# Council Meeting

**Monday 25 June 2012**

## Table of Contents

<table>
<thead>
<tr>
<th>Items Determined Under Delegated Authority by Council Committees</th>
<th>1875</th>
</tr>
</thead>
<tbody>
<tr>
<td>Confirmation of Minutes</td>
<td>1877</td>
</tr>
<tr>
<td>Leave of Absence</td>
<td>1877</td>
</tr>
<tr>
<td>Apologies</td>
<td>1877</td>
</tr>
<tr>
<td>Declarations of Interest</td>
<td>1878</td>
</tr>
<tr>
<td>Suspension of Standing Orders</td>
<td>1879</td>
</tr>
<tr>
<td>Mayoral Minutes</td>
<td>1880</td>
</tr>
<tr>
<td>1. Queen's birthday Honours 2012</td>
<td>1880</td>
</tr>
<tr>
<td>2. Joint Regional Planning Panel – Appointment of Alternate Member</td>
<td>1881</td>
</tr>
<tr>
<td>Corporate &amp; Works Committee</td>
<td>1884</td>
</tr>
<tr>
<td>R1 Contract for the Provision of Linemarking Services</td>
<td>1884</td>
</tr>
<tr>
<td>R2 Artlett Street, Edgecliff – Dedication of Road for Public Use</td>
<td>1884</td>
</tr>
<tr>
<td>R3 7 Fisher Avenue Vaucluse – Road Reserve Encroachment</td>
<td>1885</td>
</tr>
<tr>
<td>R4 Delivery Program 2009 to 2013 &amp; Operational Plan 2012/13</td>
<td>1886</td>
</tr>
<tr>
<td>Development Control Committee</td>
<td>1889</td>
</tr>
<tr>
<td>R1 52 Cambridge Street, Paddington – Alterations &amp; additions to western annexe of existing dwelling including ground floor playroom, new flagpole &amp; car space – 5/10/2011</td>
<td>1889</td>
</tr>
<tr>
<td>Urban Planning Committee</td>
<td>1918</td>
</tr>
<tr>
<td>R1 Briefing Report on Heritage Study for Inter-War Flats, Arts and Crafts Buildings and Bungalows</td>
<td>1918</td>
</tr>
<tr>
<td>Notice of Motion</td>
<td>1919</td>
</tr>
<tr>
<td>Questions for Next Meeting</td>
<td>1921</td>
</tr>
</tbody>
</table>
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 18 June 2012

D1 Confirmation of Minutes of Meeting held on 4 June 2012
D3 CDO Update

Development Control Committee Meeting held on Monday 18 June 2012

D1 Confirmation of Minutes of Meeting held on 4 June 2012
D2 DA64/2012 – 42 Windsor Street, Paddington – Demolition of ground & 1st floor at rear of dwelling & construction of 2 storey rear extension, excavation at rear for basement garage – 20/2/2012
D4 DA452/2011 – 52 Cambridge Street, Paddington – Alterations & additions to western annexe of existing dwelling including ground floor playroom, new flagpole & car space – 5/10/2011 – (See Item R1)
D5 DA127/2012 – 2/8 Marathon Road, Darling Point – Alterations to Unit 2 including demolition of existing garage & construction of new garage, extension of living room & new glazed aluminium doors – 28/3/2012
D6 DA585/2010 – 7 Loftus Road, Darling Point – Demolition of existing 3-storey residential flat building for 6 apartments & erection of a new 5-storey residential flat building for 5 apartments with associated landscaping & parking – 29/10/2010
D7 Register of Current Land and Environment Court Matters and Register of Court Proceedings for Building Control, Environmental Control & Health Control
D8 Register of SEPP 1 Objections

Urban Planning Committee Meeting held on Monday 12 June 2012

D1 Confirmation of Minutes of Meeting held on 28 May 2012

Community & Environment Committee Meeting held on Monday 12 June 2012

D1 Confirmation of Minutes of Meeting held on 28 May 2012
D2 Woollahra Local Traffic Committee Minutes – 5 June 2012
D3 Sustainability Task Force 2012
D4 BiKe Hire scheme
Council Meeting

Minutes of the Meeting of Woollahra Municipal Council
held at the Council Chambers, Double Bay, on
Monday 25 June 2012 at 8.00pm.

Present: Her Worship The Mayor, Councillor Susan Wynne
Councillors Anthony Boskovitz
Nicola Grieve
Chris Howe
Susan Jarnason
Greg Medcraft
Andrew Petrie
Ian Plater
Isabelle Shapiro
David Shoebridge
Malcolm Young
Toni Zeltzer

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

Also in Attendance: Nil
Confirmation of Minutes

(Grieve/Jarnason)

1/11 THAT the Minutes of the Council Meeting held on 12 June 2012 be taken as read and confirmed.

Adopted

Leave of Absence

(Jarnason/Petrie)

2/11 That leave of absence for all meetings of the Council and its Committees be granted to Councillor Nicola Grieve from Wednesday 27 June 2012 to Thursday 12 July 2012, inclusive.

Adopted

(Petrie/Medcraft)

3/11 That leave of absence for all meetings of the Council and its Committees be granted to Councillor David Shoebridge from Friday 29 June 2012 to Tuesday 17 July 2012, inclusive.

Adopted

Note: Leave of absence has previously been granted to Councillors Peter Cavanagh and Lucienne Edelman.

Apologies

(Petrie/Medcraft)

4/11 Apologies were received and accepted from Councillor Sean Carmichael and Leave of Absence granted.

Adopted
Declarations of Interest

Councillor Young declared a Non-Significant, Non-Pecuniary Interest in Development Control Committee Item R1 (52 Cambridge Street, Paddington), as Julian Martin, an objector to this matter, ran as a Residents First with him at the last election. Councillor Young does not believe it would affect his vote.

Councillor Plater declared a Non-Significant, Non-Pecuniary Interest in Development Control Committee Item R1 (52 Cambridge Street, Paddington), as Julian Martin, an objector to this matter, ran as a Residents First with him at the last election. Councillor Plater does not believe it would affect his vote.

