



Development Control Committee Minutes

Minutes: *Development Control Committee*

Date: *Monday 21 September 2015*

Time: *5.00pm*

Development Control Committee Minutes

Monday 21 September 2015

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Development Control Committee

**Minutes of the Meeting held on
21 September 2015 at 5.00pm.**

Present: Her Worship the Mayor, Councillor Toni Zeltzer ex-officio (part Item D4 & D5)
Councillors: Ted Bennett (Chair)
Luise Elsing
James Keulemans (part Item D3 to R2)
Greg Levenston
Anthony Marano
Katherine O'Regan

Staff: Craig Bennett (Manager - Governance & Council Support)
Allan Coker (Director – Planning & Development)
Nick Economou (Acting Manager –Development Control)
Wilson Perdigao (Assessment Officer)
Sue O'Connor (Secretarial Support – Governance)
Dylan Sargent (Assessment Officer)
Simon Taylor (Senior Assessment Officer)
David Waghorn (Team Leader)

Session One: 5.00pm to 7.15pm
Session Two: Nil

Also in Attendance: Councillor Matthew Robertson (Items D1 to D3)
Councillor Deborah Thomas (part Item D4)

Note: Item D4 (9A Cooper Park Road Bellevue Hill) was heard last in the session.

Leave of Absence and Apologies

Nil

Late Correspondence

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

Declarations of Interest

Councillor Elsing declared a Non-Significant Non-Pecuniary Interest in Item D2 (95 Wolseley Road Point Piper) as Elena Kirillova the Owner in this matter was a former Residents First Councillor. Councillor Elsing does not believe it would affect her vote.

Councillor Keulemans declared a Significant Non-Pecuniary Interest in Item R2 (1A Guilfoyle Avenue Double Bay (Double Bay Festival)) as he is a director on the Double Bay Chamber of Commerce. Councillor Keulemans did not vote on this Item.

Councillor O'Regan declared a Significant Non-Pecuniary Interest in Item R2 (1A Guilfoyle Avenue Double Bay (Double Bay Festival)) as she is a director on the Double Bay Chamber of Commerce. Councillor O'Regan did not vote on this Item.

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 31 AUGUST 2015**
Author: Sue O'Connor, Secretarial Support - Governance
File No: 15/126310
Reason for Report: The Minutes of the Development Control Committee of 31 August 2015 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.

(Levenston/Marano)

Resolved:

THAT the Minutes of the Development Control Committee Meeting of 31 August 2015 be taken as read and confirmed.

ITEM No.	D2
FILE No.	DA179/2015/1
ADDRESS	95 Wolseley Road Point Piper
PROPOSAL	Alterations and additions to the existing dwelling including a first floor level and attic level addition, new cabana and additions to the entry and front wall

Note: Councillor Elsing declared a Non-Significant Non-Pecuniary Interest in this, as Elena Kirillova the Owner in this matter was a former Residents First Councillor. Councillor Elsing does not believe it would affect her vote.

Note: Late correspondence was tabled by Harry Revelas, Brett Daintry, John Comino & Anthony Boskovitz.

(Bennett/Levenston)

Resolved:

That the matter be referred to a Site Inspection Meeting to be held on Thursday 24 September 2015.

ITEM No.	D3
FILE No.	DA257/2015/1
ADDRESS	66 Ocean Street Woollahra
PROPOSAL	Demolition of existing boundary fence and retaining walls and the construction of new boundary fence and retaining walls

Note: Late correspondence was tabled by Richard McSweeney.

Note: Maryanne Kovacs, Glenda Wood & Richard McSweeney.

Note: The Committee added new Condition No. C.5 (Tara & Ocean Streets Fencing)

(Elsing/O'Regan)

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. 257/2015/1 for the demolition of existing boundary fence and retaining walls and the construction of new boundary fence and retaining walls on land at 66 Ocean Street 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

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*

Work for the purposes of this consent means:

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

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

A.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)
DWG. No. A01 Rev. A A02 Rev. A A03 Rev. A	Architectural Plans Site Plan Fence Setout Plan Elevations	NY Project Services	11/05/2015

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 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 shall be retained

- Trees on Private Land

Council Ref No.	Species	Location	Dimension (metres)
1-4	<i>Cupressus sempervirens</i> ' <i>Stricta</i> ' (Pencil pine)	Northern boundary	15 height x 2 crown spread

- Trees on Council Land

Council Ref No.	Species	Location	Dimension (metres)
A	<i>Platanus x hybrida</i> (London Plane)	Road reserve Ocean Street	20 height x 15 crown spread

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

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 (TPZ)

- a) Trunk protection shall be installed around the trunks of the following trees:

Council Ref No.	Species
1-4	<i>Cupressus sempervirens</i> 'Stricta' (Pencil pine)
A	<i>Platanus x hybrida</i> (London Plane)

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.
- 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.3 Permissible work within Tree Protection Zones

The following works are permissible within the Tree Protection Zone:

Council Ref No.	Species	Radius from Trunk (metres)	Approved works
1-4	<i>Cupressus sempervirens</i> 'Stricta' (Pencil pine)	2	<ul style="list-style-type: none"> • Demolition of existing walls • Construction of new walls
A	<i>Platanus x hybrida</i> (London Plane)	15	<ul style="list-style-type: none"> • Demolition of existing walls • Construction of new walls

