *owner builder* must submit to the *Certifying Authority* a soil and water management plan complying with:

- a) ~~–Do it Right On Site, Soil and Water Management for the Construction Industry~~ published by the Southern Sydney Regional Organisation of Councils, 2001; and
- b) ~~–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. The *Certifying Authority* must be satisfied that the soil and water management plan complies with the publications above prior to issuing any *Construction Certificate*.

Note: This condition has been imposed to eliminate potential water pollution and dust nuisance.

Note: The International Erosion Control Association – Australasia <http://www.austieca.com.au/> lists consultant experts who can assist in ensuring compliance with this condition. Where erosion and sedimentation plans are required for larger projects it is recommended that expert consultants produce these plans.

Note: The ~~–Do it Right On Site, Soil and Water Management for the Construction Industry~~ publications can be down loaded free of charge from <http://www.woollahra.nsw.gov.au/>.

Note: Pursuant to clause 161(1)(a)(5) of the *Regulation* an *Accredited Certifier* may be satisfied as to this matter.
Standard Condition: C25

C.7 Tree Management Details

The *Construction Certificate* plans and specifications required by clause 139 of the *Regulation* must, show the following information:

- a) Trees to be numbered in accordance with these conditions,
- b) Shaded green where required to be protected and retained,
- c) Shaded yellow where required to be transplanted,
- d) Shaded blue where required to be pruned,
- e) Shaded red where authorised to be removed and,
- f) References to applicable tree management plan, arborists report, transplant method statement or bush regeneration management plan.

Standard Condition: C30

C.8 Structural Adequacy of Existing Supporting Structures

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

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

Standard Condition: C35

C.9 Professional Engineering Details

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

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

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

Standard Condition: C36

C.10 Stormwater management plan (Clause 25(2) WLEP 1995)

The *Construction Certificate* plans and specifications, required by clause 139 of the *Regulation*, must include a *Stormwater Management Plan* for the site.

The *Stormwater Management Plan* must detail:

- a) The stormwater disposal plans are to be in accordance with the Court Order No. 11100 of 2004;
- b) Compliance the objectives and performance requirements of the BCA;
- c) Any rainwater tank required by BASIX commitments including their overflow connection to the *Stormwater Drainage System*, and

- d) General compliance with the Council's draft Development Control Plan Stormwater Drainage Management (draft version 1.1 public exhibition copy dated 14/12/2006).

The *Stormwater Management Plan* must include the following specific requirements:

Layout plan

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

It must include:

- All pipe layouts, dimensions, grades, lengths and material specification,
- All invert levels reduced to Australian Height Datum (AHD),
- Location and dimensions of all drainage pits,
- Point and method of connection to Councils drainage infrastructure.

Subsoil Drainage - Subsoil drainage details, clean out points, discharge point.

Note: This Condition is imposed to ensure that site stormwater is disposed of in a controlled and sustainable manner.

C.11 Swimming and Spa Pools – Backwash

The *Construction Certificate* plans and specification required to be submitted pursuant to clause 139 of the Regulation must detail the connection of backwash to Sydney Waters sewer in compliance with clause 10.9 (Figure 10.2) of AS/NZS 3500.2.2:1996.

Note: The plans must show the location of Sydney Waters sewer, the yard gully or any new connection to the sewer system including a detailed cross section of the connection complying with clause 10.9 (Figure 10.2) of AS/NZS 3500.2.2:1996.

Note: The discharge of backwash water to any stormwater system is water pollution and an offence under the *Protection of the Environment Operations Act 1997*. The connection of any backwash pipe to any stormwater system is an offence under the *Protection of the Environment Operations Act 1997*.
Standard Condition: C56

C.12 Staged construction certificates

Due to the nature of the preparatory work required to stabilise the sandstone block retaining wall, the proposed construction is to be staged with a preliminary construction certificate being obtained for the sandstone block retaining wall remediation works only.

No subsequent construction certificates are to be issued until the sandstone block retaining wall remediation works has been completed and a certificate from the supervising geotechnical engineer has been submitted to the *Certifying Authority* certifying that the sandstone block retaining wall has been made structurally stable and will withstand the other works to be undertaken on the subject site.

C.13 Sandstone block retaining wall remediation construction certificate

The *Construction Certificate* plans and specification, required to be submitted to the *Certifying Authority* pursuant to clause 139 of the *Regulation* for the sandstone block retaining wall remediation works must fully accord with the recommendations contained in the Geotechnical Report prepared by Asset Geotechnical Engineering P/L, dated 06/02/2012 and the Additional Geotechnical Advice prepared by Asset Geotechnical Engineering P/L, dated 17/06/2012 and any further geotechnical reports prepared.

C.14 Geotechnical and Hydrogeological Design, Certification & Monitoring

The *Construction Certificate* plans and specification required to be submitted to the *Certifying Authority* pursuant to clause 139 of the *Regulation* must be accompanied by a *Geotechnical / Hydrogeological Monitoring Program* together with civil and structural engineering details for foundation retaining walls, footings, basement tanking, and subsoil drainage systems, as applicable, prepared by a *professional engineer*, who is suitably qualified and experienced in geotechnical and hydrogeological engineering. These details must be certified by the *professional engineer* to:

- a) Comply with the Geotechnical Report prepared by Asset Geotechnical Engineering P/L, dated 06/02/2012 and the Additional Geotechnical Advice prepared by Asset Geotechnical Engineering P/L, dated 17/06/2012 in particular:
 - The additional investigation required to permit a quantitative stability analysis of the retaining wall, to assist with identifying the sections of the wall requiring remedial works and to assist the detailed design of the remedial works,
 - Remedial works to the sandstone block retaining wall located between the two properties are to be finalised before work commences on the rest of the development,
 - Surcharge loads on top of the sandstone block retaining wall are to be managed in such a manner as not to further destabilise the wall
- b) Provide appropriate support and retention to ensure there will be no ground settlement or movement, during excavation or after construction, sufficient to cause an adverse impact on adjoining property or public infrastructure.
- c) Provide appropriate support and retention to ensure there will be no adverse impact on surrounding property or infrastructure as a result of changes in local hydrogeology (behaviour of groundwater).
- d) Provide foundation tanking prior to excavation such that any temporary changes to the groundwater level, during construction, will be kept within the historical range of natural groundwater fluctuations. Where the historical range of natural groundwater fluctuations is unknown, the design must demonstrate that changes in the level of the natural water table, due to construction, will not exceed 0.3m at any time.
- e) Provide tanking of all below ground structures to prevent the entry of all ground water such that they are fully tanked and no on-going dewatering of the site is required.
- f) Provide a Geotechnical and Hydrogeological Monitoring Program that:
 - Will detect any settlement associated with temporary and permanent works and structures;
 - Will detect deflection or movement of temporary and permanent retaining structures (foundation walls, shoring bracing or the like);
 - Will detect vibration in accordance with AS 2187.2-1993 Appendix J including acceptable velocity of vibration (peak particle velocity);

- Will detect groundwater changes calibrated against natural groundwater variations;
- Details the location and type of monitoring systems to be utilised;
- Details the preset acceptable limits for peak particle velocity and ground water fluctuations;
- Details recommended hold points to allow for the inspection and certification of geotechnical and hydro-geological measures by the professional engineer; and;
- Details a contingency plan.

Standard Condition: C40

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

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

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

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

This condition does not apply:

- a) To the extent to which an exemption is in force under *the Home Building Regulation 2004*; and
- b) To the erection of a temporary building.

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

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

Note: All new guttering is to comply with the provisions of Part 3.5.2 of the Building Code of Australia.
Standard Condition: D1

D.2 Dilapidation Reports for existing buildings

Dilapidation surveys must be conducted and dilapidation reports prepared by a *professional engineer* (structural) of all buildings on land whose title boundary abuts the site and of such further buildings located within the likely “zone of influence” of any excavation, dewatering and/or construction induced vibration.

These properties must include (but is not limited to):

- A. 90 Drumalbyn Road (access stairs located on the southern boundary and garage structure); and
- B. 57 Bundarra Road.

The dilapidation reports must be completed and submitted to *Council* with the *Notice of Commencement* prior to the commencement of any *development work*.

Where excavation of the site will extend below the level of any immediately adjoining building the *principal contractor* or *owner builder* must give the adjoining building owner(s) a copy of the dilapidation report for their building(s) and a copy of the *notice of commencement* required by s81A(2) of the *Act* not less than two (2) days prior to the commencement of any work.

Note: The reasons for this condition are:

To provide a record of the condition of buildings prior to development being carried out

To encourage developers and its contractors to use construction techniques that will minimise the risk of damage to buildings on neighbouring land

Also refer to the Dilapidation Report Advising for more information regarding this condition

Standard Condition: D4

D.3 Construction Management Plan

As a result of the site constraints, limited space and access a Construction Management Plan is to be submitted to Council. Also, due to the lack of on-street parking a Work Zone may be required during construction.

A construction management plan must be submitted and approved by Council's Development Engineer. The plan must:-

- a) Describe the anticipated impact of the demolition, excavation and construction works on:
 - Local traffic routes
 - Pedestrian circulation adjacent to the building site
 - On-street parking in the local area
- 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
- 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
- d) Describe the excavation impact on the area including
 - Number and types of trucks to be used
 - Time frame
 - Streets to be used
 - Routes to be taken
 - Directions of travel
 - Truck storage areas
 - It is recommended that vehicle routes be shared

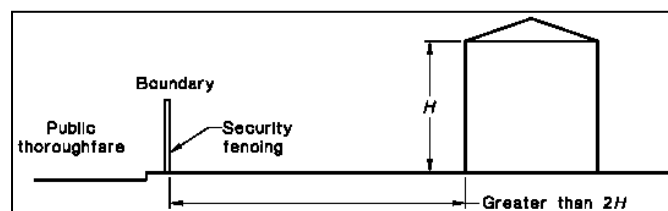
- Excavation is to only be carried out outside peak and school hours between 9.30am to 2.30pm week days

The Plan must make provision for all materials, plant, etc. to be stored within the development site at all times during construction. Structures or works on Council property such as hoardings, scaffolding, shoring or excavation need separate approval from Council. Standing of cranes and concrete pumps on Council property will need approval on each occasion.

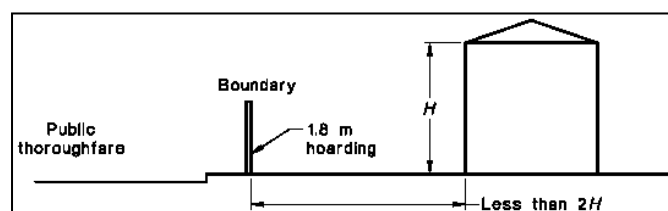
Note: A minimum of eight weeks will be required for assessment. Work must not commence until the Construction Management Plan is approved. Failure to comply with this condition may result in fines and proceedings to stop work.
Standard Condition: D9

D.4 Security Fencing, Hoarding and Overhead Protection

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



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

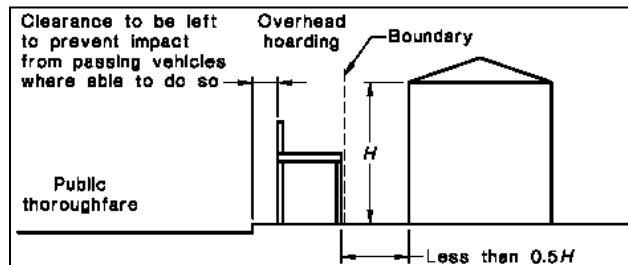


Where a development site adjoins a public thoroughfare with a footpath alongside the common boundary then, in addition to the hoarding required above, the footpath must be covered by an *overhead protective structure* and the facing facade protected by heavy-duty scaffolding, unless either:

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

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

- 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;
- c) 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
- d) 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/ohheadprotstruc.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.5 Site Signs

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

Clause 98A of the *Regulation* provides:

Erection of signs

- 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.
- 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.

