



Ordinary Council Meeting

Agenda: *Ordinary Council Meeting*

Date: *Monday 12 August 2013*

Time: *8.00pm*

Woollahra Municipal Council

Notice of Meeting

8 August 2013

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

Dear Councillors

Council Meeting – 12 August 2013

In accordance with the provisions of the Local Government Act 1993, I request your attendance at Council's **Ordinary Council Meeting** to be held in the **Council Chambers, 536 New South Head Road, Double Bay, on Monday 12 August 2013 at 8.00pm.**

Gary James
General Manager

Meeting Agenda

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1.	Confirmation of Minutes – Ordinary Meeting	22 July 2013
2.	Leave of Absence and Apologies	
3.	Declarations of Interest	
4.	Late Correspondence Note Council resolution of 27 June 2011 to read late correspondence in conjunction with the relevant Agenda Item	
5.	Petitions Tabled	
6.	Mayoral Minute	Nil
7.	Public Forum	
8.	General Manager & Officer's Report	Nil
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9.1	Corporate & Works Committee	5 August 2013
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	R2 Statutory Review of Policy - Payment of Expenses and Provision of Facilities to The Mayor, Deputy Mayor and Councillors Policy	
	R3 Commercial and Retail Leasing Strategy for The Kiaora Lands Development	1
9.2	Development Control Committee	5 August 2013
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9.3	Urban Planning Committee	22 July 2013
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9.4	Community & Environment Committee	22 July 2013
	R1 Community and Cultural/Environmental Grants 2013 /2014	
	R2 Woollahra Plaques Advisory Committee - Minutes of Meeting 6 June 2013 – (Referred to Council on 22 July 2013 as a Matter of Urgency)	
	R3 Newcastle Street - Angle Parking	
	R4 Albermarle Avenue & Wilberforce Avenue, Rose Bay – Boats and Trailers	
10.	Rescission Motion	Nil
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12.	Questions on Notice	Nil
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9.1 Corporate & Works Committee

Items with Recommendations from the Committee Meeting of Monday 5 August 2013 Submitted to the Council for Determination

Item No: R1 Recommendation to Council
Subject: **Conflict of Interests Policy**
Author: Les Windle - Manager Governance
File No: 817.G
Reason for Report: For Council to consider amendment to the Conflict of Interests Policy

Recommendation:

That the Conflict of Interests Policy August 2013 submitted as Annexure 2 to the report to the Corporate and Works Committee on 5 August 2013 be adopted.

Item No: R2 Recommendation to Council
Subject: **Statutory Review of Policy - Payment of Expenses and Provision of Facilities to The Mayor, Deputy Mayor and Councillors Policy**
Author: Les Windle - Manager Governance
File No: 18.G
Reason for Report: For Council to fulfil its statutory requirement to annually review and publicly exhibit a proposed policy for the Payment of Expenses and Provision of Facilities to the Mayor, Deputy Mayor and Councillors

Recommendation:

- A. THAT Council's current Payment of Expenses and Provision of Facilities to the Mayor, Deputy Mayor and Councillors Policy as contained in Annexure 1 of the report to the Corporate and Works Committee meeting on 5 August 2013 be placed on public exhibition for a period of not less than 28 days as Council's proposed policy for the ensuing twelve months, subject to the maximum entitlement for reimbursement of "Care and related expenses" being increased to \$3,300 per annum.
 - B. THAT a further report be submitted to the Committee at the conclusion of the exhibition period.
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Item No: R3 Recommendation to Council
Subject: **Commercial and Retail Leasing Strategy for The Kiaora Lands Development**
Author: Tom O’Hanlon, Director Technical Services
File No: Tender No 12/12
Reason for Report: To advise Council on the progress of the commercial and retail leasing strategy for the Kiaora Lands Development.

Recommendation:

- A. That Council note the Commercial and Retail Leasing Strategy for the Kiaora Lands Development.
 - B. That the General Manager be authorised to execute leases for commercial and retail spaces at Kiaora Lands that derive from the strategy and the work of Rook Partners.
 - C. That the content of the Strategy remains confidential under Section 10A (2) (c) until all negotiations for leasing of Kiaora Lands is concluded, as the strategy includes information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business.
 - D. That the Corporate & Works Committee receive quarterly progress reports on the implementation of the Leasing Strategy.
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9.2 Development Control Committee

Items with Recommendations from the Committee Meeting of Monday 5 August 2013 Submitted to the Council for Determination

Item No: R1 Recommendation to Council

Subject: **550 New South Head Road, Rose Bay (Lyne Park) – The use of Lyne Park between 9 September 2013 – 8 October 2013 to perform the Great Moscow Circus – 13/2/2013**

Author: Eleanor Smith – Senior Assessment Officer

File No: DA37/2013

Reason for Report: In accordance with Council’s meeting procedures and policy this matter is referred to full Council due to Council’s delegations require the subject development application to be determined by full Council.

Recommendation: 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. 37/2013 for the use of Lyne Park between 9 September 2013 – 8 October 2013 to perform the Great Moscow Circus on land at 550 New South Head Road Rose 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.