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

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

C.1 Payment of Long Service Levy, Security, Contributions and Fees

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

Description	Amount	Indexed	Council Fee Code
LONG SERVICE LEVY under Building and Construction Industry Long Service Payments Act 1986			
Long Service Levy http://www.longservice.nsw.gov.au/bci/levy/other-information/levy-calculator	Contact LSL Corporation or use online calculator	No	
SECURITY under section 80A(6) of the Environmental Planning and Assessment Act 1979			
Property Damage Security Deposit -making good any damage caused to any property of the <i>Council</i>	\$4481	No	T115
INSPECTION FEES under Section 608 of the Local Government Act 1993			
Security Administration Fee	\$185	No	T16
TOTAL SECURITY, CONTRIBUTIONS, LEVIES AND FEES	\$4666 plus any relevant indexed amounts and long service levy		

Building and Construction Industry Long Service Payment

The Long Service Levy under Section 34 of the *Building and Construction Industry Long Service Payment Act*, 1986, must be paid and proof of payment provided to the *Certifying Authority* prior to the issue of any *Construction Certificate*. The Levy can be paid directly to the Long Services Payments Corporation or to Council. Further information can be obtained from the Long Service Payments Corporation's website <http://www.longservice.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.2 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.3 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.4 Tree Management Plan

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

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

This plan shall be kept on site until the issue of the final occupation certificate.

C.5 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 existing sandstone wall to the Tara Street frontage is to be dismantled and all the stone is to be reused (reconstructed) identical to its current configuration as the base of the proposed fence
- b) The metal fencing panels between the brick piers, including the vehicular and pedestrian gates, are to be designed as an open palisade comprising of metal cylindrical palisades no greater than 30mm in diameter and spaced at 100mm intervals.

- c) The front fence, including Tara Street, is to be painted a colour which is hue and tonal in accordance with WHCA DCP 2003. The reconstructed sandstone base to the Tara Street elevation fence is not to be painted.

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

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.

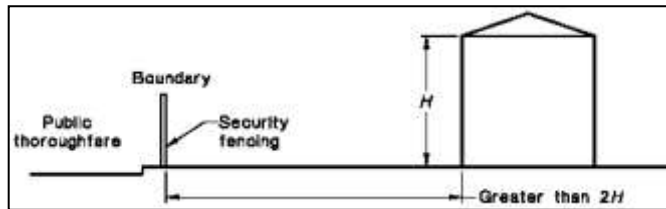
Note: This condition must be satisfied prior to commencement of any work in relation to the contract of insurance under the *Home Building Act 1989*. This condition also has effect during the carrying out of all building work with respect to compliance with the Building Code of Australia.

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

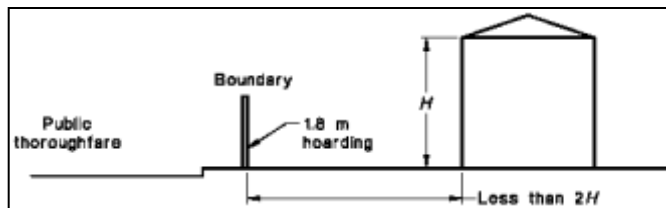
Standard Condition: D1

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.

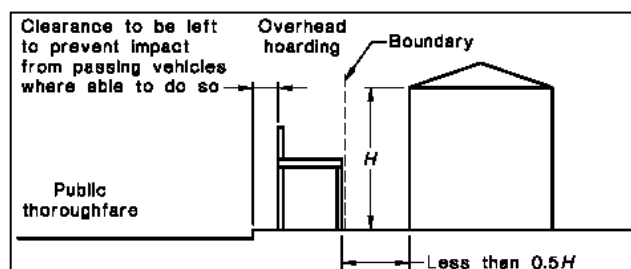


Where a development site adjoins a public thoroughfare with a footpath alongside the common boundary then, in addition to the hoarding required above, the footpath must be covered by an *overhead protective structure* and the facing facade protected by heavy-duty scaffolding, unless either:

- 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/ohheadprotstruc.htm>.

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

Note: The *principal contractor* or *owner* must allow not less than two (2) weeks from the date of making a hoarding application for determination. Any approval for a hoarding or overhead protection under the *Roads Act* 1993 will be subject to its own conditions and fees.
Standard Condition: D11

D.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:
 - a. showing the name, address and telephone number of the principal certifying authority for the work, and
 - b. showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
 - c. stating that unauthorised entry to the work site is prohibited.
- Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.
- This clause does not apply in relation to building work, subdivision work or demolition work that is carried out inside an existing building that does not affect the external walls of the building.
- This clause does not apply in relation to Crown building work that is certified, in accordance with section 116G of the *Act*, to comply with the technical provisions of the State's building laws."

Clause 227A of the Regulation provides:

Signs on development sites

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

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

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

Note: If *Council* is appointed as the *PCA* it will provide the sign to the *principal contractor* or *owner builder* who must ensure that the sign is erected and maintained as required by Clause 98A and Clause 227A of the *Regulation*.

Standard Condition: D12

D.4 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

E. Conditions which must be satisfied during any development work

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

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

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

This condition does not apply:

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

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

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

E.2 Compliance with Australian Standard for Demolition

Demolition of buildings and structures must comply with Australian Standard AS 2601—2001: The Demolition of Structures, published by Standards Australia, and as in force at 13 September 2001.

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*.