- 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.
- 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.
- 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."

Clause 227A of the Regulation provides:

Signs on development sites

If there is a person who is the PCA or the principal contractor for any building work, subdivision work or demolition work authorised to be carried out on a site by a development consent or complying development certificate:

- Each such person MUST ensure that a rigid and durable sign showing the person's identifying particulars so that they can be read easily by anyone in any public road or other public place adjacent to the site is erected in a prominent position on the site before the commencement of work, and is maintained on the site at all times while this clause applies until the work has been carried out.

Note: Clause 227A imposes a penalty exceeding \$1,000 if these requirements are not complied with.

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 and Clause 227A of the *Regulation*.

Standard Condition: D12

D.6 Erosion and Sediment Controls – Installation

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

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

Where there is any conflict The Blue Book takes precedence.

Note: The International Erosion Control Association – Australasia (<http://www.austieca.com.au/>) lists consultant experts who can assist in ensuring compliance with this condition. Where Soil and Water Management Plan is required for larger projects it is recommended that this be produced by a member of the International Erosion Control Association – Australasia.

Note: The ~~Do it Right On Site~~, *Soil and Water Management for the Construction Industry*" publications can be down loaded free of charge from www.woollahra.nsw.gov.au.

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

Note: Section 257 of the *Protection of the Environment Operations Act 1997* provides inter alia that ~~the~~ occupier of premises at or from which any pollution occurs is taken to have caused the pollution"

Warning: Irrespective of this condition any person occupying the site may be subject to proceedings under the *Protection of the Environment Operations Act 1997* where pollution is caused, permitted or allowed as the result of their occupation of the land being developed.

Standard Condition: D14

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

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

- a) A construction certificate for the building work has been issued by the consent authority, the council (if the council is not the consent authority) or an accredited Certifier, and
- b) The person having the benefit of the development consent has:
 - Appointed a principal certifying authority for the building work, and
 - Notified the principal certifying authority that the person will carry out the building work as an owner-builder, if that is the case, and
- c) the principal certifying authority has, no later than 2 days before the building work commences:
 - Notified the consent authority and the council (if the council is not the consent authority) of his or her appointment, and
 - Notified the person having the benefit of the development consent of any critical stage inspections and other inspections that are to be carried out in respect of the building work, and
- d) The person having the benefit of the development consent, if not carrying out the work as an owner-builder, has:
 - Appointed a principal contractor for the building work who must be the holder of a contractor licence if any residential building work is involved, and
 - Notified the principal certifying authority of any such appointment, and
 - Unless that person is the principal contractor, notified the principal contractor of any critical stage inspections and other inspections that are to be carried out in respect of the building work, and
 - Given at least 2 days' notice to the council of the person's intention to commence the erection of the building.

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

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

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

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

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

D.8 Notification of Home Building Act 1989 requirements

- a) For the purposes of section 80A (11) of the *Act*, the requirements of this condition are prescribed as conditions of a development consent for development that involves any residential building work within the meaning of the Home Building Act 1989.

- b) Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the principal certifying authority for the development to which the work relates (not being the council) has given the council written notice of the following information:
- In the case of work for which a *principal contractor* is required to be appointed:
 - the name and licence number of the principal contractor, and
 - the name of the insurer by which the work is insured under Part 6 of that Act,
 - In the case of work to be done by an owner-builder:
 - the name of the owner-builder, and
 - if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.
- c) If arrangements for doing the residential building work are changed while the work is in progress so that the information notified under subclause (2) becomes out of date, further work must not be carried out unless the principal certifying authority for the development to which the work relates (not being the council) has given the council written notice of the updated information.
- d) 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.

Standard Condition: D17

D.9 Establishment of boundary location, building location and datum

Prior to the commencement of any work the principal contractor or owner builder must ensure that a surveyor registered under the *Surveying Act 2002* sets out:

- a) the boundaries of the *site* by permanent marks (including permanent recovery points);
- b) the location and level of foundation excavations, footings, walls and slabs by permanent marks, pegs or profiles relative to the boundaries of the land and relative to Australian Height Datum (–AHD”) in compliance with the approved plans;
- c) establishes a permanent datum point (bench mark) within the boundaries of the *site* relative to AHD; and
- d) provides a copy of a survey report by the registered surveyor detailing, the title boundaries, pegs/profiles, recovery points and bench mark locations as established pursuant to this condition to the PCA.

Note: Where the *principal contractor* or *owner builder* notes any discrepancy between the approved development consent and the *Construction Certificate*, especially in relation to the height, location or external configuration of the building (but not limited to these issues) the *principal contractor* or *owner builder* should not proceed until satisfied that the variations as shown are consistent with the consent. Failure to do so may result in a breach of development consent.

Note: On larger developments, or where boundary redefinition is required, the placement of new State Survey Marks as permanent marks should be considered by the registered surveyor.

Standard Condition: D18

E. Conditions which must be satisfied during any development work**E.1 Compliance with Building Code of Australia and insurance requirements under the Home Building Act 1989**

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

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

This condition does not apply:

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

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

Note: All new guttering is to comply with the provisions of Part 3.5.2 of the Building Code of Australia.
Standard Condition: E1

E.2 Compliance with Australian Standard for Demolition

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

Standard Condition: E2

E.3 Compliance with Construction Management Plan

All development activities 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.

Note: Irrespective of the provisions of the Construction Management Plan the provisions of traffic and parking legislation prevails.
Standard Condition: E3

E.4 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.5 Critical Stage Inspections

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

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

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

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

Standard Condition: E5

E.6 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,
- d) The following *work* **must not** take place before 9am or after 4pm any weekday, or before 9am or after 1pm any Saturday or at any time on a Sunday or public holiday;
 - i) Piling;
 - ii) Piering;
 - iii) Rock or concrete cutting, boring or drilling;
 - iv) Rock breaking;
 - v) Rock sawing;
 - vi) Jack hammering; or
 - vii) Machine excavation,
- e) No loading or unloading of material or equipment associated with the activities listed in part d) above must take place before 9am or after 4pm any weekday, or before 9am or after 1pm any Saturday or at any time on a Sunday or public holiday.
- f) No operation of any equipment associated with the activities listed in part d) above must take place before 9am or after 4pm any weekday, or before 9am or after 1pm any Saturday or at any time on a Sunday or public holiday
- g) No rock excavation being cutting, boring, drilling, breaking, sawing , jack hammering or bulk excavation of rock, must occur without a 15 minute break every hour.

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

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

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

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

E.7 Public Footpaths – Safety, Access and Maintenance (Apply to all development)

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.
- f) Provide a clear safe pedestrian route a minimum of 1.5m wide.
- g) Protect street name inlays in the footpath which are not to be removed or damaged during development.

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

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

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

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

- erect a structure or carry out a work in, on or over a public road, or
- dig up or disturb the surface of a public road, or
- remove or interfere with a structure, work or tree on a public road, or
- pump water into a public road from any land adjoining the road, or
- 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:
 - a. For fee or reward, transport waste over or under a public place
 - b. Place waste in a public place
 - c. Place a waste storage container in a public place.”
- Part E Public roads:
 - a. 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

- b. 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.”
- c. 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.8 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: See http://www.epa.nsw.gov.au/small_business/builders.htm for additional information.
Standard Condition: E11

E.9 Compliance with Geotechnical/Hydrogeological Monitoring Program

Excavation must be undertaken in accordance with the recommendations of the *Geotechnical / Hydrogeological Monitoring Program* and any oral or written direction of the supervising *professional engineer*.

The *principal contractor* and any sub-contractor must strictly follow the *Geotechnical / Hydrogeological Monitoring Program* for the development including, but not limited to;

- a) the location and type of monitoring systems to be utilised;
- b) recommended hold points to allow for inspection and certification of geotechnical and hydrogeological measures by the *professional engineer*; and
- c) the contingency plan.

Note: The consent authority cannot require that the author of the geotechnical/hydrogeological report submitted with the Development Application to be appointed as the *professional engineer* supervising the work however, it is the Council's recommendation that the author of the report be retained during the construction stage.
Standard Condition: E12

E.10 Support of adjoining land and buildings

A person must not to do anything on or in relation to the *site* (the supporting land) that removes the support provided by the supporting land to any other land (the supported land) or building (the supported building).

For the purposes of this condition, supporting land includes the natural surface of the site, the subsoil of the site, any water beneath the site, and any part of the site that has been reclaimed.

Note: This condition does not authorise any trespass or encroachment upon any adjoining or supported land or building whether private or public. Where any underpinning, shoring, soil anchoring (temporary or permanent) or the like is considered necessary upon any adjoining or supported land by any person the *principal contractor* or *owner builder* must obtain:

- a. the consent of the owners of such adjoining or supported land to trespass or encroach, or
- b. an access order under the Access to Neighbouring Land Act 2000, or
- c. an easement under section 88K of the *Conveyancing Act 1919*, or
- d. an easement under section 40 of the *Land & Environment Court Act 1979* as appropriate.

Note: Section 177 of the *Conveyancing Act 1919* creates a statutory duty of care in relation to support of land. Accordingly, a person has a duty of care not to do anything on or in relation to land being developed (the supporting land) that removes the support provided by the supporting land to any other adjoining land (the supported land).

Note: Clause 20 of the *Roads (General) Regulation 2000* prohibits excavation in the vicinity of roads as follows: **–Excavations adjacent to road** - A person must not excavate land in the vicinity of a road if the excavation is capable of causing damage to the road (such as by way of subsidence) or to any work or structure on the road.” Separate approval is required under the Roads Act 1993 for any underpinning, shoring, soil anchoring (temporary) or the like within or under any road. Council will not give approval to permanent underpinning, shoring, soil anchoring within or under any road.

Note: The encroachment of work or the like is a civil matter of trespass or encroachment and Council does not adjudicate or regulate such trespasses or encroachments except in relation to encroachments upon any road, public place, crown land under Council’s care control or management, or any community or operational land as defined by the *Local Government Act 1993*.

Standard Condition: E13

E.11 Vibration Monitoring

Vibration monitoring equipment must be installed and maintained, under the supervision of a *professional engineer* with expertise and experience in geotechnical engineering, between any potential source of vibration and any *building* identified by the *professional engineer* as being potentially at risk of movement or damage from settlement and/or vibration during the excavation and during the removal of any excavated material from the land being developed.

If vibration monitoring equipment detects any vibration at the level of the footings of any adjacent building exceeding the peak particle velocity adopted by the *professional engineer* as the maximum acceptable peak particle velocity an audible alarm must activate such that the *principal contractor* and any sub-contractor are easily alerted to the event.