Standard Condition: A1

A.2 Definitions

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

Applicant means the applicant for this Consent.

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

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

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

Council means Woollahra Municipal Council

Court means the Land and Environment Court

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

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

- The collection of stormwater,
- The retention of stormwater,
- The reuse of stormwater,
- The detention of stormwater,
- The controlled release of stormwater; and
- Connections to easements and public stormwater systems.

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

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

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

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

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

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

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

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

Site means the land being developed subject to this consent.

WLEP 1995 means *Woollahra Local Environmental Plan 1995*

Work for the purposes of this consent means:

- the use of land in connection with development,
- the subdivision of land,
- the erection of a building,
- the carrying out of any work,
- the use of any site crane, machine, article, material, or thing,
- the storage of waste, materials, site crane, machine, article, material, or thing,
- the demolition of a building,
- the piling, 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)
Drawing No: 2844-1 r.m Sheet: 1 - Issue: A	Site Plan	Accurate Design and drafting	25.02.13
Sheets: 2 of 6 3 of 6 4 of 6 5 of 6 6 of 6	Temporary Structure and Seating Details	Osman Designpac	30.01.02
15.017.3 15.017.17 15.012.13A 15.012.13C	Temporary Structure and Seating Details	Baytex	25.03.02 09.02.02 09.02.02 11.06.01
Section 5. Technical Data of the Great Moscow Circus Information Manual	Temporary Structure and Seating Details	The Great Moscow Circus	Undated
	Arborist Report	Dr Treegood	May 2010
A1012155N (version 1a) As amended by A101215N TMP (Version 1a), dated September 2010.	Traffic Report	ML Traffic Engineers	June 2010
A101215N TMP (Version 1a)	Traffic Report	ML Traffic Engineers	Sept 2010
nss21511 Rev A	Section 4 & 5 of the acoustic report titled 'Acoustical Control Guidelines for the Moscow Circus, Lyne Park, Rose Bay'	Noise and Sound Services	June 2010

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 Time Limited Consent (s80A(1)(d & e) of the Act)

This is a time limited consent. This condition limits the period during which the development may be carried out as follows:

- a) The use of the subject site for the staging of the Great Moscow Circus must cease on or before 08 October 2013
- b) All of the temporary structures approved under this consent must be removed by no later than 08 October 2013.

If a new development application or section 96 application is not lodged and determined within the time limits imposed by this condition the development subject to this consent must cease. The issue of this time-limited consent does not render any previous consent or any existing use right void.

Note: Where this condition is amended or deleted by any further section 96 amendment or the ongoing use is subject to a further development application Council may, if it favourably considers such amendment or application, seek the surrender of previous consents or any existing use right.

This condition has been imposed to allow a review of the practical effect of this consent through the submission of a new Development Application or the further assessment of an application to amend or delete this condition under section 96 of the Act prior to this consent's expiration in accordance with this condition.

Note: The purpose of this condition is to allow development that may have an adverse impact upon the amenity of the neighbourhood proceed for a trial period whereby towards the end of the trial period the person(s) with the benefit of this consent can seek the amendment or deletion of this condition pursuant to section 96 of the Act or submit a new development application where the proposed continuation of the development is not substantially the same development.

Standard Condition: A7

A.5 Modifications to Circus Operations – Relating to the International Fleet Review

That due to the over lapping of the Circus and the Fleet Review the following amendments are required:

- Thursday 03 October 2013 – the afternoon performance shall be moved from 2pm to 3pm. The Tall Ships arrive into the Harbour from 11am – 1pm. This change of performance time will allow expected crowds to disperse in time for the 3pm performance.
- Saturday 05 October 2013 – no performances permitted.
- For the whole of Saturday 05 October 2013 there is to be no circus activity (including, but not limited to performances, and the arrival or departure of large vehicles to and from the subject site).
- During the period 03 October 2013 to 06 October 2013 people are reminded to utilise public transport to and from the subject site.
- The permitted performance times our set out under condition I.1 of this consent.

A.6 Ancillary Aspect of the Development (s80A(2) of the Act)

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

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

Standard Condition: A8

A.7 Prescribed Conditions

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

Note: It is the responsibility of those acting with the benefit of this consent to comply with all prescribed conditions under the *Act* and the *Regulation*. Free access can be obtained to all NSW legislation at

www.legislation.nsw.gov.au

Standard Condition: A30

A.8 Conditions of consultation – Road and Maritime Services

The following advisory comments have been provided by NSW Roads and Maritime Services. Council has determined to impose the advisory comments as condition(s) of consent:

- a) Due to the increase in pedestrian and vehicular movements along this section of New South Head, portable Variable Message Signs (VMS) should be placed on New South Head to provide advanced warning to motorists of the event. Any portable VMS signs shall be placed outside the clear zone on New South Head Road.
- b) Promotions of this event should include information on accessing the site via public transport to mitigate the effect of parking demand and traffic movements.
- c) All works associated with the proposed event shall be at no cost to the RMS.
Standard Condition: A24

A.9 Ticket information in relation to parking

All tickets sold to the event must clearly state that: there is no private parking available at the Circus site and public parking in the area is very limited, patrons are therefore advised to access the site via public transport.