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

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

Standard Condition: E6

E.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;
- f) Ablutions;

Note: See http://www.epa.nsw.gov.au/small_business/builders.htm for additional information.
Standard Condition: E11

E.8 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.9 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.10 Dust Mitigation

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

This generally requires:

- a) Dust screens to all hoardings and site fences.
- b) All stockpiles or loose materials to be covered when not being used.
- c) All equipment, where capable, being fitted with dust catchers.
- d) All loose materials being placed bags before placing into waste or skip bins.

- e) All waste and skip bins being kept covered when not being filled or emptied.
- f) The surface of excavation work being kept wet to minimise dust.
- g) Landscaping incorporating trees, dense shrubs and grass being implemented as soon as practically possible to minimise dust.

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

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

Note: Demolition and construction activities may affect local air quality and contribute to urban air pollution. The causes are dust, smoke and fumes coming from equipment or activities, and airborne chemicals when spraying for pest management. Precautions must be taken to prevent air pollution.
Standard Condition: E23

E.11 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 dockets 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 land fill. Reuse and recycling opportunities are decreased when asbestos is not carefully removed and segregated from other waste streams.
Standard Condition: E31

E.12 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.13 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) There shall be no excavation or work within a Tree Protection Zone (TPZ). The TPZ must be maintained during all development work unless otherwise specified within these conditions of consent.
- b) Excavation must cease where tree roots with a diameter exceeding 30mm are exposed. The *principal contractor* must procure an inspection of the exposed tree roots by an arborist with a minimum AQF Level 5 qualification. Excavation must only recommence with the implementation of the recommendations of the arborist.
- 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 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.14 Hand excavation and demolition within tree root zones

Excavation and demolition of structures undertaken within the specified radius from the trunks of the following trees shall be done by hand.

Council Ref No.	Species	Radius from Trunk (metres)
1-4	<i>Cupressus sempervirens</i> 'Stricta' (Pencil pine)	2
A	<i>Platanus x hybrida</i> (London Plane)	15

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.

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.

E.15 Footings in the vicinity of trees

Upon demolition of the existing wall, if roots greater than 30mm are found the footings for the new wall (within the specified radius from the trunks of the following trees) shall be supported using an isolated pier and beam system to retain and not damage these roots.

Council Ref No.	Species	Radius from centre of trunk (metres)
A	<i>Platanus x hybrida</i> (London Plane)	15

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 beam is to be placed a minimum of 100mm above ground level and is to be designed to bridge all tree roots with a diameter equal to or in excess of 30mm.

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

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))

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

Nil.

J. Miscellaneous Conditions

Nil.

K. Advising

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

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

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

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

Warnings as to potential maximum penalties

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

Warning as to enforcement and legal costs

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

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

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

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

Standard Advising: K1

K.2 Builders Licences and Owner Builders Permits

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

Further information can be obtained from the NSW Office of Fair Trading website about how you obtain an owner builders permit or find a principal contractor (builder):
<http://www.dft.nsw.gov.au/building.html> .

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

Standard Condition: K5

K.3 Building Standards - Guide to Standards and Tolerances

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

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

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

The Guide can be down loaded from:

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

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

Standard Condition: K6

K.4 Workcover requirements

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

Note: Further information can be obtained from Workcover NSW's website:

<http://www.workcover.nsw.gov.au/Industry/Construction/default.htm> or through their head office: Location: Workcover NSW, 92-100 Donnison Street, GOSFORD 2250 Postal address:

WorkCover NSW, Locked Bag 2906, LISAROW 2252, Phone (02) 4321 5000, Fax (02) 4325 4145.

Standard Condition: K7

K.5 Appeal

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

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

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

Standard Condition: K14

K.6 Release of Security

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

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

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

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

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

Note: The Application for Refund of Security form can be downloaded from

<http://www.woollahra.nsw.gov.au/pdf/Forms/Planning/RefundofSecurity.pdf>

Standard Condition: K15

K.7 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.8 Owner Builders

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

Standard Condition: K18

K.9 Pruning or Removing a Tree Growing on Private Property

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

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

Standard Condition: K19

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 Levenston
Councillor Marano
Councillor O'Regan

Nil

6/0

ITEM No.	D4
FILE No.	DA111/2015
ADDRESS	9A Cooper Park Road, Bellevue Hill
PROPOSAL	The construction of two x three storey residential flat buildings containing a total of 29 units (24 x 2 bed and 5 x 3 bed) and basement level car parking for 51 vehicles and storage, strata subdivision, landscaping and site works

Note: In accordance with Council's meeting procedures and policy this matter is referred to full Council due to the Committee's recommendation in selecting an Option in how it wishes to proceed in relation to the Class 1 Appeal.
(See Item R3)

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: 15/127760
Reason for Report: Update DCC on all Legal Matters

(Zeltzer/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.

Items to be Submitted to the Council for Decision with Recommendations from this Committee

ITEM No.	R1 Recommendation to Council
FILE No.	DA398/2015/1
ADDRESS	2 William Street, Double Bay
PROPOSAL	For Chanukah at the Bay Celebration on 8th December 2015, 27th December 2016, 19th December 2017, 4th December 2018, 23rd December 2019

(Elsing/Keulemans)

Recommendation: Pursuant to Section 80(1) of the Environmental Planning and Assessment Act 1979 and Part E.2 - Section 68 of the Local Government Act 1993

THAT the Council, as the consent authority, grant Development Consent and an Activity Approval to Development Application No. 398/2015/1 for Chanukah at the Bay Celebration on 8th December 2015, 27th December 2016, 19th December 2017, 4th December 2018, 23rd December 2019 with bump in at 1pm and bump out at 9:30pm (event between 4pm and 9pm) on land at 2 William Street Double Bay, 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.

