

Development Control Committee Minutes



Minutes: *Development Control Committee*

Date: *Monday 6 March 2017*

Time: *6.00pm*

Development Control Committee Minutes

Monday 6 March 2017

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Development Control Committee

**Minutes of the Meeting held on
6 March 2017 at 6.00pm.**

Present: Councillors: Ted Bennett (Chair)
Luise Elsing
James Keulemans
Anthony Marano
Katherine O'Regan
Matthew Robertson (part Item D4 to D6)

Staff: Nick Economou (Manager –Development Control)
George Fotis (Team Leader)
Sue O'Connor (Secretarial Support – Governance)
David Waghorn (Team Leader)

Session One: 6.00pm to 7.20pm
Session Two: Nil

Also in Attendance: Nil

Leave of Absence and Apologies

Nil

Late Correspondence

Late correspondence was submitted to the committee in relation to items D2, D3 & D4

Declarations of Interest

Nil

Items to be Decided by this Committee using its Delegated Authority

Item No: D1 Delegated to Committee

Subject: **CONFIRMATION OF MINUTES OF MEETING HELD ON 20 FEBRUARY 2017**

Author: Sue O'Connor, Secretarial Support - Governance

File No: 17/24456

Reason for Report: The Minutes of the Development Control Committee of 20 February 2017 were previously circulated. In accordance with the guidelines for Committees' operations it is now necessary that those Minutes be formally taken as read and confirmed.

(O'Regan/Keulemans)

Resolved:

That the Minutes of the Development Control Committee Meeting of 20 February 2017 be taken as read and confirmed.

ITEM No. D2

FILE No. DA110/2016/1

ADDRESS 52 Hopewell Street Paddington

PROPOSAL New three storey boarding house with 24 rooms plus basement

Note: Late correspondence was table by Virginia Buckingham & Sue Oddie.

(Keulemans/O'Regan)

Resolved:

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

THAT the Council, **Refuse** development consent to Development Application No. 110/2016/1 for a new three storey boarding house with 24 rooms plus basement on land at 52 Hopewell Street Paddington, for the following reasons:

1. Height

The proposal breaches the maximum height limit of 9.5 metres for the R2 low-density zoned parts of the Paddington Heritage Conservation Area, and as such the provisions of Clause 29 SEPP (ARH) 2009 are inapplicable.

2. Clause 30A – Character of Local Area

The design is not compatible with the built form of Hopewell and Comber Streets, nor the Paddington Heritage Conservation area for the following reasons:

(i) Non-compliance with Woollahra DCP 2015, C1.3.13 Infill Development

- The proposal provides an inappropriate response to relevant aspect of the historical context of Paddington. Notwithstanding the design modifications, the bulk and scale of the street-front presentation of the proposal overwhelm the scale and setting of the adjacent terrace housing and demean its status in the Hopewell Street frontage, meaning O1 is unmet.
- The proposal fails to achieve a cohesive relationship between old and new fabric, meaning O2 is not achieved by this proposal.
- The bulk and scale and street front presentation render the proposal disrespectful to the scale and setting of the adjacent contributory buildings within the Paddington Heritage Conservation Area including those in both Hopewell and Comber Streets. The amenity of these properties will be impacted adversely by this proposal meaning O4 and O5 are not achieved.
- C3 is not achieved because the proposal fails to make a positive contribution to the character of the Paddington Heritage Conservation Area, and will according to many objectors the proposal will make a wholly negative contribution to the intricate character of Hopewell Street.
- C4 stipulating that infill development must not overwhelm its context is disrespected by the bulk and scale this proposal presents to Hopewell Street in terms of both height and massing.
- C5 stipulating that infill development must be consistent in terms of volume and configuration against the existing built form is disrespected by the bulk and scale and intense massing of the façade presented in the proposal. The relationship to solids and voids is at odds with the street- zone presentation of the adjacent terrace housing
- The proposal fails to achieve an adequate setback from the terrace house at 50 Hopewell St in order to achieve compliance with C9.
- C11 is not achieved by the proposal and the bulk and scale of the western presentation of the proposal will be visible from the public domain.
- C12 is met, but the non-provision of landscaping at the street front exacerbates the impact of the bulk and scale of the front façade.
- C13 is not achieved as the use of contemporary materials, finishes and detailing is excessive.

(ii) Amenity impacts on adjacent properties

As a result of the failure to comply with C1.3.13 the bulk and scale of the proposal will have real amenity impacts on adjacent properties on Comber Street and Hopewell Street including:

- Overlooking
- Overshadowing; and
- Acoustic privacy impacts from the balconies to the western frontage of the proposal, which will highly utilised as the relevant boarding house rooms to not have adequate cross-ventilation;
- Solar Access per C 1.4.5 WDCP C4, C5 are unmet and the proposal will not achieve adequate solar access to 50 Hopewell Street.

(iii) Heritage Conservation

The proposal will not conserve the heritage of Woollahra or the Paddington Heritage Conservation Area and as such Clauses 5.10 (2) and 5.10 (4) of the Woollahra LEP are not achieved by this proposal.