Councillor Medcraft declared a Non-Significant, Non-Pecuniary Interest in Development Control Committee Item R1 (52 Cambridge Street, Paddington), as Julian Martin, an objector to this matter, ran as a Residents First with him at the last election. Councillor Medcraft does not believe it would affect his vote.

The Mayor, Councillor Wynne declared a Non-Significant, Non-Pecuniary Interest in Development Control Committee Item R1 (52 Cambridge Street, Paddington), as Julian Martin, an objector to this matter, ran as a Residents First with her at the last election. Councillor Wynne does not believe it would affect her vote.

Councillor Howe declared a Non-Significant Non-Pecuniary Interest in Corporate and Works Committee Item R2 (Artlett Street, Edgecliff) as his wife is a Partner in HWL Ebsworth Lawyers. Councillor Howe does not believe it would affect his vote.
Suspension of Standing Orders

Councillor Medcraft

5/11 That Standing Orders be suspended to allow him to report to Council on a SSROC Meeting that Councillor Petrie and he recently attended.

Adopted

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

Councillor Medcraft advised:

Councillor Petrie and I attended a meeting of SSROC on 21st June 2012 and 3 items were discussed that are of interest to Council. Those items were:

1. SSROC is going to write to the Federal Government supporting a second airport for Sydney.
2. SSROC is supporting Sutherland Shire Council’s request to have Ausgrid consult councils more widely in terms of location of the new smart infrastructure grid, the new 4G grid, on public reserves. This whole issue is that government utilities not consulting adequately with local government which we find happening in Woollahra on Oxford Street with the placement of those horrible brown boxes.
3. SSROC provided support to the container deposit legislation.

The Council noted the information

Councillor Howe

6/11 That the Suspension of Standing Orders continue to allow him to congratulate the Director Technical Services, Manager Open Space and Trees and staff on the wonderful improvements to the Lyne Park playground.

Adopted

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

Councillor Howe advised:

I would like to congratulate the Director Technical Services, Manager Open Space and Trees and staff on the wonderful improvements to the Lyne Park playground, it is a fabulous improvement and very well used.

The Council noted the information

At this stage the Mayor welcomed Allan Coker, Council’s Director of Planning and Development back from leave and thanked, on behalf of all the Councillors, Chris Bluett for his fantastic job while Allan was away.
Mayoral Minutes

Mayoral Minute No:  1
Subject:  Queen's birthday Honours 2012
Author:  Cr Susan Wynne, Mayor
File No:  13.G/6
Reason for Report:  To inform the Council of the local recipients of the Queen's Birthday Honours.

(Wynne/Zeltzer)

7/11  Resolved:

That letters of congratulations, signed by the Mayor, be forwarded to the following recipients of the 2012 Queen’s Birthday Honours:

i.  Professor Douglas Samuel JONES, AM, RFD, AO
ii.  Professor Mathew Alexander VADAS, AO
iii. Mr Grahame John BOND, AM
iv.  The Reverend Monsignor Anthony Linsay DOHERTY, AM
v.  Mrs Margaret Josephine DOWLING, AM
vi.  Professor Neville Frederick HACKER, AM
vii. Professor Anne Margaret KEOGH, AM
viii. Emeritus Professor Graham Jon MACDONALD, AM
ix.  Dr Ian Norman REINECKE, AM
x.  Ms Alice Eve-Marie SPIGELMAN, AM
xi.  Associate Professor Jonathan Raymond STRETCH, AM
xii. Mr Edward Harold EMERSON, OAM
xiii. Ms Alexandra Lindsay HYNES, OAM
xiv. Mr Michel Elias JARJOURA, OAM
xv. Mr Carl Robert REID, OAM
Mayoral Minute No: 2
Subject: Joint Regional Planning Panel – Appointment of Alternate Member
Author: Mayor of Woollahra, Councillor Susan Wynne
File No: 
Reason for Report: To seek Council’s endorsement for Mr Paul Stein as an alternate Council-appointed member of the Sydney East Joint Regional Planning Panel for DA136/2012 for the expansion of the Rose Bay Marina

(Wynne/Medcraft)

Resolved:
8/11 That Woollahra Council appoint Mr Paul Stein as an alternate member of the Sydney East Joint Regional Planning Panel for DA136/2012 relating to the expansion of the Rose Bay Marina.

Background:

Joint Regional Planning Panels (Regional Panels) consist of five (5) members, comprising three (3) State-appointed and two (2) council-appointed members.

The Joint Regional Planning Panels Operational Procedures (Operational Procedures), part 2.2, provides as follows regarding council-appointed members and alternate members:

- **Council members:** Two council members appointed by each council that is situated in a part of the State for which a Regional Panel is established. At least one council member is required to have expertise in one or more of the following areas: planning, architecture, heritage, the environment, urban design, land economics, traffic and transport, law, engineering or tourism. Expertise may be demonstrated by having formal qualifications in the nominated fields, or by having relevant skills, knowledge and practical experience in these areas.

- **Selection of council members**

  It is a matter for each council to identify how the members are selected. In selecting members, however, Councils should have regard to the conflict of duties that would be created for a person nominated to the Regional Panel if they were in any way responsible for or involved in the assessment and recommendation of a matter to be determined by the Regional Panel.

  When deciding nominees to the Regional Panel, a council is not restricted to people being from the council’s local area.

  Councils can appoint, terminate, and reappoint, members at anytime, and can determine how long it appoints its members for. Generally councils should consider appointing members for the maximum term of three years provided for under the EP&A Act, to ensure the greatest degree of continuity of expertise for Regional Panels. However councils should also consider whether their nominations to Regional Panels are appropriate within 12 months following a council election.
If a council within the area of a Regional Panel fails to nominate one or more council members, a Regional Panel may still exercise its functions in relation to the area of the council concerned.

- **Payment of council members**

The Minister for Planning has determined that councils are free to determine the fees they pay their Regional Panel members. The Minister has however provided guidance to all councils on appropriate rates of remuneration for travel and subsistence allowances for their members.

It is the responsibility of each council to make these payments to their Regional Panel members when they attend Regional Panel meetings.