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

The applicant must procure the repair, replacement or rebuilding of all road pavement, kerb, gutter, footway, footpaths adjoining the site or damaged as a result of activity under this consent or as a consequence of this consent. Such work must be undertaken to Council's satisfaction in accordance with Council's “Specification for Roadworks, Drainage and Miscellaneous Works” dated February 2012 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.

A.3 Waste

The person(s) with the benefit of this consent must ensure there are:

- a) Adequate bins at appropriate locations throughout the events area;
- b) Adequately sized, enclosed rubbish bins at each food stall;
- c) Arrangements to dispose of garbage contents (separate putrescibles and recyclable waste) at the end of the day.

The applicant must make arrangements to remove all waste from the site at the completion of the event and must not be left overnight.

A.4 Residential Amenity

All activities are to be carried out and conducted in such a manner so as to not interfere with the amenity of surrounding residents or those within the locality having regard to noise emission, rubbish, waste products and the like.

A.5 Amplified music equipment etc

All amplified music equipment, public speakers and other like systems must be connected to the one system so that it can be controlled. The equipment must only be operable by the management or their nominee. The amplification equipment must be installed in a secure area. Access to amplification equipment must be restricted to the management and made available to Council Officers upon request.

The use of amplified music equipment, public speakers and other like systems at the event must not give rise to offensive noise to the surrounding residential area. The use of such equipment must be controlled so that elevated volumes of sound are not being experienced by residents within the surrounding area. 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.

Note: Council will generally enforce this condition in accordance with the *Noise Guide for Local Government* (<http://www.environment.nsw.gov.au/noise/nglg.htm>) and the *Industrial Noise Guidelines* (<http://www.environment.nsw.gov.au/noise/industrial.htm>) publish by the Department of Environment and Conservation. Other state government authorities also regulate the *Protection of the Environment Operations Act 1997*.

Useful links:

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

Department of Environment and Conservation NSW, Noise Policy Section web page (www.environment.nsw.gov.au/noise).

New South Wales Government Legislation home page for access to all NSW legislation, including the *Protection of the Environment Operations Act 1997* and the *Protection of the Environment Noise Control Regulation 2000* (www.legislation.nsw.gov.au).

Australian Acoustical Society—professional society of noise-related professionals (www.acoustics.asn.au/index.php).

Association of Australian Acoustical Consultants—professional society of noise related professionals (www.aaac.org.au).

Department of Gaming and Racing - (www.dgr.nsw.gov.au).

A.6 Protection of the Environment Operations Act 1997

The event organiser(s) must have regard to the *Protection of the Environment Operations Act 1997* and ensure that no harm is caused to the environment. In particular no items, articles or other matter is to be placed or operated in a manner where a 'pollution incident' may result.

A.7 Temporary food stalls - Registration of food stalls holders

The food stall holders and/or events organiser must register with Council and notify the NSW Food Authority the food business details of all food stall holders. This can be done by contacting Council (www.records@woollahra.nsw.gov.au) and the NSW Food Authority's website (www.foodauthority.nsw.gov.au).

A.8 Fitout of food stalls

The person(s) with the benefit of this consent must submit to Council details of the typical construction and fitout of the temporary food stalls. Such details must demonstrate compliance with the *Food Act 2003* and Regulation there under; the *Food Standards Code* and the *Food Handling Guidelines for Temporary Events*. The construction and fitout of the temporary food stalls shall be to the approval of Council's Environmental Health Officers.

Food stall operators and the event's organiser must ensure there is a sufficient supply of electricity for food handling operations, particularly for hot and cold food holding and water heating. All electrical work should be undertaken by a licensed electrician and conform to AS3002-1985 'Electrical Installations-Shows and Carnivals'. Any gas bottles used for appliances should be secured so that it cannot be tipped over and should be pressure checked.

A.9 Operation of food stalls

- a) Food stall operators are required to handle food for sale for human consumption in accordance with the Food Safety Standards of the Australian New Zealand Food Standards Code (Australia Only); Chapter 3 - Standards 3.1.1, 3.2.2 and 3.2.3.