Where any such alarm triggers all excavation works must cease immediately.

Prior to the vibration monitoring equipment being reset by the *professional engineer* and any further work recommencing the event must be recorded and the cause of the event identified and documented by the *professional engineer*.

Where the event requires, in the opinion of the *professional engineer*, any change in work practices to ensure that vibration at the level of the footings of any adjacent building does not exceed the peak particle velocity adopted by the *professional engineer* as the maximum acceptable peak particle velocity these changes in work practices must be documented and a written direction given by the *professional engineer* to the *principal contractor* and any sub-contractor clearly setting out required work practice.

The *principal contractor* and any sub-contractor must comply with all work directions, verbal or written, given by the *professional engineer*.

A copy of any written direction required by this condition must be provided to the *Principal Certifying Authority* within 24 hours of any event.

Where there is any movement in foundations such that damaged is occasioned to any adjoining *building* or such that there is any removal of support to *supported land* the *professional engineer, principal contractor* and any sub-contractor responsible for such work must immediately cease all work, inform the owner of that *supported land* and take immediate action under the direction of the *professional engineer* to prevent any further damage and restore support to the *supported land*.

Note: *Professional engineer* has the same mean as in Clause A1.1 of the BCA.

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

Note: *Supported land* has the same meaning as in section 88K of the Conveyancing Act 1919.
Standard Condition: E14

E.12 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: A failure to comply with this condition may result in penalty infringement notices, prosecution, notices and orders under the Act and/or the Protection of the Environment Operations Act 1997 without any further warning. It is a criminal offence to cause, permit or allow pollution.

Note: Section 257 of the Protection of the Environment Operations Act 1997 provides 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.13 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.14 Check Surveys - boundary location, building location, building height, stormwater drainage system and flood protection measures relative to Australian Height Datum

The *Principal Contractor* or *Owner Builder* must ensure that a surveyor registered under the *Surveying Act 2002* carries out check surveys and provides survey certificates confirming the location of the building(s), ancillary works, flood protection works and the stormwater drainage system relative to the boundaries of the *site* and that the height of buildings, ancillary works, flood protection works and the stormwater drainage system relative to Australian Height Datum complies with this consent at the following critical stages.

The *Principal Contractor* or *Owner Builder* must ensure that work must not proceed beyond each of the following critical stages until compliance has been demonstrated to the *PCA*'s satisfaction:

- a) Upon the completion of foundation walls prior to the laying of any floor or the pouring of any floor slab and generally at damp proof course level;
- b) Upon the completion of formwork for floor slabs prior to the laying of any floor or the pouring of any concrete and generally at each storey;
- c) Upon the completion of formwork or framework for the roof(s) prior to the laying of any roofing or the pouring of any concrete roof;
- d) Upon the completion of formwork and steel fixing prior to pouring of any concrete for any ancillary structure, flood protection work, swimming pool or spa pool or the like;
- e) Upon the completion of formwork and steel fixing prior to pouring of any concrete for driveways showing transitions and crest thresholds confirming that driveway levels match Council approved driveway crossing levels and minimum flood levels.;
- f) Stormwater Drainage Systems prior to back filling over pipes confirming location, height and capacity of works.
- g) Flood protection measures are in place confirming location, height and capacity.

Note: This condition has been imposed to ensure that development occurs in the location and at the height approved under this consent. This is critical to ensure that building are constructed to minimum heights for flood protection and maximum heights to protect views and the amenity of neighbours.

Standard Condition: E20

E.15 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: ~~Dust Control - Do it right on site~~” can be down loaded free of charge from Council’s web site www.woollahra.nsw.gov.au or obtained from Council’s office.

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

Note: 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.16 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 February 2012.

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

Standard Condition: E24

E.17 Swimming and Spa Pools – Temporary Child Resistant Barriers and other matters

Temporary child-resistant barriers must be installed in compliance with the *Swimming Pools Act 1992* where any swimming pool or spa pool as defined by the *Swimming Pools Act 1992* contains more than 300mm in depth of water at any time. Permanent child-resistant barriers must be installed in compliance with the *Swimming Pools Act 1992* as soon as practical.

Backwash and any temporary dewatering from any swimming pool or spa pool as defined by the *Swimming Pools Act 1992* must be discharged to the sewer in compliance with clause 10.9 (Figure 10.2) of AS/NZS 3500.2.2:1996.

Note: This condition does not prevent Council from issuing an order pursuant to section 23 of the *Swimming Pool Act 1992* or taking such further action as necessary for a breach of this condition or the *Swimming Pools Act 1992*.

Standard Condition: E26

E.18 Tree Preservation

All persons must comply with Council's *Tree Preservation Order* (~~the~~ TPO"), other than where varied by this consent. The order applies to any tree, with a height greater than 5 metres or a diameter spread of branches greater than 3 metres, is subject to Council's Tree Preservation Order unless, exempted by specific provisions. Works to be carried out within a 5 metre radius of any tree, subject to the Tree Preservation Order, require the prior written consent of Council.

General Protection Requirements:

- a) Where excavation encounters tree roots with a diameter exceeding 50mm excavation must cease. The *principal contractor* must procure an inspection of the tree roots exposed by a qualified arborist. Excavation must only recommence with the implementation of the recommendations of the qualified arborist or where specific instructions are given by Council's Tree Management Officer in strict accordance with such Council instructions.
- b) Where there is damage to any part of a tree the *principal contractor* must procure an inspection of the tree by a qualified arborist immediately. The *principal contractor* must immediately implement treatment as directed by the qualified arborist or where specific instructions are given by Council's Tree Management Officer in strict accordance with such Council instructions.

E.19 Tree Preservation & Approved Landscaping Works

All landscape works must be undertaken in accordance with the approved landscape plan, arborist report, tree management plan and transplant method statement as applicable.

- a) The following trees must be retained
 - Trees on Private Land

Council Ref No	Species	Location	Dimension (metres)
1	<i>Eucalyptus.sp</i> (Gum Tree)	Western side of driveway , closest to entrance	10 x 8 metres
2	<i>Eucalyptus. Sp</i> (Gum Tree)	Western side of driveway.	9 x 7 metres

Note: The tree/s required to be retained should appear coloured yellow on the construction certificate plans.

- b) The following trees may be removed:

Council Ref No	Species	Location	Dimension (metres)
3+	Numerous x <i>Cupressocyparis leylandii</i> 'Leighton Green' (Leighton's Green)	Eastern side of driveway	6 x 1 metres

Note: The tree/s that may be removed should appear coloured red on the construction certificate plans.

F. Conditions which must be satisfied prior to any occupation or use of the building (Part 4A of the Act and Part 8 Division 3 of the Regulation)**F.1 Occupation Certificate (section 109M of the Act)**

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

Note: New building includes an altered portion of, or an extension to, an existing building.
Standard Condition: F1

F.2 Amenity Landscaping

The *owner* or *principal contractor* must install all approved amenity landscaping (screen planting, soil stabilisation planting, etc.) prior to any occupation or use of the site.

Note: This condition has been imposed to ensure that the environmental impacts of the development are mitigated by approved landscaping prior to any occupation of the development.
Standard Condition: F6

F.3 Commissioning and Certification of Systems and Works

The *principal contractor* or *owner builder* must submit to the satisfaction of the *PCA* works-as-executed (~~WAE~~) plans, *Compliance Certificates* and evidence of suitability in accordance with Part A2.2 of the BCA confirming that the *works*, as executed and as detailed, comply with the requirement of this consent, the *Act*, the *Regulations*, any relevant *construction certificate*, the *BCA* and relevant *Australian Standards*.

Works-as-executed (~~WAE~~) plans, *Compliance Certificates* and evidence of suitability in accordance with Part A2.2 of the BCA must include but may not be limited to:

- a) Certification from the supervising professional engineer that the requirement of the Geotechnical / Hydrogeological conditions and report recommendations were implemented and satisfied during development work.
- b) All flood protection measures.
- c) All garage/car park/basement car park, driveways and access ramps comply with Australian Standard AS 2890.1 – ~~Off-Street~~ car parking.”
- d) All stormwater drainage and storage systems.
- e) All mechanical ventilation systems.
- f) All hydraulic systems.
- g) All structural work.
- h) All acoustic attenuation work.
- i) All waterproofing.
- j) Such further matters as the Principal Certifying Authority may require.

Note: This condition has been imposed to ensure that systems and works as completed meet *development standards* as defined by the *Act*, comply with the BCA, comply with this consent and so that a public record of works as execute is maintained.

Note: The *PCA* may require any number of WAE plans, certificates, or other evidence of suitability as necessary to confirm compliance with the *Act*, *Regulation*, Development Standards, *BCA*, and relevant *Australia Standards*. As a minimum WAE plans and certification is required for stormwater drainage and detention, mechanical ventilation work, hydraulic services (including but not limited to fire services).

Note: The *PCA* must submit to Council, with any *Occupation Certificate*, copies of works-as-executed (“WAE”) plans, *Compliance Certificates* and evidence of suitability in accordance with Part A2.2 of the *BCA* upon which the *PCA* has relied in issuing any *Occupation Certificate*.
Standard Condition: F7

F.4 Street Numbering

The development must be provided with street number determined by Council. This condition has been imposed to ensure that emergency services, utility services, and the general public are able to clearly and readily locate any property. Further, this condition has been imposed to protect the integrity of street numbering and land information.

Note: Applications for the allocation of street and sole occupancy unit numbers should be made together with any application for a strata certificate or Torrens or community title subdivision certificate. Council will determine at its discretion in accordance with its policy street numbers and street addresses that best suit the public interest.
Standard Condition: F11

F.5 Letter Box

All letter boxes must be constructed and located in accordance with AS/NZS 4253:1994 Mailboxes and to Australia Post’s satisfaction.

Note: This condition has been imposed to ensure that mail can be delivered to occupiers of the site.
Standard Condition: F12

F.6 Swimming and Spa Pools – Permanent Child Resistant Barriers and other matters

Prior to any occupation or use of the development and prior to filling any swimming pool as defined by the *Swimming Pool Act 1992*:

- a) Permanent child-resistant barriers must be installed in compliance with the *Swimming Pools Act 1992*.
- b) The *Principal Contractor* or *owner* must apply for and obtain a Compliance Certificate under section 24 of the *Swimming Pools Act 1992*.
- c) Public Pools must comply with the NSW Health Public Swimming Pool and Spa Pool Guidelines in force at that time and private pools are encouraged to comply with the same standards as applicable.
- d) Water recirculation and filtration systems must be installed in compliance with AS 1926.3-2003: *Swimming pool safety - Water recirculation and filtration systems*.

Backwash must be discharged to the sewer in compliance with clause 10.9 (Figure 10.2) of AS/NZS 3500.2.2:1996:

- a) Water recirculation and filtration systems must be connected to the electricity supply by a timer that limits the systems operation such that it does not operate:
- b) Before 8 am or after 8 pm on any Sunday or public holiday or before 7 am or after 8 pm on any other day.