A.10 Conditions of land Owners Consent

Crown Lands have granted land owner's consent, subject to the understanding that:

- a) It does not imply or presume the Minister's approval or support of the proposal. This consent is given without prejudice so that consideration of the proposed development may proceed under the Environmental Planning and Assessment Act 1979 and any other relevant legislation.
- b) This consent pertains to the abovementioned proposed development only. Changes to the application are not permitted. Any changes which may be required by either the applicant or the Council will be considered on merit and may require the payment of additional fees;
- c) Irrespective of approval by any other authority or any future development approval by Council, no work shall commence on Crown land without agreement in principle to a suitable temporary licence under s108 of the Crown Lands Act, from the reserve trust manager, Woollahra Council.

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

B.1 License Agreement

The Operator shall enter into a license agreement with Council for the hire of Lyne Park from 09 September 2013 to 08 October 2013. The license agreement will incur the applicable hire charge fees and a security bond.

B.2 Establishment of Tree Protection Zones (TPZ)

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

a) Tree Protection Zone areas

Council Ref No	Species	Location	Radius from Centre of Trunk (Metres)*
		As per Proposed Temporary Site for a Circus, drawn by Accurate Design and Drafting (2844-1r.m), dated 25.02.13	

- b) 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.
- c) No excavation, construction activity, grade changes, storage of materials, stockpiling, siting of works sheds, preparation of mixes or cleaning of tools is permitted within Tree Protection Zones, unless specified in Condition B.2 of this consent.
- d) All site personnel and contractors must be made aware of all tree protection requirements associated with these conditions of consent.
- e) The project arborist shall provide written certification of compliance with the above condition.

Standard Condition: B5

B.3 Arborists Documentation and Compliance Checklist

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

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

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

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

Stage of arboricultural inspection	Compliance documentation including photos shall be included
Prior to any vehicles, machinery or caravans entering the park.	Correct installation and positioning of Tree Protection Zone barriers.
During the week commencing 27 th September 2010.	Correct installation and positioning of Tree Protection Zone barriers. Monitor condition of trees.

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

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

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

C.1 Payment of Security, Levies and Fees (S80A(6) & S94 of the Act, Section 608 of the Local Government Act 1993)

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

Description	Amount	Indexed	Council Fee Code
LONG SERVICE LEVY			
under Building and Construction Industry Long Service Payments Act 1986			
Long Service Levy http://www.lspc.nsw.gov.au/levy_information/?levy_information/levy_calculator.stm	Contact LSL Corporation or use online calculator	No	
SECURITY			
under section 80A(6) of the Environmental Planning and Assessment Act 1979			
Property Damage Security Deposit -making good any damage caused to any property of the <i>Council</i>	\$30,000.00	No	T115
INSPECTION FEES			
under Section 608 of the Local Government Act 1993			
Public Tree Management Inspection Fee	\$166.00	No	T45
Security Administration Fee	\$175.00	No	T16
TOTAL SECURITY, CONTRIBUTIONS, LEVIES AND FEES	\$30,341.00 plus any relevant indexed amounts and long service levy		

Building and Construction Industry Long Service Payment

The Long Service Levy under Section 34 of the *Building and Construction Industry Long Service Payment Act, 1986*, must be paid and proof of payment provided to the *Certifying Authority* prior to the issue of any *Construction Certificate*. The Levy can be paid directly to the Long Services Payments Corporation or to Council. Further information can be obtained from the Long Service Payments Corporation's website <http://www.lspc.nsw.gov.au/> or the Long Service Payments Corporation on 13 14 41.

How must the payments be made?

Payments must be made by:

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

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

- The guarantee is by an Australian bank for the amount of the total outstanding contribution;
 - The bank unconditionally agrees to pay the guaranteed sum to the Council on written request by Council on completion of the development or no earlier than 12 months from the provision of the guarantee whichever occurs first [NOTE: a time limited bank guarantee or a bank guarantee with an expiry date is not acceptable];
 - The bank agrees to pay the guaranteed sum without reference to the applicant or landowner or other person who provided the guarantee and without regard to any dispute, controversy, issue or other matter relating to the development consent or the carrying out of development in accordance with the development consent;
 - The bank guarantee is lodged with the Council prior to the issue of the construction certificate; and
 - The bank's obligations are discharged when payment to the Council is made in accordance with the guarantee or when Council notifies the bank in writing that the guarantee is no longer required.
- Standard Condition: C5

C.2 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.3 Waste Management

A Waste Management Plan is to be submitted at the Construction Certificate stage. The plans should include, but not be limited to, the estimated volume of waste and method of disposal including receptacles for the operation phases of the development & the on-site waste storage and recycling areas. The proponent must enter into contractual agreement with an authorised waste contractor for the removal of waste and recyclable materials for the duration of the event. A copy of the contractual agreement shall be forwarded to Woollahra Council prior to occupation of the site.