- **Alternates:** The Minister may, from time to time, appoint a person to be the alternate of a State member, and may revoke any such appointment.

A council may also, from time to time, appoint a person to be the alternate of a member nominated by the council, and may revoke any such appointment. The alternate will act in the place of the member with all the powers of the member.

A person may be appointed to be the alternate of two (2) or more members, although they can only have one (1) vote at a meeting.

The Panel Secretariat is responsible for the maintenance of a register of Regional Panel members comprising State members as appointed by the Minister and council members as nominated by the council.

The EP&A Act stipulates the circumstances when a vacancy in office of a Regional Panel member occurs. The Minister in the case of a State member, and the council in the case of a council member, would fill such a vacancy in accordance with the EP&A Act.

Council should notify the Panel Secretariat as soon as practicable following a change to its nominees. The new member’s personal details form should be forwarded to the Panel Secretariat within 7 days of the change.

Councillors Malcolm Young and Toni Zeltzer are our two (2) appointed members of the Regional Panel and Councillor Christopher Howe is our alternate member.

In the case of the Rose Bay Marina DA Councillor Young has indicated that he will not be participating as the council-appointed member. It would therefore be useful if there was an alternate member who could participate, if necessary, in the Regional Panel’s decision making process to ensure that there is appropriate council-appointed representation.

**Proposal:**

Mr Paul Stein’s name has been mentioned as a suitable person who we could appoint as an alternate member. We can appoint more than one (1) alternate member and Mr Stein could therefore be appointed as our second alternate member. He could be appointed as a replacement for either of the current members should circumstances affect their ability to take part in respect to this particular matter.
Mr Stein would meet the criteria for a council-appointed member under the Regional Panels Operational Procedures, as stated earlier. He:

- is the current Chairman of Mosman and Manly Council’s Independent Hearing and Assessment Panels, which have decision making powers
- is currently appointed by Mosman and Manly Council’s as a member of the Sydney East Regional Panel
- has been Chairman of the Board of the Environment Protection Authority
- was a judge of the Land and Environment Court from 1993 until 1997
- was a judge of the Court of Appeal from 1997 until 2003
- has authored books and articles on environmental law

Mr Stein has verbally advised that he would be willing and able to accept the position of a council-appointed alternate member of the Regional Panel should the Council decide accordingly.

Should the Council agree, Mr Stein’s appointment could commence immediately.

**Identification of Income & Expenditure:**

We would need to resolve Mr Stein’s remuneration.

**Conclusion:**

That the Council resolve:

1. To appoint Mr Paul Stein as an alternate member of Sydney East Joint Regional Planning Panel for DA136/2012 for the expansion of the Rose Bay
2. Mr Stein be appointed as an alternate member for either of the council-appointed members should circumstances make their participation inappropriate
3. Mr Stein’s appointment as an alternative member commence immediately
4. Mr Stein’s appointment be reviewed following the Council elections due in September 2012.

Cr Susan Wynne  
Mayor
Corporate & Works Committee

Items with Recommendations from the Committee Meeting of Monday 18 June 2012
Submitted to the Council for Determination

Item No: R1  Recommendation to Council
Subject: Contract for the Provision of Linemarking Services
Author: Dave Byatt – Purchasing Coordinator
File No: 811.G
Reason for Report: To recommend acceptance of a tender

(Shoebridge/Medcraft)

9/11 Resolved without debate:
That Council enters into a panel agreement with Avante Linemarking Services, Complete Linemarking Services and National Road Sealing for the provision of Linemarking Services for a three year period with the option to extend for a further two by twelve month periods.

Item No: R2  Recommendation to Council
Subject: Artlett Street, Edgecliff – Dedication of Road for Public Use
Author: Anthony Sheedy Property Officer
File No: 12 (Part 2).
Reason for Report: To formalise the status of Artlett Street, Edgecliff, as a public road.

Note: Councillor Howe declared a Non-Significant Non-Pecuniary Interest in this Item as his wife is a Partner in HWL Ebsworth Lawyers. Councillor Howe does not believe it would affect his vote.

(Shoebridge/Medcraft)

10/11 Resolved without debate:
A. That Council proceed with the dedication of Artlett Street, Edgecliff, under Sections 16 and 17 of the Roads Act, 1993 as recommended by HWL Ebsworth Lawyers by undertaking the following actions:
   i) Affixing a notice on Artlett Street, Edgecliff, in a conspicuous place for 28 days.
   ii) Placing an advertisement in a local newspaper advising of Councils intention to acquire Artlett Street, Edgecliff and dedicate it as a public road in accordance with Section 17 of the Roads Act, 1993.
   iii) Providing a notice of the land acquisition and road dedication in the NSW Government Gazette, subject to Section 17 of the Roads Act, 1993.
B. That Council instruct HWL Ebsworth Lawyers to execute the necessary actions to acquire Artlett Street, Edgecliff and dedicate it as a public road.

C. That Council authorise the Mayor and General Manager to execute and affix the Council Seal to the documents required for the acquisition of Artlett Street, Edgecliff, and dedication for the public use.

D. That upon completion of the above parts A, B, & C, a further report be submitted regarding further consideration by Council of the proposed sale of part of Artlett Street Edgecliff, (adjoining Reddy Street), to the Proprietors of Strata Plan 52282 located at 494-496 Glenmore Road Edgecliff.

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Item No: R3  Recommendation to Council
Subject: 7 Fisher Avenue Vaucluse – Road Reserve Encroachment
Author: Zubin Marolia, Manager Property and Projects
File No: 166.7
Reason for Report: To give consideration to the formalisation of an existing encroachment by granting of an easement to permit existing structure to remain on road reserve adjoining the property.

(Shoebridge/Medcraft)

11/11 Resolved without debate:

A. That the encroachment on the road reserve adjoining the rear of 7 Fisher Avenue Vaucluse, in Gilliver Avenue, be formalised by granting of an Easement to Permit Existing Structure to Remain.