This proposal bears a much closer resemblance to the intrusive overdevelopment at 54-54A Hopewell Street Paddington compared to the in-tact built heritage which remains in Hopewell and Comber Streets.

(iv) Parking, waste disposal and traffic flows on Hopewell Street

- The proposal has an inadequate provision of on-site car parking;
- The surrounding streets are at saturation point for available on-street parking;
- The proposal fails to provide a designated parking space for the Manager and as such the provisions of Clause 29 SEPP (ARH) 2009 are inapplicable.
- The proposal fails to adequately address the safety issues associated with the driveway entrance located on a blind corner
- The proposal provides an inadequate solution for the already-congested process of waste collection in the Hopewell street precinct.

3. Public Policy

The presentation of this proposal for development approval evidences the SEPP (ARH) 2009 can produce devastating impacts on Heritage Conservation Areas.

It is submitted that the inevitable bulk and scale of boarding house developments resulting from the provisions of this SEPP are most inappropriate within the highly-prized and valued Paddington Heritage Conservation Area.

4. Public Interest

Approval of this proposal is not in the narrow public interest of the residents of Hopewell and Comber Streets, nor the broader public interest in the conservation of Paddington’s heritage built form.

This proposal bears a much closer resemblance to the intrusive overdevelopment at 54-54A Hopewell Street Paddington compared to the in-tact built heritage which remains in Hopewell and Comber Streets. It is not in the public interest to ever again permit such intrusive development which shall further degrade the value of Little Paddington and the Paddington Heritage Conservation Area.

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

For the Motion

Against the Motion

Councillor Bennett
 Councillor Elsing
 Councillor Keulemans
 Councillor Marano
 Councillor O'Regan

Nil

5/0

ITEM No. D3
FILE No. DA269/2016/1
ADDRESS 14 Waimea Avenue Woollahra
PROPOSAL Removal of trees at the front of the property

Note: Late correspondence was table by Fran Humphryis.

(Marano/Bennett)

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. 269/2016/1 for removal of trees at the front of the property on land at 14 Waimea Avenue Woollahra, 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 (Autotext AA1)

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 meaning 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*

WLEP 2014 means *Woollahra Local Environmental Plan 2014*

Work for the purposes of this consent means:

- the use of land in connection with development,
- the subdivision of land,
- the erection of a building,
- the carrying out of any work,
- the use of any site crane, machine, article, material, or thing,
- the storage of waste, materials, site crane, machine, article, material, or thing,
- the demolition of a building,
- the piling, piercing, cutting, boring, drilling, rock breaking, rock sawing or excavation of land,
- the delivery to or removal from the *site* of any machine, article, material, or thing, or
- the occupation of the *site* by any person unless authorised by an *occupation certificate*.

Note: Interpretation of Conditions - Where there is any need to obtain an interpretation of the intent of any condition this must be done in writing to Council and confirmed in writing by Council.
Standard Condition: A2 (Autotext AA2)

A.3 Approved Plans and supporting documents

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

Reference	Description	Author/Drawn	Date(s)
-	Arborist Report	Urban Forestry	28 July 2016
-	Statement of Environmental Effects	Dan Kelly	29 May 2016
-	Statement of Heritage Impact	Dan Kelly	29 May 2016

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 (Autotext AA5)

A.4 Tree Preservation & Approved Landscaping Works

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

Council Ref No.	Species	Location	Dimension (metres)
1 - 4	<i>Cupressus macrocarpa</i> ‘Lutea’ (Golden Monterey Cypress)	Front – NE boundary	12 x 6
5 - 12	<i>Cupressus macrocarpa</i> ‘Lutea’ (Golden Monterey Cypress)	Front – NW boundary	12 x 6
13-16	<i>Cupressus macrocarpa</i> (Monterey Cypress)	Front – NW boundary	8 x 2
17	<i>Cupressus macrocarpa</i> (Monterey Cypress)	Rear – S boundary – Adj. to Woods Ave gate	12 x 5

Note: Tree/s to be removed shall appear coloured red on the construction certificate plans.

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

Nil

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

Nil

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

D.1 Section 60 Application

An application under section 60 of the Heritage Act 1977 must be submitted to and approved by the Delegate of the Heritage Council of NSW prior to work commencing.

D.2 Amended Landscape Plan

Submit with the section 60 application for assessment and approval a Landscape Plan based on the recommendations in the arborist report with reference Proposed tree works—14 Waimea Avenue, Woollahra, prepared by Urban Forestry Australia dated 28 July 2016.

This landscape plan shall respond to the definition and intended character of a ‘villa garden’ from the period of construction of Waimea House, as outlined in the reference, Aitken, Richard & Looker, Michael (ed’s), 2002, The Oxford Companion to Australian Gardens, excerpt provided.

E. Conditions which must be satisfied during any development work

E.1 Tree Preservation

All persons must comply with Council’s Development Control Plan (DCP) 2015, Tree Management Chapter E3 other than where varied by this consent. The DCP applies to any tree with a height greater than 5 metres or a diameter spread of branches greater than 3 metres.