C.4 Temporary structure structural and fire safety upgrade (Clause 94A of the Regulation)

Council considers pursuant to clause 94A of the *Regulation* that it is appropriate to require the temporary structure to be brought into total or partial conformity with the *BCA*.

The *Construction Certificate* plans and specification required to be submitted to the *Certifying Authority* pursuant to clause 139 of the *Regulation* must detail building upgrade works required by this condition.

The *Certifying Authority* must be satisfied that such work, to be implemented as part of the development, will upgrade the temporary structure to bring it into compliance with the following provisions of the *BCA* as in force at the date of the *Construction Certificate* application:

- a) That the structure of the tent shall comply with the requirements of Section B of the *BCA*;
- b) That the material used as an envelope/cover on the temporary structure shall have a minimum group number of 1 or 2 in accordance with the requirements of Specification C1.10 of the *BCA*;

Note: The *Certifying Authority* issuing the *Construction Certificate* has no power to remove the requirement to upgrade the existing building as required by this condition. Where this conditions specifies compliance with performance requirements of the *BCA* the *Certifying Authority*, subject to their level of accreditation, may be satisfied as to such matters. 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 the *Certifying Authorities* responsibility to ensure 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 report.
Standard Condition: C10

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 clause 187 or 188, subject to the terms of any condition or requirement referred to in clause 187 (6) or 188 (4),
- b) to the erection of a temporary building.

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

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

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

D.2 Dilapidation Reports for Public Infrastructure

To clarify the existing state of public infrastructure prior to the commencement of any development (including prior to any demolition), the *Principal Contractor* must submit a dilapidation report, prepared by a *professional engineer*, on Council's infrastructure within and near the development site.

The dilapidation report must be submitted to Council prior to the commencement of any work and include:

- a) Photographs showing any existing damage to the road pavement surrounding the site,
- b) Photographs showing any existing damage to the kerb and gutter surrounding the site,
- c) Photographs showing any existing damage to the footway including footpath pavement on and surrounding the site,
- d) Photographs showing any existing damage to retaining walls within the site or footway or road, and
- e) Photographs showing any existing damage to the playing fields, and trees, vegetation and grass surrounding the playing fields.
- f) The full name and signature of the professional engineer.

The reports are to be supplied in both paper copy and electronic format in Word. Photographs are to be in colour, digital and date stamped.

The dilapidation report must specify (with supporting photographic/DVD evidence) the exact location and extent of any damaged or defective public infrastructure prior to the commencement of any work. If the required report is not submitted then Council will assume there was no damage to any infrastructure in the immediate vicinity of the site prior to the commencement of any work under this consent.

Note: If the Principal Contractor fails to submit the dilapidation report required by this condition and damage is occasioned to public assets adjoining the site Council will deduct from security any costs associated with remedying, repairing or replacing damaged public infrastructure. Nothing in this condition prevents Council making any claim against security held for this purpose
Standard Condition: D5

D.3 Security Fencing, Hoarding and Overhead Protection

Security fencing must be provided around the development site in accordance with the approved site plan.

The security fencing must not obstruct access to utilities services including but not limited to man holes, pits, stop valves, fire hydrants or the like.

Standard Condition: D11

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

D.5 Establishment of Tree Protection Zones

The site fence as indicated on the Proposed Temporary Site for Circus Plan (number 2844-1 r.m, Sheet 1 Issue A, drafted by Accurate Design and Drafting, dated 25.02.13) is to act as the tree protection fence. The fence shall be continuous and be positioned no closer than 20m from the trunks of the following trees:

- Fourteen (14) *Ficus macrophylla* (Moreton Bay Fig) positioned at the southern end of the park
 - Fourteen (14) *Ficus rubiginosa* (Port Jackson Figs) trees extending generally in a north south direction on the eastern side of the park
- a) Tree Protection Fence shall be established prior to any vehicles, machinery or caravans entering the park. The fence shall also be established prior to the erection of any temporary structures such as tents.
 - b) The tree protection fence shall comply with Australian standard 4687 – 2007 *Temporary Fencing and Hoardings*
 - c) Once established, the fence shall not be removed or altered without approval of the project Arborist.
 - d) A sign must be erected on each side of the fence indicating the existence of a Tree Protection Zone and providing the contact details of the site Arborist.
 - e) The storage of materials, stockpiling, siting of works sheds, cleaning of tools or equipment is not permitted within Tree Protection Zones.

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

D.6 Payment of Hire Fees and Bonds

The hire fee which forms part of the license agreement for the hire of Lyne park between 09.09.13 and 08.10.13 shall be paid to Council at least three weeks prior to the event.

A bond of \$30,000 shall be paid to Council, prior to the event, as security for the restoration of the park at the conclusion of the event. Council will assess Lyne Park and may use all or part of the bond to carry out rectification works if necessary.

D.7 Public Liability Insurance

The organisers, prior to the event, shall provide Council with a copy of a \$20,000,000 public liability policy naming Woollahra Municipal Council Moscow Circus as insured under the policy.