B. The Easement is to continue for the life of the building, or the redevelopment of the site, or the redevelopment of the structure, whichever occurs first, subject to the payment of easement compensation and all Council’s costs related to this matter.
Item No: R4  Recommendation to Council
Subject: Delivery Program 2009 to 2013 & Operational Plan 2012/13
Author: Helen Tola - Governance & Corporate Planning Coordinator
        Don Johnston - Manager Finance
        Stephen Dunshea - Director Corporate Services
        Gary James - General Manager

File No: 1229.G
Reason for Report: For the Committee to review submissions received following public
exhibition of the draft Delivery Program 2009 to 2013 and Operational Plan
2012/13 and make a recommendation for the adoption of the Delivery

Note: Late correspondence was tabled at the meeting from Don Johnston, Council’s Manager
Finance.

Motion moved by Councillor Boskovitz

That the recommendation from the Corporate and Works Committee, including the additional table
to Part D of the recommendation contained in the late correspondence be adopted subject to
Council not including the IPARTs approved Carbon Price Advance in the Rating Structure for
2012/13.

The Motion lapsed for the want of a seconder

Motion moved by Councillor Shoebridge
Seconded by Councillor Medcraft

That the recommendation from the Corporate and Works Committee, including the additional table
to Part D of the recommendation contained in the late correspondence be adopted.

Adopted

(Shoebridge/Medcraft)

12/11 Resolved:

A. That Council note the 5 submissions received on the draft Delivery Program 2009 to 2013
   and Operational Plan 2012/13 in response to the public exhibition.

B. That having considered the submissions received, Council adopt the exhibition copy of the
draft Delivery Program 2009 to 2013 and Operational Plan 2012/13, including the Budget and
   with the minor amendments detailed in this report, as its Delivery Program 2009 to 2013 and
   Operational Plan 2012/13.

C. That Council adopt the maximum 10% interest rate on overdue rates and charges for 2012/13
   and the Schedule of Fees and Charges be amended accordingly.

D. That Council make and levy the Rates and Annual Charges set out in the Scenario 1 Rating
   Structure for 2012/13 which includes IPARTs approved Carbon Price Advance, being:
## Ordinary Rates:

<table>
<thead>
<tr>
<th>Category / Sub Category</th>
<th>Rating Structure</th>
<th>Amount to be Levied</th>
<th>Rates in the $, Base Amounts &amp; Minimums</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential</td>
<td>Base Charge - 50% Ad Valorem - 50%</td>
<td>25,843,768</td>
<td>$529.85 (Base Amount) 0.05118 cents in $</td>
</tr>
<tr>
<td>Business</td>
<td>Ad Valorem - subject to a minimum</td>
<td>1,289,093</td>
<td>0.25705 cents in $ $546.45 (minimum)</td>
</tr>
</tbody>
</table>

### Business Sub Categories:

<table>
<thead>
<tr>
<th>Category / Sub Category</th>
<th>Rating Structure</th>
<th>Amount to be Levied</th>
<th>Rates in the $, Base Amounts &amp; Minimums</th>
</tr>
</thead>
<tbody>
<tr>
<td>Double Bay</td>
<td></td>
<td>1,462,000</td>
<td>0.41987 cents in $ $546.45 (minimum)</td>
</tr>
<tr>
<td>Oxford Street Paddington</td>
<td></td>
<td>774,233</td>
<td>0.34710 cents in $ $546.45 (minimum)</td>
</tr>
<tr>
<td>Rose Bay (New South Head Road)</td>
<td></td>
<td>254,901</td>
<td>0.35900 cents in $ $546.45 (minimum)</td>
</tr>
<tr>
<td>Edgecliff</td>
<td></td>
<td>342,959</td>
<td>0.39750 cents in $ $546.45 (minimum)</td>
</tr>
<tr>
<td>Bellevue Hill</td>
<td></td>
<td>30,180</td>
<td>0.30840 cents in $ $546.45 (minimum)</td>
</tr>
<tr>
<td>Edgecliff / Grosvenor Streets, Woollahra</td>
<td></td>
<td>78,624</td>
<td>0.30580 cents in $ $546.45 (minimum)</td>
</tr>
<tr>
<td>Five Ways, Paddington</td>
<td></td>
<td>62,584</td>
<td>0.25570 cents in $ $546.45 (minimum)</td>
</tr>
<tr>
<td>New South Head Road, Vaucluse</td>
<td></td>
<td>41,898</td>
<td>0.29720 cents in $ $546.45 (minimum)</td>
</tr>
<tr>
<td>Old South Head Road, Rose Bay</td>
<td></td>
<td>62,947</td>
<td>0.23830 cents in $ $546.45 (minimum)</td>
</tr>
<tr>
<td>Old South Head Road, Vaucluse</td>
<td></td>
<td>16,747</td>
<td>0.15805 cents in $ $546.45 (minimum)</td>
</tr>
<tr>
<td>Plumer Road, Rose Bay</td>
<td></td>
<td>11,119</td>
<td>0.25990 cents in $ $546.45 (minimum)</td>
</tr>
<tr>
<td>Queen Street, Woollahra</td>
<td></td>
<td>196,029</td>
<td>0.21868 cents in $ $546.45 (minimum)</td>
</tr>
<tr>
<td>Watsons Bay</td>
<td></td>
<td>70,902</td>
<td>0.25020 cents in $ $546.45 (minimum)</td>
</tr>
</tbody>
</table>

### Special Rate:

<table>
<thead>
<tr>
<th>Category / Sub Category</th>
<th>Rating Structure</th>
<th>Amount to be Levied</th>
<th>Rates in the $, Base Amounts &amp; Minimums</th>
</tr>
</thead>
<tbody>
<tr>
<td>Environmental &amp; Infrastructure Renewal Levy (All Categories and sub-categories)</td>
<td>Base Charge - 50% Ad Valorem - 50%</td>
<td>3,614,172</td>
<td>$70.00 (Base Amount) 0.006775 cents in $</td>
</tr>
</tbody>
</table>

## Total Rates

| Total Rates | 34,152,154 |
### Annual Charge Structure

<table>
<thead>
<tr>
<th>Annual Charge</th>
<th>Structure</th>
<th>Amount to be Levied</th>
<th>Annual Charge</th>
</tr>
</thead>
<tbody>
<tr>
<td>Domestic Waste Management Charge</td>
<td>Per residential assessment</td>
<td>$9,722,440</td>
<td>$373.95</td>
</tr>
</tbody>
</table>

**Stormwater Management Charges:**

| Single residential dwelling         | Per residential dwelling assessment | $265,150          | $25.00        |
| Residential strata unit             | Per residential strata unit assessment | $171,587.50      | $12.50        |
| Business property                   | Per business assessment            | $43,350           | $25.00 plus $25.00 per 350 m² (or part thereof) above 350 m² |
| Business strata                     | Per business strata assessment     | $4,180            | $10.00        |

E. That the matters raised in the submission received be referred for further consideration in the development of Council’s next (4) year Delivery Program (2013 - 2017).