- b) Food stall operators and the event's organiser must ensure there are adequately sized, enclosed rubbish bins at each food stall and adequate arrangements made to dispose of garbage contents at the end of the day.
- c) The event's organizer should ensure that adequate toilet facilities for food handlers made available.
- d) Only potable water must be used for preparing food and for washing. Ice used for keeping food cool or adding to food or drink must also be potable.
- e) A fire extinguisher and fire blanket should be supplied in each stall where cooking or heating processes are undertaken. Such equipment should be easily accessible in the event of a fire.
- f) A sealed container of potable water with a tap should be provided at each stall, together with suitable bowls or containers for cleaning, sanitising and hand washing. Clean towels and detergent must be provided.
- g) A hand washing facility, separate from other facilities and used only for that purpose, must be provided. Warm water is needed for effective hand washing and personal hygiene. Hot and cold water must be delivered through a single outlet to a dedicated hand basin. Liquid soap and paper towels must be provided at or near the hand washing facility.
- h) A suitable sanitising agent must be available for sanitising food handling implements and food contact surfaces.
- i) Foods that are required to be stored under temperature control, or kept frozen shall be kept under strict temperature control. Cold foods should be stored at or below 5 degrees celsius and hot food appliances such as bain maries and display cases should enable hot foods to be kept at or above 60 degrees Celsius at all times. Refrigeration facilities should be large enough to hold potentially hazardous foods under temperature control at all times.
- j) Potentially hazardous foods like poultry, meat, dairy products, seafood and egg-based products must be stored under temperature control. If the food is intended to be stored frozen, the food must remain frozen during storage and display.
- k) All food stall operators that handle potentially hazardous foods are required to have a readily accessible, accurate, probe-type thermometer. The thermometer must be cleaned and sanitised before it is used.
- l) Adequate measures must be taken by all food stall operators to prevent cross-contamination from raw foods to cooked foods by ensuring that there are separate utensils for cooked and raw meats, poultry and seafood; covering all food; keeping cooked meat and salads separate and washing hands after handling raw meats, raw poultry, raw seafood and raw vegetables.
- m) All food displayed by food stall operators shall be protected from likely contamination by customers, dust, fumes or insects by using plastic food wraps, sealed containers, sneeze barriers or food covers.
- n) Only single-use disposable eating and drinking utensils are permitted for use by food stall operators and must be protected from contamination until used.
- o) All packaging material must be suitable for food packaging and unlikely to cause food contamination. Only clean unprinted paper, food wraps or packaging must be used for wrapping or storing foodstuffs.
- p) The food stalls must be maintained to a standard of cleanliness where there is no accumulation of garbage or recycled matter, food waste, dirt, grease or other visible matter.
- q) Bench tops and surfaces of equipment in contact with food and storage appliances must be kept in a clean and sanitary condition to ensure food is unlikely to be contaminated.

- r) All pre-packaged products must be clearly labelled with a description of the food, the name and address of the supplier, product lot identification, a list of ingredients, date marking, storage conditions, nutrition information panel and characterising ingredient. The above requirements are outlined in more detail in the Food Standards Code available on the NSW Food Authority's website (www.foodauthority.nsw.gov.au).

A.10 Park Hire Approval

The applicant is required to apply to Council to seek approval, to use Steyne Park on 1 August each year prior to the event. This is to ensure that Council as Trust Manager of Steyne Park is satisfied that:

- The park is available and suitable for use for the event;
- The applicant has previously complied with conditions of this consent; and
- The applicant can supply a guarantee to Council's satisfaction that they will comply with conditions of consent relating to repair of any damage and clean up.

Council as Trust Manager may also impose further conditions of hire that aim to protect the park environment and other park users.

A.11 Hours of Operation

The hours of operation of the festival are limited to 4.00pm and 9.00pm on the following dates:

- 8th December 2015,
- 27th December 2016,
- 19th December 2017,
- 4th December 2018, and,
- 23rd December 2019.

On these dates the bump-in is to start at 1:00pm and the bump-out at 9:30pm (event between 4pm and 9pm).

The setting up of stalls and other activities are not to commence prior to 1:00pm and the area is to be cleared no later than 9:30pm on the day of the event.

A.12 Access

The applicant is to notify Council at least 24 hours before any vehicles or equipment is delivered to the Park to enable a Council representative to be on site at the time of delivery. Please contact Customer Service on 9391-7000 to arrange this meeting.

Temporary structures and amusement devices must be removed from the Park no later than 9:30pm on the day of the event.

A.13 Park Management and Maintenance

To avoid damage as a result of the Chanukah Festival and ensure preservation of the parklands, the following must be complied with:

- No parking of vehicles is permitted on Council parklands,
- No marquees or structures are permitted other than those specified in the development consent,
- Erection of temporary structures made permissible by this application must not interfere with the existing underground irrigation system or quality of the playing field turf surface,
- No advertising signage can be hung between park trees or from park furniture including light poles,
- No tables or chairs are permitted in Steyne Park other than those specified in this consent, and,
- No existing park signage is to be obstructed or interfered with in the conduct of the event.

A.14 Protection of vegetation

- No equipment is to be stored or set-up within the drip line of any tree trunk, shrub or garden bed.
- No vehicle is to drive or stand within the drip line of any tree trunk, shrub or garden bed.
- No speakers, lights or cables are to be attached to or placed within the drip line of any tree, shrub or garden bed.
- No shrubs, trees or other vegetation are to be removed, moved, pruned, lopped or damaged.
- Any chairs to be used must have feet designed to minimise damage to the grassed surface (eg. Triangle shaped feet).

A.15 Making good damage to park and infrastructure

The applicant must repair or meet the cost of making good any damage to Steyne Park and Council's infrastructure, as a consequence of the activities associated with this consent.

The Park will be inspected at the completion of the event to assess any damage caused, such as damage to trees, the turf surface, amenities block and presence of litter. Any damage must be restored to the satisfaction of Council's Manager Open Space and Trees at the cost to the applicant and within a timeframe as agreed between the applicant and Manager Open Space and Trees. In assessing any damage consideration will be given to normal wear and tear as a consequence of the event. Payment of cost for damage repairs undertaken by Council must be paid within 30 days from issue of Council's invoice.

A.16 Wet weather

In the event of excessive rain either before or during the event, the Director of Technical Services, or the Director's nominated representative, is authorised to direct that all or part of the park not be used, if in the opinion of the Director of Technical Services or his authorised representative, excessive damage to the park will result.

A.17 Public Liability

The applicant must provide a copy of a Certificate of Currency prior to each event showing Public Liability Insurance to the value of \$20,000,000 nominating Woollahra Council as an interested party

Copies of Certificates of Currency for Public Liability Insurance are also to be supplied by each of the service or entertainment (amusement ride) providers operating at each of the events.