D.8 Notification of Surrounding Residents

The organisers shall advise all residents of O'Sullivan Road, Elanora Road, Iluka Street and Manion Avenue of the Circus's activities by way of letter box drop a minimum of two weeks prior to the event. This must include details of a contact person should any complaints arise with regards to the operation of the event.

D.9 Acoustic Measures

The recommended acoustical controls and management controls detailed in Section 4 & 5 of the report prepared by Noise and Sound Services of June 2010 (Report No. nss21511 Rev A) titled 'Acoustical Control Guidelines for the Moscow Circus, Lyne Park, Rose Bay' being fully implemented, in particular that sound emission levels be measured by a qualified acoustic consultant prior to the commencement of the Moscow Circus performances to determine compliance or otherwise with the operational noise goal (L_{Amax} noise level from the circus activities must not exceed 75 dBA at the nearest residential boundary).

D.10 Food Standards & Requirements - Registration

- a) The events organiser must register with Council and notify the NSW Food Authority of the proposed event. The Food safety Standards require a food business or a temporary event where food is sold to the public must:
- Provide contact details for the food business including the name of the food business and the name and business address of the proprietor of the food business
 - The nature of the food business; and
 - The location of all food outlets.

Contact details for Council are www.records@woollahra.nsw.gov.au and the NSW Food Authority www.foodauthority.nsw.gov.au.

- b) All food to be sold for human consumption must be handled in accordance with the Food Standards Code Section 3.11, 3.22 and 3.2.3. All food displayed must be protected from likely contamination by customers, dust, fumes or insects.
- c) All pre-packaged food 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).

D.11 Sanitary Facilities

Sanitary facilities must be provided on the site in sufficient number to cater for both staff and spectators attending the Moscow Circus shows. Sanitary facilities shall be provided in accordance with Table F2.3 'Class 9b buildings' of the Building Code of Australia. The number of sanitary facilities required being forwarded to Woollahra Council prior to occupation of the site.

D.12 Circus Operations

1. The organisers shall be responsible for providing staff to control entry to Lyne Park for bump in (arrival) and bump out (departure).
2. The organisers are responsible for security during event times and after hours.
3. Prior to bump in (arrival), the organisers must meet with Council's Team Leader Open Space & Recreational Planning for assessment of Lyne Park and provide a dilapidation report of the area. Council staff will provide an irrigation map of the approximate location of infrastructure.
4. The organisers are responsible for all event waste (including public and private toilets) collection and disposal. The event site must be kept clean and tidy at all times including an area of 50m surrounding the site.
5. The organisers provide Council with a contact person that can be contactable after hours.
6. All accommodating occupants within the park must respect general park users and surrounding residents including all noise related activities.
7. The applicant and/or event organisers must comply with any direction or instruction from Council staff. Failure to do so may result in withdrawal of consent for this event.

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 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.3 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.4 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 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 outside the approved hours of work will be considered on a case by case basis.

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

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

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

E.5 Maintenance of Vehicular and Pedestrian Safety and Access

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

Not erect or maintain any gate or fence swing out or encroaching upon the road or the footway.

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

This condition does not apply to the extent that a permit or approval exists under 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.6 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.7 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.8 Tree Preservation

All persons must comply with Council's Tree Preservation Order (TPO) other than where varied by this consent. The order applies to any tree with a height greater than 5 metres or a diameter spread of branches greater than 3 metres.

General Protection Requirements

- a) There shall be no excavation or work within a 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*.
Standard Condition: E8

E.9 Footings in the vicinity of trees

To minimise the impact on the trees, the positioning of the tent pegs shall remain flexible so that if roots with a diameter of greater than 30mm are encountered the location of the peg shall be moved to facilitate the retention of the root.

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)

No relevant conditions.

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

No relevant conditions.

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

No relevant conditions.

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

I.1 Hours of use

Each performance shall last a maximum of 2 hours and 15 minutes. The hours in which the performances may take place are limited to the following:

Monday 09 September 2013	Site Arrival	
Tuesday 10 September 2013	Set up & Rehearsals	
Wednesday 11 September 2013	1 Performance	7.30pm to 9.45pm
Thursday 12 September 2013	1 Performance	7.30pm to 9.45pm
Friday 13 September 2013	1 Performance	7.30pm to 9.45pm
Saturday 14 September 2013	3 Performances	1.00pm to 3.15pm 4.00pm to 6.15pm 7.30pm to 9.45pm
Sunday 15 September 2013	2 Performances	12.00pm to 2.15pm 3.00pm to 5.15pm
Monday 16 September 2013	Rest Day	
Tuesday 17 September 2013	Rest Day	
Wednesday 18 September 2013	1 Performance	7.30pm to 9.45pm
Thursday 19 September 2013	1 Performance	7.30pm to 9.45pm
Friday 20 September 2013	1 Performance	7.30pm to 9.45pm
Saturday 21 September 2013	3 Performances	1.00pm to 3.15pm 4.00pm to 6.15pm 7.30pm to 9.45pm
Sunday 22 September 2013	2 Performances	12.00am to 2.15pm 3.00pm to 5.15pm
Monday 23 September 2013	Rest Day	
Tuesday 24 September 2013	1 Performance	2.00pm to 4.15pm
Wednesday 25 September 2013	2 Performance	2.00pm to 4.15pm 7.30pm to 9.45pm
Thursday 26 September 2013	2 Performances	2.00pm to 4.15pm 7.30pm to 9.45pm
Friday 27 September 2013	2 Performances	2.00pm to 4.15pm 7.30pm to 9.45pm
Saturday 28 September 2013	3 Performances	1.00pm to 3.15pm 4.00pm to 6.15pm 7.30pm to 9.45pm