F. That Council note that the Corporate & Works Committee is of the view that a Strategic & Corporate Committee Meeting to consider the final draft 2012/13 Budget is not required given the limited community feedback from the public exhibition of the draft Delivery Program 2009 to 2013 and Operational Plan 2012/13 and that Council may wish to resolve itself into Committee-of-the-Whole at its Ordinary Council Meeting on the 25 June 2012 (if required) to hear submissions from residents.
**Development Control Committee**

**Items with Recommendations from the Committee Meeting of Monday 18 June 2012**
Submitted to the Council for Determination

<table>
<thead>
<tr>
<th>Item No:</th>
<th>R1</th>
<th>Recommendation to Council</th>
</tr>
</thead>
<tbody>
<tr>
<td>Subject:</td>
<td>52 Cambridge Street, Paddington – Alterations &amp; additions to western annexe of existing dwelling including ground floor playroom, new flagpole &amp; car space – 5/10/2011</td>
<td></td>
</tr>
<tr>
<td>Author:</td>
<td>Adrian Gilderdale – Assessment Officer</td>
<td></td>
</tr>
<tr>
<td>File No:</td>
<td>DA452/2011</td>
<td></td>
</tr>
<tr>
<td>Reason for Report:</td>
<td>In accordance with Council’s meeting procedures and policy this matter is referred to full Council due to the voting on the Amendment was 3 votes for the Amendment and 3 votes against the Amendment, in accordance with Council’s Policies and Procedures, both the Motion and the Amendment are referred to Council for consideration.</td>
<td></td>
</tr>
</tbody>
</table>

**Note:** Councillor Young declared a Non-Significant, Non-Pecuniary Interest in this Item, as Julian Martin, an objector to this matter, ran as a Residents First with him at the last election. Councillor Young does not believe it would affect his vote.

**Note:** Councillor Plater declared a Non-Significant, Non-Pecuniary Interest in this Item, as Julian Martin, an objector to this matter, ran as a Residents First with him at the last election. Councillor Plater does not believe it would affect his vote.

**Note:** Councillor Medcraft declared a Non-Significant, Non-Pecuniary Interest in this Item as Julian Martin, an objector to this matter, ran as a Residents First with him at the last election. Councillor Medcraft does not believe it would affect his vote.

**Note:** The Mayor, Councillor Wynne declared a Non-Significant, Non-Pecuniary Interest in this Item as Julian Martin, an objector to this matter, ran as a Residents First with her at the last election. Councillor Wynne does not believe it would affect her vote.

**Note:** Late correspondence was tabled at the meeting from Les Windle Council’s Manager Governance, Genevieve Lilley Architects, The Paddington Society, Sheridan Nilsson and Julian & Tanya Martin.

**Motion moved by Councillor Young**
**Seconded by Councillor Grieve**

That the Motion from the Development Control Committee to adopt the staff recommendation for approval of the application, subject to the deletion of all reference to the carspace including the 3m opening to the wall along Glenmore Road, and associated vehicle crossing and inclusion of the additional condition C.1(c) contained in the late correspondence from Les Windle, Council’s Manager Governance, be adopted.
Amendment moved by Councillor Howe
Seconded by Councillor Petrie

That consideration of the matter be deferred and referred back to the Development Control Committee for Council staff to provide an assessment of the amended plans submitted to the Council Meeting in the late correspondence and all the information the applicant has provided to the Council and that the Development Control Committee determine the matter under delegated authority.

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

(Young/Grieve)

13/11 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. 452/2011 for alterations and additions to western annexe of existing dwelling including ground floor playroom; new flagpole and car space on land at 52 Cambridge Street Paddington, subject to the following conditions:

A. General Conditions

A.1 Conditions

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

Standard Condition: A1

A.2 Definitions

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

Applicant means the applicant for this Consent.

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

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

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

Council means Woollahra Municipal Council

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

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

<table>
<thead>
<tr>
<th>Reference</th>
<th>Description</th>
<th>Author/Drawn</th>
<th>Date(s)</th>
</tr>
</thead>
<tbody>
<tr>
<td>VJD DA 00 Rev G</td>
<td>Location and Site Plans</td>
<td>Genevieve Lilley</td>
<td>01.05.2012</td>
</tr>
<tr>
<td>VJD DA 06 Rev I</td>
<td>Proposed floor plans</td>
<td>Architects Pty Ltd</td>
<td>01.05.2012</td>
</tr>
<tr>
<td>VJD DA 07 Rev J</td>
<td>Elevations</td>
<td></td>
<td>01.05.2012</td>
</tr>
<tr>
<td>VJD DA 08 Rev E</td>
<td>South elevation and section</td>
<td></td>
<td>01.05.2012</td>
</tr>
<tr>
<td>VJD DA 15 Rev A</td>
<td>Driveway section</td>
<td></td>
<td>01.05.2012</td>
</tr>
<tr>
<td>VJD DA 16 Rev A</td>
<td>Proposed driveway and footpath crossing</td>
<td></td>
<td>01.05.2012</td>
</tr>
</tbody>
</table>

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

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

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

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

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

A.5 Development Consent is not granted in relation to these matters

This approval does not give consent to the new plinth for future sculpture to the northern apex of the site as no details have been provided.
Standard Condition: A9
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 Establishment of Tree Protection Zones