General Protection Requirements

- a) 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 arborist. The arborist is to supply a detailed report to the appointed certifier.

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*.

E.2 Replacement/Supplementary trees which must be planted

Any replacement or supplementary tree shall be grown in accordance with Tree stock for landscape use (AS 2303:2015). The replacement tree shall be planted in *deep soil landscaped area* and maintained in a healthy and vigorous condition. If the replacement tree is found to be faulty, damaged, dying or dead before it attains a size whereby it is protected by Council’s Tree Preservation Order, it must be replaced with another of the same species which complies with the criteria outlined below.

Species/Type	Planting/Location	Container Size/Size of Tree (at planting)	Minimum Dimensions at Maturity (metres)
16 x <i>Murraya paniculata</i> (Mock Orange)	North boundary – Evenly spaced to east and west of Waimea Ave entry gate	35 litre	5 x 3
1 x <i>Fraxinus</i> ‘Raywood’ (Claret Ash)	North west sector of yard	100 litre	10 x 8
1 x <i>Syzygium australe</i> (Brush Cherry Lillypilly)	Rear – South boundary – Vicinity of Tree 17 being removed	100 litre	8 x 6

Replacement trees must be planted within 2 months of the existing trees being removed from the site.

The project arborist shall document compliance with the above condition.

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)

Nil

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

Nil

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

Nil

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

Nil

J. Miscellaneous Conditions

Nil

K. Advisings

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

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

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

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

Warnings as to potential maximum penalties

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

Warning as to enforcement and legal costs

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

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

Note: The payment of environmental penalty infringement notices does not result in any criminal offence being recorded. If a penalty infringement notice is challenged in Court and the person is found guilty of the offence by the Court, subject to section 10 of the *Crimes (Sentencing Procedure) Act 1999*, a criminal conviction is recorded. The effect of a criminal conviction beyond any fine is serious. You can obtain further information from the following web sites:
<http://www.theshopfront.org/documents/ConvictionsCriminalRecords.pdf> and the Attorney General's www.agd.nsw.gov.au.
Standard Advising: K1 (Autotext KK1)

K.2 Appeal

Council is always prepared to discuss its decisions and, in this regard, please do not hesitate to contact Dylan Sargent, Assessment Officer, on (02) 9391 7157.

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 (Autotext KK14)

K.3 Release of Security

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

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

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

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

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

Note: The Application for Refund of Security form can be downloaded from
http://www.woollahra.nsw.gov.au/data/assets/pdf_file/0004/76405/Refund_of_Security_Form.pdf
Standard Condition: K15 (Autotext KK15)

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

For the Motion**Against the Motion**

Councillor Bennett
Councillor Elsing
Councillor Keulemans
Councillor Marano
Councillor O'Regan

Nil

5/0

ITEM No.	D4
FILE No.	DA627/2015/3
ADDRESS	2E Greenoaks Avenue Darling Point
PROPOSED MODIFICATIONS	Alterations and additions to the rear of the existing dwelling including a new swimming pool with a new deck surround and site works

Note: Late correspondence was tabled by Council's Team Leader, George Fotis, George Karavanas, Sandy Pratten (2 pieces) Paul & Pippa Haege (2 pieces), Judy Vincent & Michael Vumbaca Strata Manager.

Note: Paul Haege & Judy Vincent, objectors & George Karavanas, Consultant Planner for the Architect, Mrs Kerry Owner & Tanya Hancock Architect, addressed the Committee.

Note: The Committee added additional Condition Nos. C.1(i) (scullery), C.1(j) (skylights), Condition C.1 (as per late correspondence tabled by Council's Team Leader), B.8 (Archival record of existing sandstone retaining walls and steps within the rear yard) & Resolution B. (Compliance to investigate unauthorised works).

**Motion moved by Councillor Elsing
Seconded by Councillor Bennett**

Staff recommendation be adopted with additional Condition Nos. C.1(i) (scullery), C.1(j) (skylights), Condition C.1 (as per late correspondence tabled by Council's Team Leader), B.8 (Archival record of existing sandstone retaining walls and steps within the rear yard) & Resolution B. (Compliance to investigate unauthorised works).

**Amendment moved by Councillor Robertson
Seconded by Councillor Marano**

That the matter be refused for the following reasons:

1. WLEP 2014 Part 5.10
 - Proposal will not conserve heritage of Woollahra
 - Fails to conserve heritage significance of the heritage item at Greenoaks Cottage

2. WLEP Part 6.2 Earthworks
 - Proposed swimming pool will involve significant excavation which may have a detrimental impact on environmental factious and processes on surrounding land including exiting underground water tables and the natural spring evident at the boundary with 2 Greenoaks Avenue sandstone retain wall
 3. Heritage
 - Expansion size scullery door change solid to void ratios
 - Skylights to the scullery not traditional features
 4. Swimming Pool
 - Detrimental impacts on Camphor Laurel and Lilly Pilly
 - Inappropriate scale and setting of the pool
 5. Forever destroy existing sandstone wall evidencing original curtilage and landscape setting
- and

Resolution Part B

The Section 96 application is to be referred Council's Manager for Compliance to investigate the unauthorised bricking up of the window to the 'scullery' located adjacent to the northern side boundary.