Note: The NSW Health Public Swimming Pool and Spa Pool Guidelines can be down loaded free from:
<http://www.health.nsw.gov.au/public-health/ehb/general/pools/poolguidelines.pdf>
Standard Condition: F13

F.7 New Waste Services

No occupation certificate must be issued until the owner/developer has procured the provision of required wastes services including purchase of all waste and recycling storage containers (bins and crates) from Council or otherwise in accordance with the approved *Waste Management Plan*.

Standard Condition: F19

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

No relevant conditions apply.

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

H.1 Fulfillment of BASIX commitments – Clause 154B of the Regulation

All BASIX commitments must be effected in accordance with the BASIX Certificate No **406760S**.

Note: Clause 154B(2) of the Environmental Planning & Assessment Regulation 2000 provides: "A *certifying authority* must not issue a final occupation certificate for a BASIX affected building to which this clause applies unless it is satisfied that each of the commitments whose fulfilment it is required to monitor has been fulfilled."

Standard Condition: H7

H.2 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.3 Removal of Ancillary Works and Structures

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

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

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

Standard Condition: H12

H.4 Road Works (including footpaths)

The following works must be completed to the satisfaction of Council, in accordance with the *Roads Act 1993* approvals and comply with Council's "*Specification for Roadworks, Drainage and Miscellaneous Works*" dated February 2012 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 within the *road*;
- c) Removal of redundant driveways and vehicular crossings;
- d) New footpaths within the *road*;
- e) Relocation of existing power/light pole
- f) relocation/provision of street signs
- g) New or replacement street trees;
- h) 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 turf predominant within the street.
- i) New or reinstated kerb and guttering within the *road*; and
- j) 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 or obtained from Council's customer service centre.
Standard Condition: H13

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

I.1 Maintenance of BASIX commitments

All BASIX commitments must be maintained in accordance with the BASIX Certificate No **406760S**.

Note: This condition affects successors in title with the intent that environmental sustainability measures must be maintained for the life of development under this consent.
Standard Condition: I7

I.2 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.

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.
Standard Condition: I8

I.3 Clothes drying etcetera

No clothes, linen or the like must be hung from any balcony, terrace or veranda such that they are visible from any public place.

This condition has been imposed to ensure that the visual amenity of the neighbourhood is not detrimentally affected by a proliferation of such practices.

Standard Condition: I9

I.4 Swimming and Spa Pools – Maintenance

Swimming and Spa Pools must be maintained:

- a) In compliance with the *Swimming Pools Act* 1992 with regard to the provision of child-resistant barriers and resuscitation signs;
- b) In compliance with the NSW Health “Public Swimming Pool and Spa Pool Guidelines” in force at that time. Private pools are encouraged to comply with the same standards as applicable;
- c) In compliance with AS 1926.3-2003:Swimming pool safety - Water recirculation and filtration systems ;
- d) With backwash being discharged to the sewer in compliance with clause 10.9 (Figure 10.2) of AS/NZS 3500.2.2:1996, and
- e) With a timer that limits the recirculation and filtration systems operation such that it does not emit noise that can be heard within a habitable room in any other residential premises (regardless of whether any door or window to that room is open):
 - Before 8 am or after 8 pm on any Sunday or public holiday, or
 - Before 7 am or after 8 pm on any other day.

Note: Child-resistant barriers, resuscitation signs, recirculation and filtration systems and controls systems require regular maintenance to ensure that life safety, health and amenity standards are maintained.

Note: The NSW Health Public Swimming Pool and Spa Pool Guidelines can be down loaded free from:

<http://www.health.nsw.gov.au/public-health/ehb/general/pools/poolguidelines.pdf>

Standard Condition: I13

I.5 Outdoor lighting – Residential

Outdoor lighting must comply with AS 4282-1997: Control of the obtrusive effects of outdoor lighting. The maximum luminous intensity from each luminaire must not exceed the level 1 control relevant under table 2.2 of AS 4282. The maximum illuminance and the threshold limits must be in accordance with Table 2.1 of AS 4282.

This condition has been imposed to protect the amenity of neighbours and limit the obtrusive effects of outdoor lighting in public places.

Note: This condition has been imposed to control the obtrusive effects of outdoor lighting.

Standard Condition: I42

I.6 Noise from mechanical plant and equipment

The noise level measured at any boundary of the site at any time while the mechanical plant and equipment is operating must not exceed the *background noise level*. Where noise sensitive receivers are located within the site, the noise level is measured from the nearest strata, stratum or community title land and must not exceed *background noise level* at any time.

The *background noise level* is the underlying level present in the ambient noise, excluding the subject noise source, when extraneous noise is removed. For assessment purposes the background noise level is the $L_{A90, 15 \text{ minute}}$ level measured by a sound level meter.

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

Note: Words in this condition have the same meaning as in the:
NSW Industrial Noise Policy (http://www.environment.nsw.gov.au/resources/ind_noise.pdf)
ISBN 0 7313 2715 2, dated January 2000, and
Noise Guide for Local Government (<http://www.environment.nsw.gov.au/noise/nglg.htm>)
ISBN 1741370671, dated December 2004.
Standard Condition: 153

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 is also a criminal offence.

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

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

Warnings as to potential maximum penalties

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

Warning as to enforcement and legal costs

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

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

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

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

Standard Advising: K1

K.2 Dial before you dig



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

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

Standard Advising: K2

K.3 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):

- a) <http://www.hreoc.gov.au/index.html>
- b) 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.

Standard Advising: K3

K.4 Builders Licences and Owner Builders Permits

Section 81A of the *Act* requires among other matters that the person having the benefit of the development consent, if not carrying out the work as an **owner-builder**, must appoint a *principal contractor* for residential building work who must be the holder of a contractor licence.

Further information can be obtained from the NSW Office of Fair Trading website about how you obtain an owner builders permit or find a principal contractor (builder):

<http://www.dft.nsw.gov.au/building.html>.

The Owner(s) must appoint the PCA. The PCA must check that Home Building Act insurance is in place before the commencement of building work. The Principal Contractor (Builder) must provide the Owners with a certificate of insurance evidencing the contract of insurance under the Home Building Act 1989 for the residential building work.

Standard Condition: K5

K.5 Building Standards - Guide to Standards and Tolerances

The PCA does not undertake detailed quality control inspections and the role of the PCA is primarily to ensure that the development proceeds in accordance with this consent, Construction Certificates and that the development is fit for occupation in accordance with its classification under the Building Code of Australia. Critical Stage Inspections do not provide the level of supervision required to ensure that the minimum standards and tolerances specified by the –Guide to Standards and Tolerances©” ISBN 0 7347 6010 8 are achieved.

The quality of any development is a function of the quality of the *principal contractor's* or *owner builder's* supervision of individual contractors and trades on a daily basis during the development. The PCA does not undertake this role.

The NSW Office of Fair Trading have published a –Guide to Standards and Tolerances©” ISBN 0 7347 6010 8. The guide can be obtained from the Office of Fair Trading by calling 13 32 20 or by Fax: 9619 8618 or by post to: Marketing Branch, PO Box 972, Parramatta NSW 2124.

The Guide can be down loaded from:

<http://www.fairtrading.nsw.gov.au/pdfs/corporate/publications/dft242.pdf>

Council, as the PCA or otherwise, does not adjudicate building contract disputes between the *principal contractor*, contractors and the owner.

Standard Condition: K6

K.6 Building Standards - Guide to Standards and Tolerances

The PCA does not undertake detailed quality control inspections and the role of the PCA is primarily to ensure that the development proceeds in accordance with this consent, Construction Certificates and that the development is fit for occupation in accordance with its classification under the Building Code of Australia. Critical Stage Inspections do not provide the level of supervision required to ensure that the minimum standards and tolerances specified by the –Guide to Standards and Tolerances©” ISBN 0 7347 6010 8 are achieved.

The quality of any development is a function of the quality of the *principal contractor's* or *owner builder's* supervision of individual contractors and trades on a daily basis during the development. The PCA does not undertake this role.

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<http://www.fairtrading.nsw.gov.au/pdfs/corporate/publications/dft242.pdf>

Council, as the PCA or otherwise, does not adjudicate building contract disputes between the *principal contractor*, contractors and the owner.

Standard Condition: K6

K.7 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.8 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:

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

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

Standard Advising: K8

K.9 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.10 Appeal

Council is always prepared to discuss its decisions and, in this regard, please do not hesitate to contact Daniel Barber, Assessment Officer, on (02) 9391 7126.

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.11 Release of Security

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

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

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

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

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

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

Standard Condition: K15

K.12 Owner Builders

Under the *Home Building Act 1989* any property owner who intends undertaking construction work to a dwelling house or dual occupancy to the value of \$12,000 or over must complete an approved education course and obtain an owner-builder permit from the Office of Fair Trading. See www.fairtrading.nsw.gov.au.

Standard Condition: K18

K.13 Pruning or Removing a Tree Growing on Private Property

Woollahra Municipal Council's *Tree Preservation Order 2006* (TPO) may require that an application be made to Council prior to pruning or removing any tree. The aim is to secure the amenity of trees and preserve the existing landscape within our urban environment.

Before you prune or remove a tree, make sure you read all relevant conditions. You can obtain a copy of the TPO from Council's website www.woollahra.nsw.gov.au or you may contact Council on 9391-7000 for further advice.

Standard Condition: K19

K.14 Compliance with the Building Code of Australia

Preliminary assessment of the development application drawings indicates that the proposal may not comply with the following sections of the *Building Code of Australia*:

- a) Part 3.3.4 - Weatherproofing of masonry
- b) Part 3.4.1 - Sub floor ventilation
- c) Part 3.7 - Fire safety
 - Part 3.7.1 Fire separation
 - Part 3.7.2 Smoke alarms
 - Part 3.7.3 Heating appliances
- d) Part 3.8 - Health and amenity
 - Part 3.8.1 Wet areas
 - Part 3.8.3 Facilities
 - Part 3.8.4 Light
 - Part 3.8.5 Ventilation
 - Part 3.8.6 Sound insulation
- e) Part 3.9 - Safe movement and access
 - Part 3.9.1 Stair construction
 - Part 3.9.2 Balustrades
 - Part 3.9.3 Pool access

Note: There must be no removal of heritage building fabric unless expressly authorised under this consent where compliance with the BCA cannot be achieved without work not authorised under this consent application to amend this consent is required.

Standard Condition: K20

K.15 Dilapidation Report Condition

Please note the following in relation to the condition for a dilapidation report:

- a) The dilapidation report will be made available to affected property owners on request and may be used by them in the event of a dispute relating to damage allegedly due to the carrying out of the development.
- b) This condition cannot prevent neighbouring buildings being damaged by the carrying out of the development.
- c) Council will not be held responsible for any damage which may be caused to adjoining buildings as a consequence of the development being carried out.
- d) Council will not become directly involved in disputes between the Developer, its contractors and the owners of neighbouring buildings.
- e) In the event that access for undertaking the dilapidation survey is denied the applicant is to demonstrate in writing to the satisfaction of the Council that all reasonable steps were taken to obtain access to the adjoining property. The dilapidation report will need to be based on a survey of what can be observed externally.