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

a) Tree Protection Zone areas

<table>
<thead>
<tr>
<th>Council Ref No</th>
<th>Species</th>
<th>Location</th>
<th>Radius from Trunk (Metres)*</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td><em>Acer negundo</em> (Box Elder)</td>
<td>Council verge – Glenmore Rd</td>
<td>2m</td>
</tr>
</tbody>
</table>

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

b) Tree Protection Zones are to be fenced with a 1.8 metre high chainmesh or weldmesh fence to minimise disturbance to existing ground conditions. The area within the fence must be mulched, to a depth of 75mm, irrigated and maintained for the duration of the construction works.

c) A sign must be erected on each side of the fence indicating the existence of a Tree Protection Zone and providing the contact details of the site Arborist.

d) Existing soil levels must be maintained within Tree Protection Zones. Where excavation is undertaken adjacent such an area, the edge of the excavation must be stabilised, until such time as permanent measures are installed (eg. retaining wall etc) to prevent erosion within the Tree Protection Zone.

e) Sediment control measures are to be installed around all Tree Protection Zones to protect the existing soil levels.

f) The storage of materials, stockpiling, siting of works sheds, preparation of mixes, cleaning of tools or equipment is not permitted within Tree Protection Zones.

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

Standard Condition: B5
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 proposed study to the first floor and all associated works shall be deleted. This condition has been imposed to preserve the architectural character of the terrace and to protect the amenity of the Paddington Heritage Conservation Area.

b) The new plinth for future sculpture to the northern apex of the site shall be deleted.

c) All reference to the hardstand carparking area including the opening to the existing wall and associated crossing are to be deleted.

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

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

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

Standard Condition: C4

C.2 Payment of Security, Levies and Fees (Section 80A(6) of the Act and 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.

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
<th>Indexed</th>
<th>Council Fee Code</th>
</tr>
</thead>
<tbody>
<tr>
<td>LONG SERVICE LEVY under Building and Construction Industry Long Service Payments Act 1986</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Long Service Levy</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Contact LSL Corporation or use online calculator</td>
<td></td>
<td>No</td>
<td></td>
</tr>
<tr>
<td>SECURITY under section 80A(6) of the Environmental Planning and Assessment Act 1979</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Property Damage Security Deposit</td>
<td>$2,000</td>
<td>No</td>
<td>T115</td>
</tr>
<tr>
<td>- making good any damage caused to any property of the Council</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>INSPECTION FEES under Section 608 of the Local Government Act 1993</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Security Administration Fee</td>
<td>$180</td>
<td>No</td>
<td>T16</td>
</tr>
<tr>
<td>TOTAL SECURITY, CONTRIBUTIONS, LEVIES AND FEES</td>
<td>$2,180</td>
<td>plus any relevant indexed amounts and long service levy</td>
<td></td>
</tr>
</tbody>
</table>

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/](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.

Standard Condition: C5

C.3 Structural Adequacy of Existing Supporting Structures

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

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

C.4 Professional Engineering Details

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

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

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

C.5 Amended Landscape Plan

An amended Landscape Plan, prepared by a qualified Landscape Architect or Landscape Designer, in accordance with Councils DA Guide Annexure 8 and conforming to the conditions of this Development Consent is to be submitted to Council for approval prior to issue of the Construction Certificate. The amended landscape plan must include the following:
• Show the transplantation of the existing Kentia Palm to the new garden bed at the south west corner of the site.

C.6 Tree Transplant Method Statement

Supply to Council for approval a Transplant Method Statement addressing the transplanting of the Kentia Palm within the site. The statement should comply with the requirements described in the Woollahra Council DA Guide Annexure 8.

C.7 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


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: Pursuant to clause 161(1)(a)(5) of the Regulation an Accredited Certifier may satisfied as to this matter.

Standard Condition: C25

C.8 External Colour Scheme

The external colour scheme shall comprise a recessive colour scheme. This condition has been imposed to protect the visual amenity of the Paddington Heritage Conservation Area.

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

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

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

a) that the work must be carried out in accordance with the requirements of the Building Code of Australia,

b) in the case of residential building work for which the Home Building Act 1989 requires there to be a contract of insurance in force in accordance with Part 6 of that Act, that such a contract of insurance is in force before any building work authorised to be carried out by the consent commences.
This condition does not apply:

a) to the extent to which an exemption is in force under *the Home Building Regulation 2004*,
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 Security Fencing, Hoarding and Overhead Protection

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

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

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

a) The vertical height above footpath level of the structure being demolished is less than 4.0 m; or
b) The least horizontal distance between footpath and the nearest part of the structure is greater than half the height of the structure.
The overhead structure must consist of a horizontal platform of solid construction and vertical supports, and the platform must:

a) Extend from the common boundary to 200mm from the edge of the carriageway for the full length of the boundary;
b) Have a clear height above the footpath of not less than 2.1 m;
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/oheadprotstructs.htm.

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

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

Standard Condition: D11

### D.3 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:
  - 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.4 Toilet Facilities**

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

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

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

In this condition:

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

**approved by the council** means the subject of an approval in force under Division 1 of Part 3 of the *Local Government (Approvals) Regulation* 1993.
**public sewer** has the same meaning as it has in the *Local Government (Approvals) Regulation 1993.*

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

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

**D.5 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 downloaded 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.6 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.7 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

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


Standard Condition: E2

E.3 Requirement to notify about new evidence

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

Standard Condition: E4
E.4 Critical Stage Inspections

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

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

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

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

Standard Condition: E5

E.5 Hours of Work –Amenity of the neighbourhood

a) No work must take place on any Sunday or public holiday,
b) No work must take place before 7am or after 5pm any weekday,
c) No work must take place before 7am or after 1pm any Saturday,
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.


Standard Condition: E6

E.6 Public Footpaths – Safety, Access and Maintenance

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.7 Maintenance of Environmental Controls

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

a) Erosion and sediment controls,

b) Dust controls,

c) Dewatering discharges,

d) Noise controls,

e) Vibration monitoring and controls, and

f) Ablutions.