The Amendment was put and lost

The Motion was put and carried

(Elsing/Bennett)

Resolved:

Pursuant to Section 96 of the Environmental Planning and Assessment Act, 1979

Part A

THAT the Council, as the consent authority, modify development consent to Development Application No. 627/2015/1 for alterations and additions to existing building including change of use from residential flat building to dwelling house on land at 2E Greenoaks Avenue Darling Point, subject to the following:

The following conditions are added:

A.6 Approved Amended (s96) Plans and supporting documents

Those acting upon or under this amended consent must carry out all work and maintain the use and works in accordance with the approved plans and supporting documents listed in the original consent, as amended by the amended approved plans and supporting documents as submitted by the Applicant and to which is affixed a Council stamp "Approved Section 96 Plans" listed below otherwise than modified by further condition(s). Where the plans relate to amendments, alterations or additions only those works shown in colour or highlighted are approved.

Reference	Description	Author/Drawn	Date(s)
DA-01-01 (Issue D)	Proposed site and roof plan	Hancock Architects	2/2/2017
DA-01-02 (Issue D)	Proposed basement plan	Hancock Architects	2/2/2017
DA-01-03 (Issue D)	Proposed ground floor plan	Hancock Architects	2/2/2017
DA-01-05 (Issue D)	Proposed attic plan	Hancock Architects	2/2/2017
DA-01-06 (Issue D)	Proposed pool	Hancock Architects	2/2/2017
DA-01-07 (Issue D)	Proposed south elevation and section DD	Hancock Architects	2/2/2017
DA-01-10 (Issue D)	Proposed east elevation	Hancock Architects	2/2/2017
DA-01-11 (Issue D)	Proposed west boundary elevation	Hancock Architects	2/2/2017
DA-01-12 (Issue D)	Tree 3 root protection zone	Hancock Architects	2/2/2017
LP01-2515 (Issue H)	S96 Landscape Plan	Mariko Design	6/2/2017
5061D/Sect96/A	Arboricultural Impact Assessment Report	Tree Talk Arboricultural Consulting	Sept 2016
30466-H1	Stormwater Management Plan	Jack Hodgson	6 Oct 2016

Note: These plans and supporting documentation may be subject to conditions modifying the development imposed under section 80A(1)(g) of the *Act* (refer to conditions which must be satisfied prior to the issue of any *Construction Certificate*.)
Standard Condition: A6 (Autotext AA6)

C.14 Swimming and Spa Pools – Child Resistant Barriers

The *Construction Certificate* plans and specifications required by Clause 139 of the *Regulation* must demonstrate compliance (by showing the proposed location of all child-resistant barriers and the resuscitation sign) with the provisions of the *Swimming Pools Act 1992* and the *Building Code of Australia*.

Approval is not granted for the modification of any boundary fencing beyond what is authorised by the stamped approved plans, as modified by any condition of consent or what is permitted to be carried out as ‘exempt development’ pursuant to *State Environmental Planning Policy (Exempt & Complying Development Codes) 2008*.

Note: A statement to the effect that isolation swimming pool fencing complying with AS1926 will be installed does not satisfy this condition. The location of the required barriers and the sign must be detailed upon the *Construction Certificate* plans.
Standard Condition: C55 (Autotext CC55)

C.15 Swimming and Spa Pools – Backwash

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

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

Note: The discharge of backwash water to any stormwater system is water pollution and an offence under the *Protection of the Environment Operations Act 1997*. The connection of any backwash pipe to any stormwater system is an offence under the *Protection of the Environment Operations Act 1997*.
Standard Condition: C56 (Autotext CC56)

C.16 Acoustic Certification of Mechanical Plant & Equipment

The *Construction Certificate* plans and specification required to be submitted pursuant to clause 139 of the *Regulation* must be accompanied by a certificate from a *professional engineer* (acoustic engineer) certifying that the noise level measured at any boundary of the site at any time while the proposed mechanical plant and equipment is operating will not exceed the *background noise level*. Where noise sensitive receivers are located within the site, the noise level is measured from the nearest strata, stratum or community title land and must not exceed *background noise level*, at any time.

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

Where sound attenuation is required this must be detailed.

Note: Further information including lists of Acoustic Engineers can be obtained from:

1. **Australian Acoustical Society**—professional society of noise-related professionals ([www.acoustics.asn.au /index.php](http://www.acoustics.asn.au/index.php)).
 2. **Association of Australian Acoustical Consultants**—professional society of noise related professionals (www.aaac.org.au).
- Standard Condition: C62 (Autotext CC62)

C.17 Noise Control - Swimming pool/spa pool pumps and associated equipment

The siting of the swimming pool/spa pool pump(s) and associated equipment are to be located as far as possible from the neighbour’s dwelling to minimise the impact on adjoining residents. The pump(s) and associated equipment are to be housed in an acoustically treated enclosure so noise from the operation of the pump(s) and associated equipment are not audible beyond the boundaries of the site.