A.18 Power

The applicant is required to meet their own power needs for the event.

A.19 Security

The applicant is to provide adequate security measures at the event from bump-in to bump-out times.

A.20 Generators and Cabling

The applicant is responsible for ensuring all power cables do not affect pedestrian movement or present risks to the safety of pedestrians.

A.21 Directions of Council Officers

Any direction of the Council is to be complied with. In this regard, it should be noted that Council reserves the right to refuse or limit any activity associated with the event if in its opinion, the activity is likely to cause damage, danger, nuisance or it is not in the Municipalities interest.

A.22 Residential Amenity

All activities are to be carried out and conducted in such a manner so as to not interfere with the amenity of the surround residents or those within the locality, particularly by way of noise emission and rubbish.

A.23 Amusement Devices

a) Jumping Castle

- Inflatable devices shall be designed and constructed in accordance with Australian Standard AS 3533.1 –1997.
- Each inflatable device, while operating, shall be under the supervision of a person at least 18 years of age, who is fully trained in all aspects of safe operation.
- The owner of each inflatable device shall ensure that at all times that the device is in operation it is covered by a public risk insurance policy. The policy value of \$10million required for other amusement devices would also be appropriate for inflatable devices.
- The device shall not be operated in wind velocities exceeding 45km/hr. If the wind velocity approaches this figure, the device must be cleared and deflated immediately.
- Each device shall be held down in accordance with the manufacture's recommendations.
- The device is registered under the Occupational Health and Safety Regulation 2001.

- The device is to be or has been erected in accordance with all conditions (if any) relating to its erection set out in the current certificate of registration issued for the device under the Occupational Health and Safety Regulation 2001.
- Inflatable devices must have a minimum setback of 10 metres from all playgrounds, children's play equipment and buildings.

b) Petting Zoo

- A responsible adult is to be present and supervise the event at all times.
- All waste and manure is to be removed by the event organisers on the day of the event.
- Ensure all activities are undertaken in accordance with relevant health and safety guidelines (refer to NSW Health Fact sheet "Petting Zoos and Personal Hygiene").
- Petting zoo enclosure must have a minimum setback of 10 metres from all playgrounds, children's play equipment and buildings.

A.24 Amusement Device Approval

No approval is granted by this development consent for the installation or operation of an amusement device that is required to be registered under the *Occupational Health and Safety Regulation, 2001*, with the exception of those identified as 'small amusement devices' in accordance with Clause 75 of the *Local Government (General) Regulation 2005*.

A separate activity application must be lodged with Council prior to the event should consent be sought for the installation or operation of an amusement device that is required to be registered under the *Occupational Health and Safety Regulation, 2001*.

A.25 Location of temporary structures and activities

Temporary structures or activities including port-a-loos, vehicles, stages, BBQ, amusement rides, petting zoo and firework displays shall not be located, operated or stored within the dripline of any trees in Steyne Park.

A.26 Public Access

Public access along the foreshore pathway and adjacent public playground is to be maintained at all times.

Public seating in Steyne Park shall remain freely available to the public and is not to be utilised in conjunction with the approved use.

A.27 Fireworks Display

The fireworks display operator must have all appropriate approvals and licences required by regulatory and other organisations. The display is to be conducted in a safe and proper manner to ensure safety for surrounding residents, users of the park and wildlife. The display shall be carried out between 8.30pm and 9.00pm.

The fireworks display must only be undertaken on the northern area of Steyne Park as close as possible to the harbour.

A.28 Fireworks operation licence

The Fireworks company “Pyro Oz” (or any other Fireworks company employed by the Chabad Double Bay) must provide evidence of a current licence for Fireworks operation, plus a CC in regards to Public liability Insurance, \$20million minimum cover, noting Woollahra Council as an interested party; and a CC for Workers Compensation.

A.29 Vehicular access to Steyne Park

All authorised vehicular access to Steyne Park related to the preparation for or during the event must be from Ocean Avenue.

A.30 Vehicular access to Steyne Park

The applicant must make reasonable efforts to provide event parking in Double Bay Public School for the times at which the event is operating.

A.31 Building Code of Australia Requirements

The following work is to be implemented to ensure compliance with the following provisions of the *BCA*:

- a) The seating arrangements for the stage shall comply with the requirements of NSW Clause H102.10 of the *BCA*;
- b) The fabrics used for the temporary structures shall comply with the requirements of NSW Clause H102.8;
- c) The electrical services shall comply with NSW Clause H102.14; and,
- d) Sanitary accommodation shall be provided to the temporary structures in accordance with NSW Clause H102.11.

Note: Where this condition specifies compliance with prescriptive (deemed to satisfied) provisions of the *BCA* these prescriptive requirements must be satisfied and cannot be varied unless this condition is reviewed under section 82A or amended under section 96 of the *Act*.

Note: This condition does not set aside compliance with clause 143 of the *Regulation* in relation to Fire Protection and Structural Adequacy.

Note: AS 4655 *Guidelines for fire safety audits for buildings* (or any succeeding AS) should form the basis of any fire upgrade.

A.32 Fire Point

A fire point is to be suitably located within the site with suitable portable fire extinguishers as per Australian Standard AS2444, being a mobile fire point.

All structures are to comply with Part H102 (Temporary Structures) of the Building Code of Australia.

A.33 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)
Event Plan	Architectural Plans	Unknown	Not dated

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

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

Nil.

E. Conditions which must be satisfied during any development work

Nil.