Sunday 29 September 2013	2 Performances	12.00am to 2.15pm 3.00pm to 5.15pm
Monday 30 September 2013	Rest Day	
Tuesday 01 October 2013	1 Performance	2.00pm to 4.15pm
Wednesday 02 October 2013	2 Performances	2.00pm to 4.15pm 7.30pm to 9.45pm
Thursday 03 October 2013	2 Performances	3.00pm to 5.15pm 7.30pm to 9.45pm
Friday 04 October 2013	1 Performances	7.30pm to 9.45pm
Saturday 05 October 2013	No Performances	No Performances
Sunday 06 October 2013	2 Performances	12.00am to 2.15pm 3.00pm to 5.15pm
Monday 07 October 2013	1 Performance	12.00am to 2.15pm

Note: Deliveries to or dispatches from the site must not be made outside these hours. Trading Hours may be more onerous than these general hours of use. This condition does not apply to activities such as cleaning which takes place wholly within the building and which are not audible within any adjoining residential dwelling. If internal activities are audible within any adjoining residential dwelling such that they cause a nuisance to the occupiers of such dwelling than such internal activities must not occur outside these hours of use. This condition does not restrict the operation of noise pollution laws.

I.2 Maximum capacity for the temporary structures

The number of persons using the temporary structures shall not exceed the applicable loads prescribed by the Building Code of Australia, as approved under the construction certificate. The approved method to calculate that the authorised capacity is not exceeded is by the issue of numbered tickets to patrons upon admission, together with regular head counts at intervals during the hours of operation.

I.3 Waste Water

All waste water from caravan and food vans shall be disposed to the sewer by either direct disposal to the sewer system or collection in tanks for disposal to the sewer.

I.4 Lighting

Any lighting on the site shall be designed so as not to cause a nuisance to other residences in the area or to motorists on nearby roads and to ensure no adverse impact on the amenity of the surrounding area by light overspill. All lighting shall comply with the Australian Standard AS 4282:1997 *The Control of Obtrusive Effects of Outdoor Lighting*.

I.5 Noise from mechanical plant and equipment

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

The *background noise level* is the underlying level present in the ambient noise, excluding the subject noise source, when extraneous noise is removed.

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

Note: Words in this condition have the same meaning as in the:
NSW Industrial Noise Policy (http://www.environment.nsw.gov.au/resources/ind_noise.pdf)
ISBN 0 7313 2715 2, dated January 2000, and
Noise Guide for Local Government (<http://www.environment.nsw.gov.au/noise/nglg.htm>)
ISBN 1741370671, dated December 2004.
Standard Condition: I53

I.6 Outdoor lighting – Sports Lighting

No sports lighting must operate after 10.15pm.

This condition has been imposed to control the obtrusive effects of outdoor lighting, to limit the hours of use to protect the amenity of neighbours and to maintain safe conditions for the recreational use of the park.

Note: The height of the poles as proposed may be too low to comply with both AS4282 and AS2560. Where this is disclosed, it will be necessary to seek an amendment to this consent if it is proposed to increase the height of the poles and lights to achieve compliance with both standards.

Note: Council may consider, subject to an appropriate section 96 application relaxation of this condition where it can be demonstrated, by expert report, that the level of lighting in the existing area already exceeds the above criteria, where physical shielding is present or physical shielding is reasonably possible.
Standard Condition: I40

I.7 Circus Operations

1. The organisers shall be responsible for providing staff to control entry to Lyne Park for bump in (arrival) and bump out (departure).
2. The organisers are responsible for security during event times and after hours.
3. Prior to bump in (arrival), the organisers must meet with Council's Team Leader Open Space & Recreational Planning for assessment of Lyne Park and provide a dilapidation report of the area. Council staff will provide an irrigation map of the approximate location of infrastructure.
4. The organisers are responsible for all event waste (including public and private toilets) collection and disposal. The event site must be kept clean and tidy at all times including an area of 50m surrounding the site.
5. The organisers provide Council with a contact person that can be contactable after hours.
6. All accommodating occupants within the park must respect general park users and surrounding residents including all noise related activities.
7. The applicant and/or event organisers must comply with any direction or instruction from Council staff. Failure to do so may result in withdrawal of consent for this event.

I.8 Offensive Noise

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

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

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>) published 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).
Standard Condition: I50 (Autotext II50)

I.9 Sound System – time limitations

The use of the sound system shall cease no later than 20 minutes after each show finishes. This condition has been imposed to protect the amenity of the neighbourhood.