E.28 Replacement/Supplementary trees which must be planted

Any replacement or supplementary tree shall be grown in accordance with Tree stock for landscape use (AS 2303:2015). The replacement tree shall be planted in *deep soil landscaped area* and maintained in a healthy and vigorous condition. If the replacement tree is found to be faulty, damaged, dying or dead before it attains a size whereby it is protected by Council’s Tree Preservation Order, it must be replaced with another of the same species which complies with the criteria outlined below.

Species/Type	Planting/Location	Container Size/Size of Tree (at planting)	Minimum Dimensions at Maturity (metres)
7 x <i>Syzygium austral</i> ‘Resilience’ (Resilience Lillypilly)	Side – South boundary. Species substitution for <i>Waterhousia floribunda</i>	45 litre	5 x 2

The project arborist shall document compliance with the above condition.

E.29 Footings in the vicinity of trees

Footings for any structure within the specified radius from the trunks of the following trees shall be supported using an isolated pier and beam system.

Council Ref No.	Species	Radius from centre of trunk (metres)
2	<i>Cinnamomum camphora</i> (Camphor Laurel)	Area as indicated in Tree Talk Assessment – Appendix A4
3	<i>Waterhousia floribunda</i> (Weeping Lillypilly)	Area as indicated in Tree Talk Assessment – Appendix A4
4C	<i>Archontophoenix cunninghamiana</i> (Bangalow palm)	Area as indicated in Tree Talk Assessment – Appendix A4
4D	<i>Archontophoenix cunninghamiana</i> (Bangalow palm)	Area as indicated in Tree Talk Assessment – Appendix A4

Excavations for installation of piers shall be located so that no tree root with a diameter equal to or in excess of 30mm is severed or damaged. The smallest possible area shall be excavated which allows construction of the pier.

The project arborist shall document compliance with the above condition.

E.30 Swimming and Spa Pools – Temporary Child Resistant Barriers and other matters

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

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

Note: This condition does not prevent Council from issuing an order pursuant to section 23 of the *Swimming Pools Act 1992* or taking such further action as necessary for a breach of this condition or the *Swimming Pools Act 1992*.
Standard Condition: E26

F.3 Swimming and Spa Pools – Permanent Child Resistant Barriers and other matters

Prior to filling any swimming pool, as defined by the *Swimming Pools Act 1992*:

- a) Permanent child-resistant barriers must be installed in compliance with the *Swimming Pools Act 1992* and the Building Code of Australia.
- b) The swimming pool must be registered in accordance with Section 30B of the *Swimming Pools Act 1992* on the NSW Government Swimming Pool Register at www.swimmingpoolregister.nsw.gov.au.
- c) The *Principal Contractor* or *owner* must either obtain a ‘Certificate of Compliance’ issued pursuant to Section 22D of the *Swimming Pools Act 1992* or an appropriate Occupation Certificate authorising use of the swimming pool.
- d) Public Pools must comply with the NSW Health Public Swimming Pool and Spa Pool Guidelines in force at that time and private pools are encouraged to comply with the same standards as applicable.
- e) Water recirculation and filtration systems must be installed in compliance with AS 1926.3-2003: *Swimming pool safety - Water recirculation and filtration systems*.

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

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

Note: The NSW Health Public Swimming Pool and Spa Pool Guidelines can be down loaded free from:
<http://www.health.nsw.gov.au/public-health/ehb/general/pools/poolguidelines.pdf>
Standard Condition: F13 (Autotext FF13)

F.4 Swimming Pool Fencing

Swimming Pool Fencing is to be constructed in accordance with *AS1926-2012 Australian Standard Swimming Pool Safety Part 1 – Safety Barriers for Swimming Pools*.

Note: Pools commenced or completed after May 2013 must meet Part 3.9.6 of the BCA AS1926.1-2012 and AS1926.2-2012
Standard Condition: F20 (Autotext FF20)

I.4 Swimming and Spa Pools – Maintenance

Swimming and Spa Pools must be maintained:

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

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

Note: The NSW Health Public Swimming Pool and Spa Pool Guidelines can be down loaded free from:
<http://www.health.nsw.gov.au/public-health/ehb/general/pools/poolguidelines.pdf>
Standard Condition: I30

I.5 Noise Control - Swimming pool/spa pool pumps and associated equipment

The swimming pool/spa pool pump(s) and associated equipment are not to operate during the hours stipulated in the Protection of the Environment Operations (Noise Control) Regulation 2008 as follows:

- Before 8am of after 8pm during Saturdays, Sundays and public holidays;
- Before 7am or after 8pm on any other day.