Standard Advising: K23

K.16 Roads Act Application

Works or structures over, on or under public roads or footpaths are subject to Sections 138, 139 and 218 of the *Roads Act* 1993 and specifically:

- Construction of driveways and/or new or alterations to footpath paving
- Alteration and/or extension to Council drainage infrastructure
- Alteration and/or addition of retaining walls
- Pumping of water to Council's roadway
- Installation of soil/rock anchors under the roadway

An "Application to carry out works in a Public Road" form must be completed and lodged, with the Application fee, at Council's Customer Services counter. Detailed plans and specifications of all works (including but not limited to structures, road works, driveway crossings, footpaths and stormwater drainage etc) within existing roads, must be attached, submitted to and approved by Council under Section 138 of the *Roads Act* 1993, before the issue of any *Construction Certificate*.

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

- Engineering drawings (plan, sections and elevation views) and specifications of the footpath, driveways, kerb & gutter, new gully pit showing clearly the connection point of site outlet pipe(s). Note, the connection drainage lines must be as direct as possible and generally run perpendicular to the kerb alignment.
- Engineering drawings of the new drainage line to be constructed joining the new and existing drainage pits including services.

All driveways must include a design longitudinal surface profile for the proposed driveway for assessment. The driveway profile is to start from the road centreline and be along the worst case edge of the proposed driveway. Gradients and transitions must be in accordance with Clause 2.5.3, 2.6 of AS 2890.1 – 2004, Part 1 – Off-street car parking. The driveway profile submitted to Council must be to (1:25) scale (for template checking purposes) and contain all relevant details: reduced levels, proposed grades and distances.

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

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

Drainage design works must comply with the Council's draft Development Control Plan Stormwater Drainage Management (Draft Version 1.1, Public Exhibition Copy dated 14 December 2006), and

Temporary ground anchors may be permitted, in accordance with Council's "*Rock Anchor Policy*".

All public domain works must comply with Council's "*Specification for Roadworks, Drainage and Miscellaneous Works*" dated February 2012 unless expressly provided otherwise by these conditions. This specification and the application form can be downloaded from www.woollahra.nsw.gov.au.

Note: To ensure that this work is completed to Council's satisfaction, this consent by separate condition, may impose one or more Infrastructure Works Bonds.

Note: When a large *Roads Act* is required, then four (4) weeks is to be allowed for assessment.

Note: *Road* has the same meaning as in the *Roads Act* 1993.

Note: The intent of this condition is that the design of the road, footpaths, driveway crossings and public stormwater drainage works must be detailed and approved prior to the issue of any *Construction Certificate*. Changes in levels may arise from the detailed design of buildings, road, footpath, driveway crossing grades and stormwater. Changes required under *Road Act* 1993 approvals may necessitate design and levels changes under this consent. This may in turn require the applicant to seek to amend this consent.

Standard Advising: K24

Note: In accordance with section 375A of the Local Government Act a Division of votes is recorded on this planning matter.

For the Motion

Councillor Bennett
Councillor Boskovitz
Councillor Cavanagh
Councillor Elsing
Councillor Levenston
Councillor Marano
Councillor O'Regan
Councillor Petrie
Councillor Thomas
Councillor Wise
Councillor Zulman

Against the Motion

Councillor Kirillova
Councillor Zeltzer
Councillor Robertson

11/3

Item No: R4 Recommendation to Council
Subject: **93 Victoria Road, Bellevue Hill - Section 96 Application – Proposed modification internal & external – 24/9/2012**
Author: David Booth – Senior Assessment Officer
File No: DA491/2011 part 2
Reason for Report: As the voting on the Motion was 4 votes for the Motion and 4 votes against the Motion, in accordance with Council's Policies and Procedures, the Motion is referred to Council for consideration.

Note: Councillor Thomas declared a Non-Significant Non-Pecuniary Interest in this Item as she knows and has worked with the owners. Councillor Thomas does not believe it would affect her vote.

Note: Late correspondence was tabled by Scott Barwick (3 Pieces) & Roy Jones & Leon Norman (6 pieces).

Motion moved by Councillor Boskovitz
Seconded by Councillor Kirillova

That the motion to approve the application considered at the Development Control Committee Meeting be adopted subject to:

- (i) Condition C.1(b) being amended to read as follows:
In order to mitigate adverse visual privacy and visual/sense of enclosure impacts upon adjoining properties, the proposed pool house and the section of the plant room below and roof parapet above shall be setback a consistent 6.35 m from the rear boundary.
- (ii) Condition C.1(p) being amended to read as follows:
In order to maintain the visual privacy of adjoining properties, the glass door and windows to the north-eastern elevation of the pool house shall be fixed translucent glazing to a height of 1.7 m above floor level.

Amendment moved by Councillor Zulman
Seconded by Councillor Zeltzer

That consideration of the matter be deferred to allow the new Councillors to conduct a site inspection.

The Amendment was put and Lost

Amendment moved by Councillor Levenston
Seconded by Councillor Marano

That the motion to approve the application considered at the Development Control Committee Meeting be adopted subject to Condition C.1(p) being amended to read as follows:
In order to maintain the visual privacy of adjoining properties, the glass door and windows to the north-eastern elevation of the pool house shall be fixed translucent glazing to a height of 1.7 m above floor level.

The Amendment was put and Lost
The Motion was put and Adopted

(Boskovitz/Kirillova)

14/20 Resolved: Pursuant to Section 96 of the Environmental Planning and Assessment Act, 1979

THAT Council, as the consent authority, modify development consent to DA 491/2011 for alterations and additions to an existing dwelling-house, the demolition of existing ancillary structures and the erection of new ancillary structures, landscaping and siteworks on land at 93 Victoria Road, Bellevue Hill, in the following manner:

The addition of the following conditions:

A.5 Approved Amended (s96) Plans and supporting documents

Those acting upon or under this amended consent must carry out all work and maintain the use and works in accordance with the approved plans and supporting documents listed in the original consent, as amended by the amended approved plans and supporting documents as submitted by the Applicant and to which is affixed a Council stamp **“Approved S96 Plans”** listed below otherwise than modified by further condition(s). Where the plans relate to amendments, alterations or additions only those works shown in colour or highlighted are approved.

Reference	Description	Author/Drawn	Date(s)
1.03, 1.04, 106, 1.09, 1.10, 1.11 and 1.14 (Revision S96) as amended by Section B Through Pool Terrace Facing West, Section C Through Pool Terrace Facing East and Ground Floor Plan dated 06.11.2012 and Section A Through Pool House Facing West and Basement Floor Plan (dated 13.11.2012)	Architectural Plans	Meacham Nockles McQualter	17/9/12
Plan No. LP.01/A	Landscape Plan	Narelle Sonter - Botanica	20/9/2012

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

B.5 Recording of buildings with little or no heritage significance that are to be demolished:

A photographic archival record of the existing sandstone retaining wall in the location of the proposed is to be submitted prior to the commencement of demolition work and prior to the issue of a Construction certificate.

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

- a) Site plan at a scale of 1:200 (or 1:500 if appropriate) of all structures and major landscape elements including their relationship to the street and adjoining properties.
- b) Postcard sized photographs of:
 - each elevation,
 - each structure and landscape feature;
 - views to the subject property from each street and laneway or public space.

Each photograph 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 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

B.6 Arborists Documentation and Compliance Checklist

The site arborist shall provide written certification that all tree protection measures and construction techniques relevant to this consent have been complied with. Documentation for each site visit shall include:

- a record of the condition of trees to be retained prior to and throughout development
- recommended actions to improve site conditions and rectification of non-compliance
- recommendations for future works which may impact the trees

All compliance certification documents shall be kept on site by the Site Foreman.

As a minimum the following intervals of site inspections must be made:

Stage of arboricultural inspection	Compliance documentation including photos shall be included
Installation of tree protection fencing	Compliance with tree protection measures
Demolition of structures adjacent trees to be retained	Ensuring tree protection fencing is not removed. Condition of any exposed roots.
Inspection of pier holes	Piers positioned to avoid the severance of and damage to roots greater than 30mm
Installation of concrete slab for the north eastern corner of the approved plant room	Condition of roots and soil
Inspection of irrigation set out	Appropriate distribution of irrigation water
Prior to pouring of slab	Condition of roots and soil
Prior to the issue of a Final Occupation Certificate	Supervise the dismantling of tree protection measures

Inspections and compliance documentation shall be made by an arborist with AQF Level 5 qualifications.

Additional site visits shall be made when required by site arborist and/or site foreman for ongoing monitoring/supervisory work.

C.19 Checking Construction Certificate plans & protecting assets owned by the Sydney Water Corporation

The approved plans must be submitted to a Sydney Water Quick Check agent to determine whether the development will affect any Sydney Water wastewater and water mains, stormwater drains and/or easement, and any requirements need to be met. Plans will be appropriately stamped.

Please refer to the web site www.sydneywater.com.au for:


- Quick Check agents details – see Building and Development then Quick Check and

- Guidelines for Building Over/Adjacent to Sydney Water Assets – see Building and Development then Building and Renovating

Note: Further information can be obtained from the Sydney Water Corporation by visiting their web site: <http://www.sydneywater.com.au> or telephone 13 20 92.

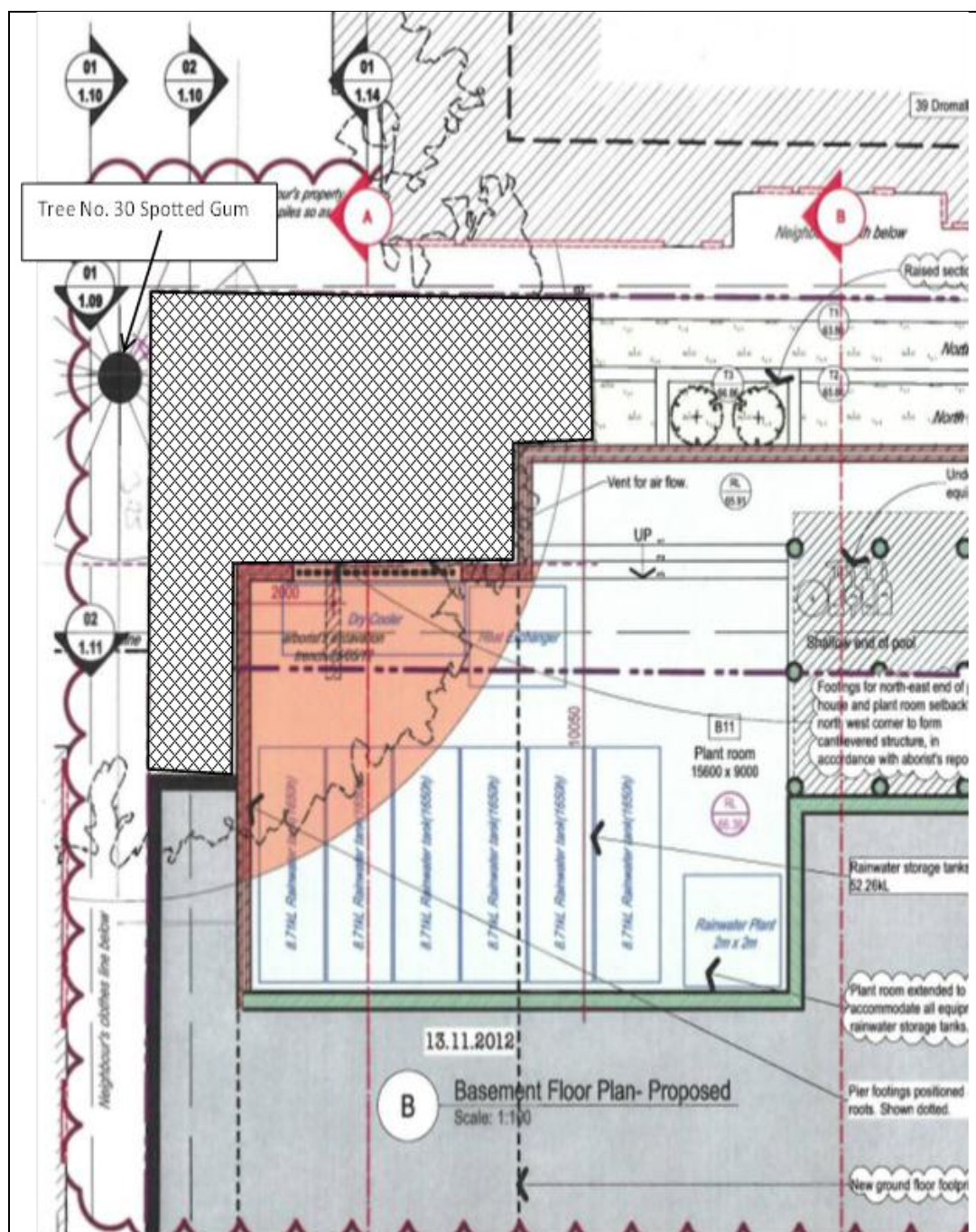
The modification of the following conditions:

B.2 Establishment of Tree Protection Zones (TPZ)

Tree Protection Zones shall be established around all trees to be retained and in accordance with Section 4 of the *Australian Standard Protection of Trees on Development Sites* (AS 4970- 2009). Tree protection zones must also comply with the following radial distances and area marked ; for Tree No.30 *Corymbia maculata* Spotted Gum.

a) Tree Protection Zone areas

Council Ref No	Species	Location	Radius from Centre of Trunk (Metres)*
1	<i>Magnolia grandiflora</i> Bull Bay Magnolia	Western side boundary	3
2	<i>Brachychiton acerifolius</i> Illawarra Flame tree	Western corner of property	3
12*	<i>Cinnamomum camphora</i> Camphor Laurel	Southern corner of property	6
14*	<i>Howea forsteriana</i> Kentia Palm	Southern corner of property	4
15*	<i>Howea forsteriana</i> Kentia Palm	Southern corner of property	4
16*	<i>Macadamia integrifolia</i> Macadamia		4
16a*	<i>Howea forsteriana</i> Kentia Palm	Southern corner of property	4
16b*	<i>Cyathea sp.</i> Tree fern	Southern corner of property	3
17	<i>Mangifera indica</i> Mango	Southern end of existing tennis court	3
18	<i>Persea americana</i> Avocado	North eastern corner	4
19	<i>Jacaranda mimosifolia</i> Jacaranda	North eastern corner	4



Note: Where this condition relates to street trees and the fence cannot be placed at the specified radius, the fencing shall be positioned so that the entire verge (nature strip) area in front of the subject property, excluding existing driveways, footpaths and bus stops is protected.

- b) Tree Protection Zones shall be fenced with a 1.8 metre high chainmesh or weldmesh fence and secured to restrict access. The fence shall be established prior to any materials being bought onto the site and before the commencement of works including demolition. The area within the fence shall be mulched and maintained to a depth of 75mm. The soil within the TPZ shall be kept in a moist condition for the duration of the construction works. Unless approved by the site arborist there shall be no access within the TPZ.
- c) A sign identifying the Tree Protection Zone shall be erected on each side of the protection fence indicating the existence of a TPZ. Signage must be visible from within the development site.

- d) No excavation, construction activity, grade changes, storage of materials, stockpiling, siting of works sheds, preparation of mixes or cleaning of tools is permitted within Tree Protection Zones, unless specified in Condition B.2 of this consent.
- e) Establishment of Ground protection
Temporary access within the TPZ for pedestrian and machinery movements shall only be permitted with the approval of the site arborist or unless specified in Condition B.2 of this consent. Appropriate ground protection shall be installed under the supervision of the site arborist.
- f) All site personnel and contractors must be made aware of all tree protection requirements associated with these conditions of consent.
- g) The project arborist shall provide written certification of compliance with the above condition.

B.3 Permissible work within Tree Protection Zones

The following works are permissible within the Tree Protection Zone:

Council Ref No:	Species	Radius from Trunk (metres)	Approved works
1	<i>Magnolia grandiflora</i> Bull Bay Magnolia	Western side boundary	Approved landscaping
2	<i>Brachychiton acerifolius</i> Illawarra Flame tree	Western corner of property	Approved landscaping
12*	<i>Cinnamomum camphora</i> Camphor Laurel	Southern corner of property	Approved landscaping
14*	<i>Howea forsteriana</i> Kentia Palm	Southern corner of property	Approved landscaping
15*	<i>Howea forsteriana</i> Kentia Palm	Southern corner of property	Approved landscaping
16*	<i>Macadamia integrifolia</i> Macadamia		Approved landscaping
16a*	<i>Howea forsteriana</i> Kentia Palm	Southern corner of property	Approved landscaping
16b*	<i>Cyathea sp.</i> Tree fern	Southern corner of property	Approved landscaping
17	<i>Mangifera indica</i> Mango	Southern end of existing tennis court	Approved landscaping
18	<i>Persea americana</i> Avocado	North eastern corner	Approved landscaping
19	<i>Jacaranda mimosifolia</i> Jacaranda	North eastern corner	Approved landscaping
30	<i>Corymbia maculata</i> Spotted Gum	Rear yard of 39 Drumalbyn Rd Bellevue Hill	Approved landscaping and associated garden retaining wall located adjacent the north eastern boundary adjoining 39 Drumalbyn Rd Bellevue Hill

The project arborist shall provide written certification of compliance with the above condition.

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

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

- a) **In order to protect the health and amenity of adjoining properties, the pool house fireplace is to be replaced with a gas heating system. The gas heating appliance shall comply with the requirements of AS4553-2008 (Gas Space Heating Appliances) and the installation of the appliance shall comply with AS5601-2004) Gas Installations and the flue structure shall be of minimum dimensions necessary to achieve compliance with these Australian standards.**
- b) **In order to mitigate adverse visual privacy and visual/sense of enclosure impacts upon adjoining properties, the proposed pool house and the section of the plant room below and roof parapet above shall be setback a consistent 6.35 m from the rear boundary.**
- c) In order to mitigate an adverse visual/sense of enclosure impact upon the adjoining property to the north-east (39 Drumalbyn Rd), the proposed 1.15 m high masonry retaining wall addition to the existing rear fence shall be substituted for open style balustrading and the associated 900 mm wide planter shall be deleted.
- d) **In order to mitigate adverse visual privacy impacts upon the adjoining property to the north-east (39 Drumalyn Rd), the planter to the pool surround/terrace shall be widened by 400 mm to 1 m (soil width) and provided with a 150 mm upturn to prevent pool water from harming the landscaping thereto. Planting to the pool surround/terrace planter shall be provided and maintained to prevent lines of sight down to the rear elevation of the adjoining property. Sandstone from the existing retaining wall in the location of the proposed pool shall be reused in the construction of the planter adjacent to the north eastern boundary. The north-eastern elevation to the pool shall be constructed from rock face (rough finish) Hawkesbury sandstone.**
- e) In order to mitigate an adverse visual/sense of enclosure impact upon an adjoining property to the south-east (99 Victoria Rd), the garage structure shall be setback 1.5 m from the south-eastern boundary. This is to be achieved by reducing the internal width of the structure.
- f) In order to mitigate adverse acoustic privacy impacts upon adjoining properties to the west and south-west (85, 85D & 91 Victoria Rd) a non-trafficable section of roof/planter shall be provided the north-western 2.9 m of the trafficable section of the Western Terrace.
- g) In order to protect the existing significant Magnolia grandiflora Bull Bay Magnolia located in the western corner of the site, the proposed stairs to the laundry roof terrace (West Terrace) shall be relocated to the position of the existing stairs (approximately 1.2 m to the south-east).
- h) In order to mitigate adverse visual and acoustic privacy impacts upon the adjoining property to the north-east (39 Drumalbyn Road), the ventilation openings to the north-eastern elevation to the plant room are to be fitted with acoustically attenuated louvres fixed at a downward angle of 45 degrees to the horizontal plane.
- i) In order to mitigate adverse visual impacts (glare) upon the adjoining properties to the south-west (95 & 99 Victoria Rd), the proposed gravel to the garage roof shall be of a medium to dark, recessive colour.

- j) In order to prevent inconsistencies between the amended landscape plans required by **Condition C.2** and the architectural plans, the reference to *Trees along south bank mature height 4 metres* on the ground floor, first floor, attic floor and roof plans shall be deleted.
- k) In order to mitigate an adverse visual impact upon the adjoining property to the north-east (39 Drumalbyn Rd), the proposed fencing to the section of the north-western boundary that is common to the south-eastern boundary to the adjoining property shall be lowered by 700 mm to 1.1 m above the high side of the boundary.
- l) In order to mitigate loss of views to 91 Victoria Rd, the garage length shall be reduced by 1 m from the north-east.
- m) In order to mitigate loss of views to 91 Victoria Rd, the garage in its entirety shall be lowered by 200 mm and the driveway/forecourt re-graded to facilitate this design amendment.
- n) In order to satisfy the provisions of Clause 5.1 of the Advertising and Notification DCP, the roof terrace associated with the south-eastern dormer, which has not been notified to the owners of adjoining properties, shall be deleted.
- o) In order to satisfy the provisions of Clause 5.1 of the Advertising and Notification DCP, the roof terrace associated with the south-eastern dormer, which has not been notified to the owners of adjoining properties, shall be deleted.
- p) **In order to maintain the visual privacy of adjoining properties, the glass door and windows to the north-eastern elevation of the pool house shall be fixed translucent glazing to a height of 1.7 m above floor level.**

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

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

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

C.2 Amended Landscape Plan

Amended landscape plans prepared in accordance with Council's DA Guide and conforming to the conditions of this Development Consent are to be submitted to Council for approval prior to issue of the Construction Certificate. The amended landscape plans must incorporate the following:

- a) **The rear alignment of the pool house/plant room structure indicated on the landscape plan shall be consistent with the approved rear alignment. Details of the proposed landscaping to any additional north-eastern setback beyond the 2.7 m indicated on the landscape plan shall be provided.**
- b) In order to mitigate adverse visual privacy and visual/sense of enclosure impacts upon the adjoining property to the north-east (39 Drumalbyn Rd), the planters to the north-east and north-west of the proposed pool, plant room and gym structure as amended by Conditions C.1b, c & d shall be planted with advanced specimens (approx. 45 l pot size for shrubs and palms) of Coastal Rosemary, Murraya, Dwarf Lilly Pilly, Bangalow Palms, Kentia Palms, Dwarf Date Palms, Tree Ferns, Gardenia, Aloe, Viburnum and Gynea Lily or similar as suited to specific microclimate and reasonable screening height requirements. The proposed planting of *Strelitzia nicolai* Giant Bird of Paradise is not permitted as it would encroach upon the adjoining property to the north-east (39 Drumalbyn Rd) adversely affecting natural light to the rear.