Standard Condition: E11

E.8 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.9 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


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.10 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.11 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.12 Placement and use of Skip Bins

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

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

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

Standard Condition: E21
E.13 Prohibition of burning

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

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

Standard Condition: E22

E.14 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 downloaded 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.15 Site waste minimisation and management – Demolition

In order to maximise resource recovery and minimise residual waste from demolition activities:

a) The provisions of the Site Waste Minimisation and Management Plan (SWMMP) are to be implemented at all times during the course of the work
b) An area is to be allocated for the storage of materials for use, recycling and disposal (giving consideration to slope, drainage, location of waterways, stormwater outlets, vegetation and access and handling requirements)
c) Provide separate collection bins and/or areas for the storage of residual waste
d) Clearly ‘signpost’ the purpose and content of the bins and/or storage areas
e) Implement measures to prevent damage by the elements, odour, health risks and windborne litter
f) Minimise site disturbance, limiting unnecessary excavation
When implementing the SWMMP the applicant must ensure:

a) Footpaths, public reserves and street gutters are not used as places to store demolition waste or materials of any kind without Council approval

b) Any material moved offsite is transported in accordance with the requirements of the Protection of the Environment Operations Act (1997)

c) Waste is only transported to a place that can lawfully be used as a waste facility

d) Generation, storage, treatment and disposal of hazardous waste and special waste (including asbestos) is conducted in accordance with relevant waste legislation administered by the EPA and relevant Occupational Health and Safety legislation administered by Workcover NSW

e) Evidence such as weighbridge docket and invoices for waste disposal or recycling services are retained

Note: Materials that have an existing reuse or recycling market should not be disposed of in a landfill. Reuse and recycling opportunities are decreased when asbestos is not carefully removed and segregated from other waste streams.

Standard Condition: E31

E.16 Site waste minimisation and management – Construction

In order to maximise resource recovery and minimise residual waste from construction activities:

a) The provisions of the Site Waste Minimisation and Management Plan (SWMMP) are to be implemented at all times during the course of the work

b) Arrange for the delivery of materials so that materials are delivered ‘as needed’ to prevent the degradation of materials through weathering and moisture damage

c) Consider organising to return excess materials to the supplier or manufacturer

d) Allocate an area for the storage of materials for use, recycling and disposal (considering slope, drainage, location of waterways, stormwater outlets and vegetation)

e) Clearly ‘signpost’ the purpose and content of the storage areas

f) Arrange contractors for the transport, processing and disposal of waste and recycling. Ensure that all contractors are aware of the legal requirements for disposing of waste.

g) Promote separate collection bins or areas for the storage of residual waste

h) Implement measures to prevent damage by the elements, odour and health risks, and windborne litter

i) Minimise site disturbance and limit unnecessary excavation

j) Ensure that all waste is transported to a place that can lawfully be used as a waste facility

k) Retain all records demonstrating lawful disposal of waste and keep them readily accessible for inspection by regulatory authorities such as council, Department of Environment and Climate Change (DECC) or WorkCover NSW

Standard Condition: E32

E.17 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) There must be no excavation or *work* within the required Tree Protection Zone(s). The Tree Protection Zone(s) must be maintained during all *development work*.

b) 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.

c) 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.

*Note:* Trees must be pruned in accordance with *Australian Standard AS 4373 “Pruning of Amenity Trees”* and *WorkCover NSW Code of Practice Amenity Tree Industry*.

**Standard Condition: E8**

**E.18 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**

<table>
<thead>
<tr>
<th>Council Ref No</th>
<th>Species</th>
<th>Location</th>
<th>Dimension (metres)</th>
</tr>
</thead>
<tbody>
<tr>
<td>2</td>
<td><em>Howea forsteriana</em> (Kentia palm)</td>
<td>Rear – Adj to west wall of residence</td>
<td>10 x 4</td>
</tr>
</tbody>
</table>

- **Trees on Council Land**

<table>
<thead>
<tr>
<th>Council Ref No</th>
<th>Species</th>
<th>Location</th>
<th>Dimension (metres)</th>
<th>Tree Value</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td><em>Acer negundo</em> (Box Elder)</td>
<td>Council verge – Glenmore Rd</td>
<td>5 x 7</td>
<td>Not assess.</td>
</tr>
</tbody>
</table>

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

b) The following trees must be transplanted and successfully established in the location(s) indicated on the approved landscape plan:

<table>
<thead>
<tr>
<th>Council Ref No</th>
<th>Species</th>
<th>Location</th>
<th>Dimension (metres)</th>
</tr>
</thead>
<tbody>
<tr>
<td>2</td>
<td><em>Howea forsteriana</em> (Kentia palm)</td>
<td>Rear – Adj to west wall of residence</td>
<td>10 x 4</td>
</tr>
</tbody>
</table>

*Note:* The tree/s required to be retained should appear coloured yellow 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 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
G. Conditions which must be satisfied prior to the issue of any Subdivision Certificate

N/A

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

H.1 Removal of Ancillary Works and Structures

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

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

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

Standard Condition: H12

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

I.1 Noise Control

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

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


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

Standard Condition: I50
J. Miscellaneous Conditions

N/A

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:  

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 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 appointed 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):


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.4 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:


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

Standard Condition: K6
K.5 Workcover requirements

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

Note: Further information can be obtained from Workcover NSW’s website: [http://www.workcover.nsw.gov.au/Industry/Construction/default.htm](http://www.workcover.nsw.gov.au/Industry/Construction/default.htm) or through their head office:
Location: Workcover NSW, 92-100 Donnison Street, GOSFORD 2250 Postal address: WorkCover NSW, Locked Bag 2906, LISAROW 2252, Phone (02) 4321 5000, Fax (02) 4325 4145.
Standard Condition: K7

K.6 Dividing Fences

The erection of dividing fences under this consent does not affect the provisions of the Dividing Fences Act 1991. Council does not adjudicate civil disputes relating to the provision of, or payment for, the erection of dividing fences.