AND

Condition Nos. A.5, B.5, B.6, B.7, B.8, C.1, C.3, E.25, E.27, H.1 and I.1 are amended and replaced with the following conditions:

A.5 Tree Preservation & Approved Landscaping Works

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

- a) The following trees may be removed:

Council Ref No.	Species	Location	Dimension (metres)
4A	<i>Archontophoenix cunninghamiana</i> (Bangalow palm)	Within the eastern yard – (Within footprint of proposed pool)	10 x 4
4B	<i>Archontophoenix cunninghamiana</i> (Bangalow palm)	Within the eastern yard – (Within footprint of proposed pool)	10 x 4

B.5 Establishment of Tree Protection Zones (TPZ)

Tree Protection Zones shall be established around all trees to be retained and in accordance with Section 4 of the *Australian Standard Protection of Trees on Development Sites* (AS 4970- 2009). Tree protection zones must also comply with the following requirements;

- a) Tree Protection Zone areas

Council Ref No.	Species	Location	Radius from Centre of Trunk (Metres)
2	<i>Cinnamomum camphora</i> (Camphor Laurel)	Rear – North east corner	4.8m
3	<i>Waterhousia floribunda</i> (Weeping Lillypilly)	Rear – East boundary	3.6m
4C	<i>Archontophoenix cunninghamiana</i> (Bangalow palm)	Rear – South east corner	2m
4D	<i>Archontophoenix cunninghamiana</i> (Bangalow palm)	Rear – South boundary	2m

Note: Where this condition relates to trees on private property the radial distance of fencing shall be positioned only within the subject property.

- b) Tree Protection Zones shall be fenced with a 1.8 metre high chainmesh or weldmesh fence and secured to restrict access. The fence shall be established prior to any materials being bought onto the site and before the commencement of works including demolition. The area within the fence shall be mulched and maintained to a depth of 75mm. The soil within the TPZ shall be kept in a moist condition for the duration of the construction works. Unless approved by the site arborist there shall be no access within the TPZ.
- c) Trunk protection shall be installed around the trunks of the following trees:

Council Ref No.	Species
2	<i>Cinnamomum camphora</i> (Camphor Laurel)
3	<i>Waterhousia floribunda</i> (Weeping Lillypilly)
4C	<i>Archontophoenix cunninghamiana</i> (Bangalow palm)
4D	<i>Archontophoenix cunninghamiana</i> (Bangalow palm)

Trunk protection shall consist of a padding material such as hessian or thick carpet underlay wrapped around the trunk. Hardwood planks (50mm x100mm or similar) shall be placed over the padding and around the trunk of the tree at 150mm centres. The planks shall be secured with 8 gauge wire at 300mm spacing. Trunk protection shall extend a minimum height of 2 metres or to the maximum possible length permitted by the first branches.

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

B.6 Permissible work within Tree Protection Zones

The following works are permissible within the Tree Protection Zone:

Council Ref No.	Species	Radius from Trunk (metres)	Approved works
2	<i>Cinnamomum camphora</i> (Camphor Laurel)	4.8m	Hand excavation for decking piers. Construction of timber pool deck
3	<i>Waterhousia floribunda</i> (Weeping Lillypilly)	3.6m	Hand excavation for decking piers. Construction of timber pool deck
4C	<i>Archontophoenix cunninghamiana</i> (Bangalow palm)	2m	Hand excavation for decking piers. Construction of timber pool deck
4D	<i>Archontophoenix cunninghamiana</i> (Bangalow palm)	2m	Hand excavation for decking piers. Construction of timber pool deck

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

B.7 Arborists Documentation and Compliance Checklist

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

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

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

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

Stage of arboricultural inspection	Compliance documentation and photos shall be included
Installation of tree protection fencing	Compliance with tree protection measures
Commencement of works within Tree Protection Zones	Topsoil protection measures to avoid compaction
Inspection of pier holes	Piers positioned to avoid the severance of and damage to roots greater than 30mm \varnothing
Inspection of irrigation set out	Appropriate distribution of irrigation water
Prior to the issue of a Final Occupation Certificate	Supervise the dismantling of tree protection measures

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

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

B.8 Recording of Heritage Items prior to any demolition of the existing sandstone retaining walls and steps to the rear yard

A full archival record of the **existing sandstone retaining walls to the rear yard** which is approved to be demolished is to be submitted, to the satisfaction of Council's heritage officer, prior to the commencement of any work and prior to the issue of a Construction Certificate.

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

The archival record is to include:

- a) The submitted heritage report including the heritage assessment undertaken in accordance with the current guidelines of the NSW heritage office, the statement of significance, the dilapidation report and the reasons for demolition.
- b) A site plan at a scale of 1:200 (or 1:500 if appropriate) of all structures and major landscape elements including their relationship to the street and adjoining properties.
- c) Annotated measured drawings: floor plans, roof plans, elevations and at least one cross section, each at a scale of 1:100.
- d) Photographic archival records must be taken of the building, landscape or item in accordance with 'The Heritage Information Series, Photographic Recording of Heritage Items Using Film or Digital Capture 2006' published by the NSW Department of Planning Heritage Branch.