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 & 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.

K.2 Commonwealth Disability Discrimination Act 1992 (“DDA”)

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

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

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

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

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

Standard Advising: K3

K.3 NSW Police Service and Road Closures

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

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

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

Standard Advising: K4

K.4 Workcover requirements

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

Note: Further information can be obtained from Workcover NSW's website:

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

Standard Condition: K7

K.5 Appeal

Council is always prepared to discuss its decisions and, in this regard, please do not hesitate to contact Mr Dimitri Lukas, Senior Assessment Officer, on (02) 9391 7159.

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.

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 Levenston
 Councillor Marano
 Councillor O'Regan

Nil

6/0

ITEM No. R2 Recommendation to Council
FILE No. DA367/2011/1
ADDRESS 1A Guildfoyle Avenue, Double Bay (Double Bay Festival)
PROPOSAL For the Double Bay European Festival to be held in Guilfoyle Park, Knox Street, Knox Lane, Cross Street, Bay Street and Guilfoyle Avenue in 2011, 2012, 2013, 2014, 2015, 2016 (as amended by DA 367/2011/3) for the extension of the Double Bay European Festival to include the closure of Bay Street between William Street and the Ferry Wharf on November 1 2015 which is to be occupied by food stalls and/or trucks on Bay Street

Note: Councillor Keulemans declared a Significant Non-Pecuniary Interest in this Item, as he is a director on the Double Bay Chamber of Commerce. Councillor Keulemans did not vote on this Item.

Note: Councillor O'Regan declared a Significant Non-Pecuniary Interest in this Item, as she is a director on the Double Bay Chamber of Commerce. Councillor O'Regan did not vote on this Item.

(Elsing/Levenston)

Recommendation:

THAT the Council, as the consent authority, modify development consent to Development Application No. 367/2011/1 for the Double Bay European Festival to be held in Guilfoyle Park, Knox Street, Knox Lane, Cross Street, Bay Street and Guilfoyle Avenue in 2011, 2012, 2013, 2014, 2015, 2016 (as amended by DA 367/2011/3) for the extension of the Double Bay European Festival to include the closure of Bay Street between William Street and the Ferry Wharf on November 1 2015 which is to be occupied by food stalls and/or trucks on Bay Street, subject to the following:

Amend the following Conditions:**D.9 Public Liability**

Council must be indemnified against all claims for damage or injury that may result from either the activities or from the occupation of part of the public way during the activities. A copy of Public Liability Insurance Cover to the value of at least \$20,000,000 shall be provided to Council prior to the event, nominating the Double Bay Chamber of Commerce and Council as interested parties on the insurance.

Copies of Certificates of Currency for Public Liability Insurance are also to be supplied by each of the service or entertainment (amusement ride) providers operating at each of the events.

E.1 Fitout of food stalls

The person(s) with the benefit of this consent must submit to Council details of the typical construction and fitout of the temporary food stalls. Such details must demonstrate compliance with the Food Act 2003 and Regulation there under; the Food Standards Code and the Food Handling Guidelines for Temporary Events. The construction and fitout of the temporary food stalls shall be to the approval of Council's Environmental Health Officers.

Food stall operators and the event's organiser must ensure there is a sufficient supply of electricity for food handling operations, particularly for hot and cold food holding and water heating. All electrical work should be undertaken by a licensed electrician and conform to AS3002-1985 'Electrical Installations-Shows and Carnivals'. Any gas bottles used for appliances should be secured so that it cannot be tipped over and should be pressure checked.

H.3 Operation of food stalls

- a) Food stall operators are required to handle food for sale for human consumption in accordance with the Food Standards 3.1.1, 3.2.2 and 3.2.3.
- b) Food stall operators and the event's organiser must ensure there are adequately sized, enclosed rubbish bins at each food stall and adequate arrangements made to dispose of garbage contents at the end of the day.
- c) The event's organiser should ensure that adequate toilet facilities for food handlers made available.
- d) Only potable water must be used for preparing food and for washing. Ice used for keeping food cool or adding to food or drink must also be potable.
- e) A fire extinguisher and fire blanket should be supplied in each stall where cooking or heating processes are undertaken. Such equipment should be easily accessible in the event of a fire.
- f) A sealed container of potable water with a tap should be provided at each stall, together with suitable bowls or containers for cleaning, sanitising and hand washing. Clean towels and detergent must be provided.
- g) A hand washing facility, separate from other facilities and used only for that purpose, must be provided. Warm water is needed for effective hand washing and personal hygiene. Hot and cold water must be delivered through a single outlet to a dedicated hand basin. Liquid soap and paper towels must be provided at or near the hand washing facility.
- h) A suitable sanitising agent must be available for sanitising food handling implements and food contact surfaces.