I.10 Food Standards & Requirements

The events organiser must register with Council and notify the NSW Food Authority of the proposed event. The Food safety Standards require a food business or a temporary event where food is sold to the public must:

- Provide contact details for the food business including the name of the food business and the name and business address of the proprietor of the food business
- The nature of the food business; and
- The location of all food outlets.

Contact details for Council are www.records@woollahra.nsw.gov.au and the NSW Food Authority www.foodauthority.nsw.gov.au.

All food to be sold for human consumption must be handled in accordance with the Food Standards Code Section 3.11, 3.22 and 3.2.3. All food displayed must be protected from likely contamination by customers, dust, fumes or insects.

All pre-packaged food 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).

I.11 Environmental Protection

Throughout the duration of the circus performances all appropriate environmental precautions shall be taken so that no harm or 'pollution incident' is caused to the surrounding deemed an offence under the Protection of the Environment Operations Act 1997.

I.12 Waste Management - Commercial

Waste Management must comply with the *approved Waste Management Plan*.

This condition does not apply to the extent that Activity Approval exists under the Local Government Act 1993 or the Roads Act 1993 and subject that all conditions of such approval(s) are complied with.

Standard Condition: I15

I.13 Sanitary Facilities

Sanitary facilities must be provided on the site in sufficient number to cater for both staff and spectators attending the Moscow Circus shows. Sanitary facilities shall be provided in accordance with Table F2.3 'Class 9b buildings' of the Building Code of Australia. The number of sanitary facilities required being forwarded to Woollahra Council prior to occupation of the site.

I.14 Advertisements on Public Open Space

No marketing, sales or promotions of any kind shall be undertaken within the Park during the period of use unless the prior written approval of Council is provided.

I.15 Compliance with the Traffic Management Plan

The organisers shall comply with the controls and conditions specified within the approved Traffic Management Plan, **reference A1012155N, prepared by ML Traffic Engineers, dated June 2010, as amended by Traffic Management Plan, reference A101215N TMP (Version 1a), prepared by ML Traffic Engineers, dated September 2010.** Any works or amendments required to the road network, signage, parking controls, parking meters must be completed prior to the event commencing. All costs associated with these changes must be borne by the applicant.

It is noted that the plan which accompanies Traffic Management Plan, reference A101215N TMP (Version 1a), prepared by ML Traffic Engineers, dated September 2010 shall be amended to include a 'Temporary No Right Turn Sign' at the intersection of Vickery Avenue and New South Head Road.

Any amendments to the approved Traffic Management Plan arising from altered traffic conditions and/or the organisers' requirements after the event commences are subject to Council approval.

I.16 The provision of Traffic Controller

The organisers of the event must provide a traffic controller on weeknights to guide people (parents and especially young children) in crossing New South Head Road at the signalised junction at Lyne Park Road.

J. Miscellaneous Conditions

J.1 Damage to Public Open Space

Lyne Park shall be fully restored following the event. Restoration works include vertidrain, sand topdressing, fertilising and returfing. The organisers, Michael Edgley's Moscow Circus, shall fund the full cost of these works. The restoration works are to be completed within four weeks of the end of the event. Council staff will conduct a pre and post assessment of the open space to ascertain any damage and restoration required. The organisers shall prepare a Dilapidation Report of the park to be signed off by Council staff before being granted access.

K. Advisings

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

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

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

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

Warnings as to potential maximum penalties

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

Warning as to enforcement and legal costs

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

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

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

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

Standard Advising: K1

K.2 Dial before you dig



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

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

Standard Advising: K2

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

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

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

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

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

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

Standard Advising: K3

K.4 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 partially or fully close a road without compliance with Council and Police requirements Council Rangers or the Police can issue Penalty Infringement Notices or Court Attendance Notices leading to prosecution.

Standard Advising: K4

K.5 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.6 Building Standards - Guide to Standards and Tolerances

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

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

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.7 Workcover requirements

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

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

<http://www.workcover.nsw.gov.au/Industry/Construction/default.htm> or through their head office:

Location: Workcover NSW, 92-100 Donnison Street, GOSFORD 2250 Postal address: WorkCover NSW, Locked Bag 2906, LISAROW 2252, Phone (02) 4321 5000, Fax (02) 4325 4145.

Standard Condition: K7

K.8 Appeal

Council is always prepared to discuss its decisions and, in this regard, please do not hesitate to contact Eleanor Smith, Assessment Officer, on (02) 9391 7090

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

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

Standard Condition: K14

K.9 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.10 Pruning or Removing a Tree Growing on Private Property

Woollahra Municipal Council's *Tree Preservation Order* 2006 (TPO) may require that an application be made to Council prior to pruning or removing any tree. The aim is to secure the amenity of trees and preserve the existing landscape within our urban environment. Before you prune or remove a tree, make sure you read all relevant conditions. You can obtain a copy of the TPO from Council's website www.woollahra.nsw.gov.au or you may contact Council on 9391-7000 for further advice.