The archival recode must include:

- Context Photographs- A recording of each site, place or movable item or collection in its context;
- Relationship of Buildings on the Site to Each Other;
- Individual Building or Structures- Photographs of each façade with details where appropriate including but not limited to: eaves, soffits, rainwater heads, downpipes, window reveals and sills, doorways and steps, and balustrades;
- Internal Spaces- Images should be taken in a sequence to show all internal elevations, including floors and ceilings, where possible. Special attention should be placed on structural elements, fittings and any movable items.

There should be three sets of the photographic report and film materials or digital materials. The following table summarises the lodgment details for photographic records, depending on which material is selected. It is satisfactory to supply one material only and digital material is recommended.

Material	Minimum Requirement	Repository
Digital Materials	3 copies of photographic report – paper copy 3 CD-Rs or DVD 1 set of 10.5x14.8cm prints	<u>Woollahra Council</u> Report (paper) + CD-R or DVD + prints <u>Local History Centre</u> Report (paper) + CD-R or DVD <u>Owner/client</u> Report (paper) + CD-R or DVD
Black & White Film (plus any supplementary colour film)	3 copies of photographic report 1 set of negatives 1 sets of proof sheets and catalogue	<u>Woollahra Council</u> Report + negatives + 1st set of proof sheets <u>Local History Centre</u> Report + 2nd set of proof sheets <u>Owner/client</u> Report + 3rd set of proof sheets
Colour Transparencies or Slides	3 copies of photographic report 1 set of original transparencies and two sets of duplicates OR 3 sets of original images taken concurrently	<u>Woollahra Council</u> Report + original transparencies <u>Local History Centre</u> Report + duplicate/concurrent transparencies: <u>Owner/client</u> Report + duplicate/concurrent transparencies

The full archival recording is to be submitted to the satisfaction of Council’s heritage officer prior to the commencement of demolition, works and prior to the issue of a Construction Certificate. The original will be retained by Council and a copy will be provided to the Woollahra Local History Library.

These photographic records must be submitted to Council prior to the demolition or removal of any part of the building and landscape elements to be demolished.

Note: The NSW Heritage Office Guidelines can be downloaded free of charge from <http://www.environment.nsw.gov.au/resources/heritagebranch/heritage/infoarchivalrecords.pdf>
Standard Condition: B2 (Autotext BB2)

C.1 Modification of details of the development (Section 80A(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) All decorative plaster ceilings are to be retained and where new openings in internal walls are made. New trims (cornices and skirtings) are to be instated to match the existing adjacent. A suitably qualified and experienced heritage architect is to be engaged to supervise the removal of fabric adjacent to decorative ceilings and sandstone wall fabric.
- b) The existing archway to the ground floor hallway (between the kitchen and the eastern entry) is significant detailing, characteristic of Old English/ Revival architecture. This element is required to be retained and conserved.
- c) The new opening between the ground floor sitting room and hallway would involve demolition of some significant wall fabric, skirting board, door and architraves. This opening would obscure appreciation of the original character and configuration of the principal space. This opening is not approved. The existing wall, door and associated trims are to be retained.
- d) New framing to the glazed roof is to be slimline steel or slimline architectural grade aluminium colour finished in a dark grey to appear like steel.
- e) **Deleted**
- f) **Deleted**
- g) **Deleted**
- h) **The proposed seven specimens of *Waterhousia floribunda* along the southern side boundary shall be replaced with seven specimens of *Syzygium austral* 'Resilience' (Resilience Lillypilly). Detailed requirements of the replacement planting shall refer to Condition E.28. This condition is imposed to minimise potential overshadowing impact to the adjoining property to the south of the subject site.**
- i) **The proposed French new doors to the 'scullery' are to be of a sympathetic material and style to accentuate and enhance the significance of the dwelling. The existing 'Poppy door' is to be relocation to the ground floor interior WC.**
- j) **The proposed skylights (x2) to the 'scullery' are to be incorporate 'anti-glare film.**

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 (Autotext CC4)

C.3 BASIX commitments

The *applicant* must submit to the *Certifying Authority* BASIX Certificate No. A233461_05 with any application for a *Construction Certificate*.

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

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

Note: Clause 145(1)(a1) of the *Environmental Planning & Assessment Regulation 2000* provides: "A certifying authority must not issue a construction certificate for building work unless it is satisfied of the following matters: (a1) that the plans and specifications for the building include such matters as each relevant BASIX certificate requires,"
Standard Condition: C7

E.25 Timber decking in the vicinity of trees

Timber decking within the specified radius from the trunks of the following trees shall be constructed in such a way as to ensure that the existing moisture infiltration and gaseous exchange to the tree root system are maintained. Decking planks are to be spaced with gaps of a minimum gap of 8mm between each plank to permit rainwater penetration to the root system of adjacent trees

Council Ref No.	Species	Radius from centre of trunk (metres)
2	<i>Cinnamomum camphora</i> (Camphor Laurel)	Area as indicated in Tree Talk Assessment – Appendix A4
3	<i>Waterhousia floribunda</i> (Weeping Lillypilly)	Area as indicated in Tree Talk Assessment – Appendix A4

Paving works are to be designed in consultation with a qualified Arborist (minimum qualification of Australian Qualification Framework Level 4 or recognised equivalent) and are to utilise such measures as semiporous material.