- c) In order to mitigate an adverse visual impact upon an adjoining property to the south-east (99 Victoria Rd), the additional 1.5 m setback to the garage structure required by Condition C.1e shall be landscaped with a row of *Acmena smithii* _Minor Dwarf Lilly Pilly or an alternative evergreen species similar in size (not exceeding RL of 78.53) and microclimate suitability (45 l pot size at planting).
- d) In order to prevent overcrowding, boundary encroachment, the proposed 3 x 4-5 m (6-9 m) high at maturity Loquat trees adjacent to the section of the north-western boundary that is common to the south-eastern boundary to 39 Drumalbyn Rd shall be replaced with a variety of *Camellia sasanqua* with a height at maturity of approximately 2 m or an alternative species similar in size.
- e) In order to protect the amenity of 91 Victoria Rd in terms of winter overshadowing and view loss:
 - The proposed landscaping perpendicular to the north-eastern boundary to 91 Victoria Rd shall be limited to a maximum height of RL 78;
 - The proposed landscaping perpendicular to the north-eastern side of the driveway forecourt to the subject site shall be limited to a maximum height of RL 76; and
 - The proposed landscaping adjacent to the north-western boundary of the driveway forecourt to the subject site (abutting 91 Victoria Rd) shall be limited to a maximum height of RL 78.
- f) In order to protect the amenity of 95 Victoria Rd in terms of winter overshadowing and view loss, the proposed landscaping adjacent to the north-eastern boundary to 95 Victoria Rd shall be limited to a maximum height of RL 79.2 (the approximate hedge height)
- g) In order to protect the amenity of 99 Victoria Rd in terms of view loss, the proposed landscaping perpendicular to the north-eastern boundaries to 99 & 101 Victoria Rd shall be limited to a maximum height of RL 75.4.
- h) As the proposed *Gleditsia tricanthos* ‘Sunburst’ is listed as an exempt species in Council’s Tree Preservation list, they shall be replaced with a suitable species that is not exempt.

Note: Clause 146 of the *Regulation* prohibits the issue of any *Construction Certificate* subject to this condition unless the *Certifying Authority* is satisfied that the condition has been complied with. Clause 145 of the *Regulation* prohibits the issue of any *Construction Certificate* that is inconsistent with this consent.

Note: In accordance with section 375A of the *Local Government Act* a Division of votes is recorded on this planning matter.

For the Motion

Councillor Bennett
 Councillor Boskovitz
 Councillor Cavanagh
 Councillor Elsing
 Councillor Kirillova
 Councillor O’Regan
 Councillor Thomas
 Councillor Wise
 Councillor Zeltzer
 Councillor Zulman

Against the Motion

Councillor Robertson
 Councillor Marano
 Councillor Levenston
 Councillor Petrie

10/4

Urban Planning Committee

Items with Recommendations from the Committee Meeting of Monday 26 November 2012 Submitted to the Council for Determination

- Item No:** R1 Recommendation to Council
- Subject:** **9a Cooper Park Road, Bellevue Hill—Rezoning And Reclassification**
- Author:** Jacquelyne Della Bosca – Team Leader Strategic Planning
- File No:** 1064.G Amend 71
- Reason for Report:** To advise on the exhibition of the planning proposal to rezone and reclassify the land, and provide our assessment of submissions and recommendations.
To advise on the public hearing into the reclassification of the land and provide the chairperson's findings.
To obtain Council's approval to proceed with the rezoning and reclassification of the land, and prepare a site-specific development control plan.
- Note:** The Mayor Councillor Petrie declared a Pecuniary Interest in this Item as he lives next door to the property. Councillor Petrie left the Chambers and did not participate in the debate or vote on this matter.
- Note:** The Deputy Mayor Councillor O'Regan assumed the Chair for this matter.
- Note:** Late correspondence was tabled by Council's Manager Governance, Les Windle.

Motion moved by Councillor Boskovitz
Seconded by Councillor Zeltzer

- A. That Council proceeds with the planning proposal for 9A Cooper Park Road, Bellevue Hill, as exhibited and provided in **Annexure 1** to the report to the Urban Planning Committee on 26 November 2012, which seeks to-
- Rezone the land from Zone No. 6 Open Space Zone to Zone 2(b) Residential Zone
 - Apply a floor space ratio of 0.625:1
 - Apply a height control of 9.5 metres
 - Reclassify the land from community land to operational land under the *Local Government Act 1993*
- by referring it to the Director-General and Minister for Planning under section 59 of the *Environmental Planning and Assessment Act 1979* to make arrangements for the drafting of the amendment to Woollahra LEP 1995.
- B. That a site-specific development control plan is prepared for land at 9A Cooper Park Road, Bellevue Hill, detailing adequate side boundary setbacks, number of subdivided lots, appropriate FSR allowances, appropriate height allowances, the siting of buildings which protect the amenity of adjoining neighbours and view corridors for properties adjoining to the north-east and looking over and across the site and provision of appropriate green open space.

- C. That the Council, in preparing the site-specific development control plan provisions, and in order to be fully informed regarding future development controls that achieve equitable view sharing, undertake an outlook/view analysis of the potential impact of medium density residential development at a scale and form envisaged in the planning proposal, from the residential properties adjoining to the north-east of the site fronting Bellevue Road.
- D. That if Council is to sell the said property at some time in the future, that all funds be quarantined from any operational expenses of Council and be spent on capital projects within the Woollahra Municipality.
- E. That simultaneously with the preparation of the DCP, Council prepares a report outlining a cost estimation of remediating the parcel of land (which we are obliged to do as a Vendor)
- F. That the Planning Proposal be amended to also identify in Schedule 2 of the Woollahra LEP, "recreation area" and "community facility" as additional permitted uses on the land.

Advisings:

- i. That at no point does the action of rezoning this property oblige the Council to sell for the purpose of residential development.
- ii. That significant public/community consultation be held during the preparation of the site specific DCP

**Amendment moved by Councillor Kirillova
Seconded by Councillor Elsing**

- A. That the proposal to rezone the land at 9A Cooper Park Road, Bellevue Hill be postponed for 12 months.
- B. That the Council undertake forthwith:
 - i. Testing for contamination of the land as required,
 - ii. That all rubbish be removed from the land and the grass be mowed and made good,
 - iii. That public access be restored to determine the viability of public recreation use of the land within a 12 month period of the commencement of public access.

**The Amendment was put and Lost
The Motion was put and Adopted****(Boskovitz/Zeltzer)****15/20 Resolved:**

- A. That Council proceeds with the planning proposal for 9A Cooper Park Road, Bellevue Hill, as exhibited and provided in **Annexure 1** to the report to the Urban Planning Committee on 26 November 2012, which seeks to-
 - a. Rezone the land from Zone No. 6 Open Space Zone to Zone 2(b) Residential Zone
 - b. Apply a floor space ratio of 0.625:1
 - c. Apply a height control of 9.5 metres
 - d. Reclassify the land from community land to operational land under the *Local Government Act 1993*

by referring it to the Director-General and Minister for Planning under section 59 of the *Environmental Planning and Assessment Act 1979* to make arrangements for the drafting of the amendment to Woollahra LEP 1995.

- B. That a site-specific development control plan is prepared for land at 9A Cooper Park Road, Bellevue Hill, detailing adequate side boundary setbacks, number of subdivided lots, appropriate FSR allowances, appropriate height allowances, the siting of buildings which protect the amenity of adjoining neighbours and view corridors for properties adjoining to the north-east and looking over and across the site and provision of appropriate green open space.
- C. That the Council, in preparing the site-specific development control plan provisions, and in order to be fully informed regarding future development controls that achieve equitable view sharing, undertake an outlook/view analysis of the potential impact of medium density residential development at a scale and form envisaged in the planning proposal, from the residential properties adjoining to the north-east of the site fronting Bellevue Road.
- D. That if Council is to sell the said property at some time in the future, that all funds be quarantined from any operational expenses of Council and be spent on capital projects within the Woollahra Municipality.
- E. That simultaneously with the preparation of the DCP, Council prepares a report outlining a cost estimation of remediating the parcel of land (which we are obliged to do as a Vendor)
- F. That the Planning Proposal be amended to also identify in Schedule 2 of the Woollahra LEP, "recreation area" and "community facility" as additional permitted uses on the land.

Advisings:

- i. That at no point does the action of rezoning this property oblige the Council to sell for the purpose of residential development.
- ii. That significant public/community consultation be held during the preparation of the site specific DCP

Note: In accordance with section 375A of the Local Government Act a Division of votes is recorded on this planning matter.

For the Motion

Councillor Bennett
Councillor Boskovitz
Councillor Cavanagh
Councillor Levenston
Councillor Marano
Councillor O'Regan
Councillor Thomas
Councillor Zeltzer
Councillor Zulman

Against the Motion

Councillor Elsing
Councillor Kirillova
Councillor Wise
Councillor Robertson

9/4

Item No: R2 Recommendation to Council
Subject: **Modification to the Definition of 'Height' and 'Existing Ground Level' in The Woollahra Local Environmental Plan 1995**
Author: Patrick Robinson - Manager Development Control
File No: 1064.G (Amend. 74)
Reason for Report: To provide additional advice to support the recommendation to the Urban Planning Committee Item R2, Agenda of 12 November 2012

Note: The Mayor Councillor Petrie resumed the Chair.

(Levenston/Boskovitz)

16/20 Resolved without debate:

- A. That Council resolve to prepare a planning proposal under section 55 of the *Environmental Planning and Assessment Act 1979* (the Act) to amend the definition of ‘height’ and ‘existing ground level’ contained in Schedule 1 of the *Woollahra Local Environmental Plan 1995* (WLEP 1995).
- B. To provide certainty as to how building height is to be measured the planning proposal adopt the definition of ‘height’ and ‘existing ground level’ generally in accordance with Standard Instrument – Principal Local Environmental Plan

Note: In accordance with section 375A of the Local Government Act a Division of votes is recorded on this planning matter.

For the Motion

Against the Motion

Councillor Bennett
Councillor Boskovitz
Councillor Cavanagh
Councillor Elsing
Councillor Kirillova
Councillor Levenston
Councillor Marano
Councillor O'Regan
Councillor Petrie
Councillor Robertson
Councillor Thomas
Councillor Wise
Councillor Zeltzer
Councillor Zulman

Nil

14/0

Matter of Urgency Urban Planning Committee

Items with Recommendations from the Committee Meeting of Monday 10 December 2012 Submitted to the Council for Determination

Item No: R1 Recommendation to Council

Subject: **Principal LEP— Response to the Minister's letter regarding the timeframes for preparing and finalising Woollahra's new LEP**

Author: Jacquelyne Della Bosca – Team Leader Strategic Planning
Anne White – Senior Strategic Planner

File No: 1064.G Principal LEP Draft Woollahra Plan

Reason for Report: To advise that the Minister for Planning and Infrastructure has written to Council requesting we finalise the Woollahra Principal LEP as a priority.
To identify our timeframe for preparing and finalising the Woollahra Principal LEP.