Note: Further information can be obtained from the NSW Department of Lands - [http://www.lands.nsw.gov.au/LandManagement/Dividing+Fences.htm](http://www.lands.nsw.gov.au/LandManagement/Dividing+Fences.htm). Community Justice Centres provide a free mediation service to the community to help people resolve a wide range of disputes, including dividing fences matters. Their service is free, confidential, voluntary, timely and easy to use. Mediation sessions are conducted by two impartial, trained mediators who help people work together to reach an agreement. Over 85% of mediations result in an agreement being reached. Mediation sessions can be arranged at convenient times during the day, evening or weekends. Contact the Community Justice Centre either by phone on 1800 671 964 or at [http://www.cjc.nsw.gov.au/](http://www.cjc.nsw.gov.au/).
Standard Advising: K10

K.7 Appeal

Council is always prepared to discuss its decisions and, in this regard, please do not hesitate to contact Mr. A Gilderdale, Assessment Officer, on (02) 9391 7063.

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.8 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.


**Standard Condition: K15**

K.9 Recycling of Demolition and Building Material

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

**Standard Condition: K17**

K.10 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](http://www.fairtrading.nsw.gov.au).

**Standard Condition: K17**

K.11 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](http://www.woollahra.nsw.gov.au) or you may contact Council on 9391-7000 for further advice.

**Standard Condition: K19**
Note: In accordance with section 375A of the Local Government Act a Division of votes is recorded on this planning matter.

<table>
<thead>
<tr>
<th>For the Motion</th>
<th>Against the Motion</th>
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<tbody>
<tr>
<td>Councillor Medcraft</td>
<td>Councillor Boskovitz</td>
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<td>Councillor Wynne</td>
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<td>Councillor Shapiro</td>
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<td>Councillor Zeltzer</td>
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<td>Councillor Shoebridge</td>
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<td>Councillor Howe</td>
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<td>Councillor Grieve</td>
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<td>Councillor Petrie</td>
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11/1
Urban Planning Committee

Items with Recommendations from the Committee Meeting of Monday 12 June 2012
Submitted to the Council for Determination

<table>
<thead>
<tr>
<th>Item No:</th>
<th>R1 Recommendation to Council</th>
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<tbody>
<tr>
<td>Subject:</td>
<td>Briefing Report on Heritage Study for Inter-War Flats, Arts and Crafts Buildings and Bungalows</td>
</tr>
<tr>
<td>Author:</td>
<td>Sara Reilly Strategic Heritage Officer</td>
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<tr>
<td>File No:</td>
<td>1109.G 2012</td>
</tr>
<tr>
<td>Reason for Report:</td>
<td>To provide a briefing report on the heritage study for Inter-War flats, Arts and Crafts buildings and bungalows</td>
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Motion moved by Councillor Boskovitz

That the briefing report on the heritage study for Inter-War flats, Arts and Crafts buildings and bungalows be received and noted.

The Motion lapsed for the want of a seconder

(Grieve/Howe)

14/11 Resolved:

A. That the briefing report on the heritage study for Inter-War flats, Arts and Crafts buildings and bungalows be received and noted.

B. That Councillors provide staff with examples of buildings which they believe are worthy of consideration and research in the study, including examples of residential flat buildings with intact interiors.
Notice of Motion

Item No: 1
From: Councillors Medcraft and Cavanagh
Date: 20 June 2012
File No: 900.G

(Medcraft/Petrie)

15/11 That Council write:

1. Requesting Sydney Transit to change in the routing of the 389 bus service so to allow each alternate bus (389B) on the route in weekends and off peak (10am – 4pm) commuter periods to connect via the Edgecliff transport interchange, thus providing for a significant public transport connection to the Edgecliff Centre, benefiting residents of Paddington in terms of:
   - access to a major rail and bus hub,
   - access to a major shopping centre,
   - access to medical and other service providers at the Edgecliff Centre.

2. Seeking support of managers of the Edgecliff Centre of the re-routing.

Adopted

Note: A Division was called by Councillors Medcraft and Petrie

For the Motion
Councillor Grieve
Councillor Zeltzer
Councillor Young
Councillor Howe
Councillor Plater
Councillor Shapiro
Councillor Medcraft
Councillor Wynne

Against the Motion
Councillor Jarnason
Councillor Shoebridge

9/2
16/11 That Council staff ensure that the gate at the top of the stairs on the finger of land is kept permanently open, which was part of the Babworth Estate beside 27 Eastbourne Road.

That Council have the fence at the bottom of these stairs removed to allow public access to the Harbour as is required by the DA for Babworth Estate.

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.

(Medcraft/Grieve)

17/11  That Councillors ask Questions for Next Meeting in accordance with Council’s Code of Meeting Practice.

Adopted

The following questions were asked:-

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**Councillor Medcraft asking:**

What is the result of the recently conducted compliance audit on Resident Parking Permits in Paddington to ensure those with off-street parking have not been granted more than the allowed single parking permit?

**General Manager in response:**

It is intended to be carried out. I don’t know whether it has been carried out as yet.

**Director Technical Services in response:**

It has not been carried out as yet. Cathy Edwards-Davis, the Manager of Engineering Services has been liaising with our customer service people to review the form that is currently being used to increase the level of Affidavit that people have to make that they don’t already have a parking space. But the audit has not been commenced yet and we are still looking at ways that we would do that, noting the very large number of parking permits that are in place.

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**Councillor Zeltzer asking:**

Are planning staff aware of a DA that has come in from the Royal Oak Hotel proposing to increase its hours of operation, particularly for the exterior court yard that has limited hours of trading at the moment? Has that application come in?

**Director Planning and Development in response:**

I am aware that the Hotel has an intent to lodge such an application. I have been away and will take the question On notice to let the Councillors know whether or not the application has been made.
Councillor Grieve asking:

Are you aware of the very large amount of water crossing Old South Head Road across the east of St Peters causing a large amount of damage? Could you discuss this with the Parish Minister?

Director Technical Services in response:

We are aware of it. The matter has been referred to Mr Rann and I will take the second part of the question about discussing it with the Parish Minister, On notice.

There being no further business the meeting concluded at 10.39pm.

We certify that the pages numbered 1874 to 1922 inclusive are the Minutes of the Ordinary Meeting of Woollahra Municipal Council held on 25 June 2012 and confirmed by Council at the ordinary Meeting of Council on 9 July 2012 as correct.

________________________  ________________________
General Manager                      Mayor