- i) Foods that are required to be stored under temperature control, or kept frozen shall be kept under strict temperature control. Cold foods should be stored at or below 5 degrees celcius and hot food appliances such as bain maries and display cases should enable hot foods to be kept at or above 60 degrees Celsius at all times. Refrigeration facilities should be large enough to hold potentially hazardous foods under temperature control at all times.
- j) Potentially hazardous foods like poultry, meat, dairy products, seafood and egg-based products must be stored under temperature control. If the food is intended to be stored frozen, the food must remain frozen during storage and display.
- k) All food stall operators that handle potentially hazardous foods are required to have a readily accessible, accurate, probe-type thermometer. The thermometer must be cleaned and sanitised before it is used.
- l) Adequate measures must be taken by all food stall operators to prevent cross-contamination from raw foods to cooked foods by ensuring that there are separate utensils for cooked and raw meats, poultry and seafood; covering all food; keeping cooked meat and salads separate and washing hands after handling raw meats, raw poultry, raw seafood and raw vegetables.
- m) All food displayed by food stall operators shall be protected from likely contamination by customers, dust, fumes or insects by using plastic food wraps, sealed containers, sneeze barriers or food covers.
- n) Only single-use disposable eating and drinking utensils are permitted for use by food stall operators and must be protected from contamination until used.
- o) All packaging material must be suitable for food packaging and unlikely to cause food contamination. Only clean unprinted paper, food wraps or packaging must be used for wrapping or storing foodstuffs.
- p) The food stalls must be maintained to a standard of cleanliness where there is no accumulation of garbage or recycled matter, food waste, dirt, grease or other visible matter.
- q) Bench tops and surfaces of equipment in contact with food and storage appliances must be kept in a clean and sanitary condition to ensure food is unlikely to be contaminated.
- r) All pre-packaged products must be clearly labelled with a description of the food, the name and address of the supplier, product lot identification, a list of ingredients, date marking, storage conditions, nutrition information panel and characterising ingredient. The above requirements are outlined in more detail in the Food Standards Code available on the NSW Food Authority's website (www.foodauthority.nsw.gov.au).

H.8 Access

Public access through Transvaal Avenue, Knox Lane, Knox Street, Cross Street, Bay Street, Cooper Street, Short Street, Guilfoyle Avenue, Guilfoyle Park and Steyne Park is to be maintained.

Access for all emergency vehicles from roads surrounding the event must be made available and monitored by security staff in the event of an emergency.

The event organisers are required to coordinate with the Australian 18 Footers Club regarding the access from both parties on the day of the event, through the Ocean Avenue access gate into Steyne Park.

Insert the following Conditions:**A.6 Road Closures Times and Dates**

This condition limits the period during which the development may be carried out as follows:

- a) The temporary road closure on:

Sunday 1 November 2015: 5am to 9pm (event between 10am and 6pm);

- b) of:

Bay Street between William Street and the Ferry Wharf.

A.9 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)
Version 0.4	Traffic Management Plan	Who Dares Pty Ltd	09/09/2015
TCP 1 – 4	Traffic Control Plans	Who Dares Pty Ltd	09/09/2015
Sheet 1 of 1	Proposed Closure of Bay Street between William Street and the Ferry Wharf.	Double Bay Chamber of Commerce	01/08/2015

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

D.14 Certificate of Currency – Workers Compensation Insurance

That the Traffic Management company employed by the Double Bay Chamber of Commerce provide to Council a Certificate of Currency regarding it Workers Compensation insurance.

H.11 Food and Beverage Vendors

Equipment or other associated structures related to festival food and beverage vendors on Bay Street are not permitted to be stored in Steyne Park during the event.

H.12 Food Premises - Maintenance of Food Premises

The food premises must be maintained in accordance with the *Food Act 2003*, *Food Regulation 2004*; the Food Standards Code as published by Food Standards Australia and New Zealand and Australian Standard AS 4674-2004: *Construction and fit out of food premises*.

This condition has been imposed to protect public health.

Note: The provisions of the Food Act 2003 may change over time and irrespective of this condition compliance with this *Act*, regulations, food standards and other standards adopted under the Food Act (as amended) are mandatory. The *Food Act* and applicable regulations can be accessed free of charge at www.legislation.nsw.gov.au.
Standard Condition: I30

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 Levenston
Councillor Marano

Nil

4/0

ITEM No. R3 Recommendation to Council
FILE No. DA111/2015
ADDRESS 9A Cooper Park Road, Bellevue Hill
PROPOSAL The construction of two x three storey residential flat buildings containing a total of 29 units (24 x 2 bed and 5 x 3 bed) and basement level car parking for 51 vehicles and storage, strata subdivision, landscaping and site works

Note: In accordance with Council's meeting procedures and policy this matter is referred to full Council due to the Committee's recommendation in selecting an Option in how it wishes to proceed in relation to the Class 1 Appeal.

Note: Michael d'Apice, Alexander Rabin, Kwai Wong, Kim Clarke, Helmut Rhode representing Tom Kertesz, Julian Segal, Chung Ying Ka, Lucille Segal, objectors & Anthony Boskovitz representing the Applicant, addressed the Committee.

(Elsing/Zeltzer)

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 recommendation.

(Zeltzer/Levenston)

Resolved:

THAT the Committee move into “Open Session”.

Adopted

In Open Session

(Zeltzer/Levenston)

Recommendation:

- A. THAT in respect of the appeal to the Land and Environment Court against DA 111/2015 for the construction of two x three storey residential flat buildings containing a total of 29 units (24 x 2 bed and 5 x 3 bed) and basement level car parking for 51 vehicles and storage, strata subdivision, landscaping and site works, 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 remain confidential for a period of six (6) months or until the conclusion of the appeal, whichever occurs last.

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 Levenston
 Councillor Marano
 Councillor O'Regan
 Councillor Zeltzer

Nil

7/0

There being no further business the meeting concluded at 7.15pm.

We certify that the pages numbered 3100 to 3142 inclusive are the Minutes of the Development Control Committee Meeting held on 21 September 2015 and confirmed by the Development Control Committee on 6 October 2015 as correct.

Chairperson

Secretary of Committee