(Levenston/Boskovitz)

17/20 Resolved:

That in accordance with Council's Code of Meeting Practice, Item R1 of the Urban Planning Committee Meeting held on 10 December 2012 be brought forward as a Matter of Urgency so that a response can be forwarded to the Minister before the end of the year.

Adopted

The Mayor ruled Urgency.

(Levenston/Boskovitz)

18/20 Resolved:

- A. That Council notes the timeframe for preparing the Woollahra Principal local environmental plan as provided in the project plan in **Annexure 2** to the report to the Urban Planning Committee on 10 December 2012.
 - B. That the project plan is submitted to the Department of Planning and Infrastructure in response to the Minister's letter.
-

Community & Environment Committee

Items with Recommendations from the Committee Meeting of Monday 26 November 2012 Submitted to the Council for Determination

Item No: R1 Recommendation to Council
Subject: **Community and Cultural Small Grants Round 2012-2013**
Author: Romi Scodellaro, Community Development Officer
File No: 30.G
Reason for Report: To give consideration to applications for Section 356 Community and Cultural Small Grants Round from local community groups and services.

Note: Late correspondences was tabled by Council's Manager of Community Services, Susan Turner.

(Thomas/Bennett)

19/20 Resolved:

That Council approve the selection panel's recommendations for the successful October 2012 Community and Cultural Small Grants Round.

Item No: R2 Recommendation to Council
Subject: **McKell Park - Conditions of Hire**
Author: Paul Fraser - Team Leader, Open Space & Recreation Planning
File No: 175.G
Reason for Report: To respond to a Notice of Motion regarding the conditions of hire for McKell Park, Darling Point.

(Thomas/Bennett)

20/20 Resolved without debate:

- A. That the conditions of hire for McKell Park are restricted to 2 events per day on weekends.
- B. That a bond of \$250 be added to the fees and charges schedule for 2013/14 for all future events in McKell Park.
- C. That the maximum guest numbers for all functions at McKell Park be reduced to 100 people.
- D. That whenever possible the WMC Rangers will check on events at McKell Park and report back to the Recreational Booking Coordinator who will withhold the bond if any park hire conditions were not met
- E. The impact of these amended conditions be reviewed and reported to the Community and Environment Committee after 12 months.

Item No: R3 Recommendation to Council

Subject: **Review of the ‘Terms of the Reference’ and Operations of The Animal Advisory Committee**

Authors: Suzy Rich, Chair - Animal Advisory Committee
Colin DeCosta, Coordinator - Regulatory Services
Tim Tuxford, Manager - Compliance

File No: 271.G AACM

Reason for Report: To review the ‘Terms of Reference’ and operations of the Animal Advisory Committee as required by the Community & Environment Committee resolution of 22 October 2012.

Note: This matter was considered earlier in the meeting.

Matter of Urgency

Community & Environment Committee

Items with Recommendations from the Committee Meeting of Monday 10 December 2012 Submitted to the Council for Determination

Item No: R1 Recommendation to Council

Subject: **Woollahra Park Plan of Management and Master Plan**

Authors: Caitlin Moffat - Open Space Planning Projects Officer
Paul Fraser - Team Leader Open Space and Recreation Planning
Bruce Rann - Manager, Open Space & Trees

File No: 219.G MP

Reason for Report: To recommend the adoption of the Woollahra Park Plan of Management and Master Plan with the recommended changes.

(Thomas/Boskovitz)

21/20 Resolved:

That in accordance with Council's Code of Meeting Practice, Item R1 of the Community & Environment Committee Meeting held on 10 December 2012 be brought forward as a Matter of Urgency.

Adopted

The Mayor ruled Urgency.

(Thomas/Boskovitz)

22/20 Resolved:

- A. That Council note the recommended changes to the Plan of Management and Master Plan which are directly related to suggestions received during the public exhibition process.
- B. That Council adopt the Woollahra Park Plan of Management and Master Plan as the primary management planning instrument for Woollahra Park.
- C. That the recommendation for the re-categorisation of the subject land within Woollahra Park be adopted to better reflect the intended use of the land.
- D. That no further fencing be erected at the Iluka/Elanora Street gate to the Golf Course.
- E. That a report be submitted on the removal of the Maintenance Shed with consideration given to alternate arrangements for the storing of equipment.

Item No: R2 Recommendation to Council
Subject: Lyne Park Basketball Court
Author: Caitlin Moffat - Open Space Planning Projects Officer
Bruce Rann - Manager Open Space and Trees
File No: 195.G
Reason for Report: To report on the recent consultation with the local community on the location and design of the facility.

(Boskovitz/Thomas)

23/20 Resolved:

That in accordance with Council's Code of Meeting Practice, Item R2 of the Community & Environment Committee Meeting held on 10 December 2012 be brought forward as a Matter of Urgency.

Adopted

The Mayor ruled Urgency.

(Boskovitz/Thomas)

24/20 Resolved:

- A. That Council approve the location and design of the basketball facility in Lyne Park in the previously proposed location (location 1)
 - B. That Council staff construct the basketball facility as per standard design specification
 - C. That the design of the basketball court incorporate colours that are neutral, non-reflective and non-recessive in colour and sympathetic to Lyne Park.
 - D. That Council ensure that overhanging trees are maintained and pruned as necessary to minimise leaf and fruit drop onto the court.
 - E. That the Mayor writes to the family of Michael Wrublewski thanking them for their generous offer and advising that their contribution to the project will be appropriately recognised as part of the construction.
-

Notice of Motion

Item No: 1
From: Councillors Boskovitz and Zulman
Date: 26 November 2012
File No: 900.G

(Boskovitz/Zulman)

25/20 That a report be brought to the Community and Environment Committee with information regarding shared parking schemes in our area.

The information should include but is not limited to:

1. The raw data collected by the shared car scheme regarding usage of their services,
2. A summary of the abovementioned information,
3. Any information publicly available or provided by the shared car scheme outlining their revenue for spots in our area (either individually or altogether).

Further, the report should come up with an appropriate charging methodology for the use of these spots in our Municipality.

Adopted

Item No: 2
From: Councillors Bennett & Boskovitz
Date: 4 December 2012
File No: 900.G

(Bennett/Boskovitz)

26/20 That a report be brought to the Community and Environment Committee investigating the implementation of angled parking on Newcastle Street adjoining Pannerong Reserve.

Adopted

Item No: 3
From: Councillor Robertson
Date: 6 December 2012
File No: 900.G

(Robertson/Elsing)

27/20 That Council:

1. Notes and welcomes the commitment of Premier O'Farrell, prior to the March 2011 NSW election, that there would be no forced amalgamations of local councils under his government.
2. Notes with concern the recent statements made by the Local Government Minister, the Hon Don Page, that he would take proposals for forced amalgamations to Cabinet if they were recommended by the Local Government Review Panel.
3. States clearly its opposition to forced amalgamations by this or any future state government without demonstrating the benefits to the community that cannot otherwise be achieved within its current structure and size.

Adopted

Item No: 4
From: Councillors Bennett, Boskovitz and Wynne
Date: 6 December 2012
File No: 900.G

(Bennett/Boskovitz)

28/20 Further to the Notice of Motion moved by former Councillor Carmichael on 13 February 2012, can council staff provide an urgent report to the appropriate committee outlining the most efficient mechanism to provide the community of Rose Bay with a multi storey carpark on the current Wilberforce Avenue carpark.

Adopted

Questions for Next Meeting

Item No: 13
Subject: Questions for Next Meeting
Author: Gary James, General Manager
File No: 467.G/Q 10
Reason for Report: To allow Councillors to ask Questions for Next Meeting in accordance with Council's Code of Meeting Practice.

(Boskovitz/Thomas)

29/20 That Councillors ask Questions for Next Meeting in accordance with Council's Code of Meeting Practice.

Adopted

The following questions were asked:-

Councillor Boskovitz asking:

I forwarded to Council officers an e-mail from a resident on 19 October 2012 regarding traffic conditions at the corner of New South Head Road and Hopetoun Avenue. In this e-mail he identified some issues with this intersection which he perceived to be dangerous.

The RMS determined that there were not enough incidences of accidents occurring at the intersection to warrant an investigation of the resident's e-mail.

Unfortunately today, there was an accident which resulted in 2 vehicles being written off and one of the people in the accident has injuries significant enough to warrant an ambulance attending the intersection urgently and taking the person to hospital urgently.

In light of this incident, what will Council do to ensure the RMS take this matter seriously and effect some changes to the intersection before there is a fatality?

Director Technical Services in response:

On notice. I was not aware of the incident that occurred today but will certainly take it on board and be happy to approach the RMS again.

Councillor Levenston asking:

The trees overlooking the cricket lawns in Woollahra Park are detrimental to grass growth. Could those trees be looked at for some further pruning, that has happened in the past?

Director Technical Services in response:

I am happy to ask the Council staff to investigate further pruning of the trees.

Councillor Elsing asking:

My questions relate to the footpath on Edgecliff Road between Queen Street and Ocean Street (on both sides of the road) and are:

1. What, if any, works are programmed in the 5 year capital works program in relation to this area?
2. What is the current condition rating of the footpath of both sides of the road in this area?
3. What, if any, maintenance works are planned for this stretch of footpath?

Director Technical Services in response:

On notice.

Councillor Elsing asking:

My question relates to dog fouling on footpaths, parks and grassed public areas.

What steps are being taken by staff to reduce the instances of fouling in the following areas:

1. Marathon Road steps, top and bottom,
2. Double Bay beach to the north of the Eighteen Footers Sailing Club,
3. Steyne Park, Double Bay,
4. Cooper Park, in the wooded area above the tennis courts,
5. Point Piper,
6. Ruschutters Bay Park?

Director Planning and Development in response:

On notice.

Councillor Kirillova asking:

Would the Council consider writing a letter to the Premier of NSW urging his reconsideration of actual and proposed funding cuts which will lead to closure in March, 2013 of the NSW Environmental Defenders Office?

Director Technical Services in response:

Council does not have any direct involvement with the Environmental Defenders Office, we have not used them for anything, except indirectly through the Sydney Coastal Councils Group who I believe has taken advice from them.

Mayor further in response:

That requires a Notice of Motion.

Councillor Wise asking:

Could the Director of Technical Services provide the names of his staff who prepared the excellent report relating to the RMS proposal for the erection of a fence on Oxford Street, Paddington, as I would like to give formal thanks to those members of staff, and also to you Mr Mayor and to Councillor Cavanagh for your efforts and success in having the proposed fence deferred indefinitely?

Director Technical Services in response:

The report was written in the extremely short time by Ms Cathy Edwards-Davis, our Manager Engineering Services who did comprehensive research in about 2 hours, on my request. It was fantastic.

There being no further business the meeting concluded at 10.30pm.

We certify that the pages numbered 3472 to 3557 inclusive are the Minutes of the Ordinary Meeting of Woollahra Municipal Council held on 10 December 2012 and confirmed by Council at the ordinary Meeting of Council on 11 February 2013 as correct.

General Manager

Mayor