The project arborist shall document compliance with the above condition.

E.27 Hand excavation within tree root zones

Excavation undertaken within the specified radius from the trunks of the following trees shall be hand dug.

Council Ref No.	Species	Radius from Trunk (metres)
2	<i>Cinnamomum camphora</i> (Camphor Laurel)	Area as indicated in Tree Talk Assessment – Appendix A4
3	<i>Waterhousia floribunda</i> (Weeping Lillypilly)	Area as indicated in Tree Talk Assessment – Appendix A4
4C	<i>Archontophoenix cunninghamiana</i> (Bangalow palm)	Area as indicated in Tree Talk Assessment – Appendix A4
4D	<i>Archontophoenix cunninghamiana</i> (Bangalow palm)	Area as indicated in Tree Talk Assessment – Appendix A4

Small hand tools such as mattocks or using compressed air or water jetting only shall be used. Roots with a diameter equal to or in excess of 30mm shall not be severed or damaged unless approved in writing by the project arborist.

Mechanical excavation is permitted beyond this radius when root pruning by hand along the perimeter line is completed. Exposed roots to be retained shall be covered with mulch or a geotextile fabric and kept in a moist condition and prevented from drying out.

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

The project arborist shall document compliance with the above condition.

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

All BASIX commitments must be effected in accordance with the BASIX Certificate No. A233461_05.

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

Standard Condition: H7 (Autotext HH7)

I.1 Maintenance of BASIX commitments

All BASIX commitments must be maintained in accordance with the BASIX Certificate No. A233461_05.

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

Standard Condition: I24

Part B

The Section 96 application is to be referred Council's Manager for Compliance to investigate the unauthorised bricking up of the window to the 'scullery' located adjacent to the northern side boundary.

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

For the Motion

Councillor Bennett
Councillor Elsing
Councillor Keulemans
Councillor O'Regan

Against the Motion

Councillor Marano
Councillor Robertson

4/2

Item No: D5 Delegated to Committee
Subject: **REGISTER OF CURRENT LAND AND ENVIRONMENT COURT MATTERS AND REGISTER FOR COURT PROCEEDINGS FOR BUILDING CONTROL, ENVIRONMENTAL CONTROL AND HEALTH CONTROL**
Author: Grace Hawley, PA to Manager, Development Control
Approvers: Nick Economou, Manager - Development Control
Tim Tuxford, Manager - Compliance
File No: 17/25543
Reason for Report: Update DCC on Legal Matters

(Robertson/Elsing)

Resolved:

- A. THAT the attached register of current Land and Environment Court Matters for Development Applications be received and noted.
- B. THAT the attached register for Court Proceedings for Building Control, Environmental Control and Health Control be received and noted.

ITEM No. D6
FILE No. DA300/2016/1
ADDRESS 20 Etham Avenue Darling Point
(aka 10 Sutherland Crescent Darling Point)
PROPOSAL Demolition of strata duplex and the construction of new three (3) storey residential flat building consisting of three (3) units with spa and swimming pools to each unit, new landscaping, basement parking and the removal of 15 trees

(Robertson/Marano)

Resolved:

THAT the Committee resolve to enter into closed session with the press and public excluded to consider the confidential report and legal advice on this matter in accordance with the provisions of Section 10A(2)(g) of the Local Government Act 1993.

Adopted

In Closed Session

Note: The Committee discussed the confidential report and legal advice and drafted a resolution.

(O'Regan/Keulemans)

Resolved:

THAT the Committee move into "Open Session".

Adopted

In Open Session

(Robertson/Elsing)

Resolved:

Pursuant to Section 80(1) of The Environmental Planning and Assessment Act, 1979

- A. THAT in respect of the appeal to the Land and Environment Court against Development Application No. 300/2016/1 for the demolition of strata duplex and the construction of new three (3) storey residential flat building consisting of three (3) units with spa and swimming pools to each unit, new landscaping; basement parking and the removal of 15 trees on land at 20 Etham Avenue Darling Point (aka 10 Sutherland Crescent Darling Point), the Committee resolve to enter into closed session with the press and public excluded to consider the confidential report on this matter in accordance with the provisions of Section 10A(2)(g) of the Local Government Act 1993.
- B. THAT in accordance with Council's policy of confidentiality, the confidential report remains confidential for a period of six (6) months or until the conclusion of the appeal.

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

For the Motion

Against the Motion

Councillor Bennett
 Councillor Elsing
 Councillor Keulemans
 Councillor Marano
 Councillor O'Regan
 Councillor Robertson

Nil

6/0

There being no further business the meeting concluded at 7.20pm.

We certify that the pages numbered 582 to 608 inclusive are the Minutes of the Development Control Committee Meeting held on 6 March 2017 and confirmed by the Development Control Committee on 20 March 2017 as correct.

Chairperson

Secretary of Committee