Standard Condition: K19

K.11 Site Constraints

There may be constraints regarding the site conditions and the proposed construction method. A detailed history of the site below a depth of 600mm is not available. There is a possibility that landfill or concrete slabs will be intercepted below this depth.

K.12 Construction Certificate

Based on the fire analysis provided you will need to engage an appropriately qualified Private Certifying Authority (PCA) to process the required Construction Certificate.

K.13 The Provision of Transport from Edgecliff Station

The Circus is to consider the provision of a mini-bus from Edgecliff Station to the venue at Lyne Park Rose Bay.

Item No: R2 Recommendation to Council
Subject: **23 Derby Street, Vacluse – Section 96 Application – Proposed modification internal & external – 7/6/2010**
Author: David Booth – Senior Assessment Officer
File No: DA338/2009 part 3
Reason for Report: In accordance with Council’s meeting procedures and policy this matter has been called to full Council by The Mayor Councillor Petrie to expedite determination of the matter due to previously deferred Site Inspection Meetings. (This matter was the subject of a DCC Site Inspection on 7 August 2013)

Note: The Site Inspection Councillors recommend amending Condition No. C.1(n) (lower height of atrium clerestory structure by 1m)

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

THAT Council, as the consent authority, modify development consent to Development Application No. 338/2009 part 3 for the demolition of the existing dwelling house, the construction of a new dwelling house and swimming pool, landscaping and site works on land at 23 Derby Street, Vacluse in the following manner:

The modification of the following conditions:

A.3a Approved Amended (s96) Plans

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

Reference	Description	Author/Drawn	Date(s)
1-06-1-10, 2-05, 2-06, 2-09, 2-10 & 3-05	Architectural Plans	Howe Architects P/L	17 & 31/8/12

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*.)

C.3 BASIX commitments

The *applicant* must submit to the *Certifying Authority* *BASIX Certificate* 445238S with any application for a *Construction Certificate*.

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

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

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

H.2 Fulfillment of BASIX commitments – Clause 154B of the Regulation

All BASIX commitments must be effected in accordance with the BASIX Certificate 445238S.

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

I.2 Maintenance of BASIX commitments

All BASIX commitments must be maintained in accordance with the BASIX Certificate 445238S.

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

The addition of the following conditions:

C.1n) In order to mitigate unreasonable view loss to 17 John Dykes Avenue, the proposed atrium clerestory structure shall be lowered by 1 m to RL63.2. The proposed high atrium parapet shall be lowered to the general parapet level at RL63.05.

C.17 Checking Construction Certificate plans & protecting assets owned by the Sydney Water Corporation

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

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

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

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

The deletion of the following conditions:

- C.1d)** *The kitchen awning window on the southern elevation of the ground floor is to be a hopper window glazed with translucent glass and fitted with winder mechanisms which allow a maximum opening of 300mm.*
- C.1e)** *For clarity, ground floor plan A104 Rev A shall be amended to depict the ground floor WC frosted awning window shown on the northern side elevation plan A107 Rev B.*

- C.1f) For clarity, first floor plan A105 Rev B shall be amended to depict the first floor ensuite frosted windows shown on the southern side elevation plan A107 Rev B.*
 - C.1g) For clarity, the southern and northern side elevation plan A107 Rev B is to be amended to depict the front setback of the ground floor to be 5.7m.*
 - C.1h) The garage width is to be no greater than 6.5m.*
 - C.1i) The proposed basement, including the garage, is to present an unarticulated length (comprised of slatted timber) of 6.5m to the street.*
 - C.1m) The current gable facing the street shall be amended to a pitch roof form, with the lowest level of the pitch to be consistent with the eaves and falling away from the street.*
-

- Item No:** R3 Recommendation to Council
- Subject:** **29-53 Victoria Road, Bellevue Hill (North-eastern section of The Scots College) – Section 96 Application – Proposed modifications internal & external – 15/4/2013**
- Author:** David Booth – Senior Assessment Officer
- File No:** DA545/2005 part 3
- Reason for Report:** In accordance with Council’s meeting procedures and policy this matter has been called to full Council by The Mayor Councillor Petrie for the following reason:
- That original refusal was a decision by Full Council, and each Councillor should have a say in final decision.

Recommendation:

That the recommendation that was adopted in the closed session be adopted.

- Item No:** R4 Recommendation to Council
- Subject:** **751-755, 757 & 759 New South Head Road, & 12 & 14 Richmond Road, Rose Bay – Section 96 Application – Proposed modification substation – 16/8/2012**
- Author:** Eleanor Smith – Senior Assessment Officer
- File No:** DA845/2008 part 2
- Reason for Report:** In accordance with Council’s meeting procedures and policy this matter has been called to full Council by Councillor Robertson for the following reasons:
1. The DA was originally determined (and deferred) at full Council.
 2. High number of objector concerns
 3. Broader public interest.
 4. The staff assessment report notes "that the substation is setback 1.45m from the eastern boundary, and the western side of the fire resistant blast wall is setback 0.85m from the eastern boundary". This is significantly non-compliant with the conditions imposed in the original grant of consent pursuant to section C7.

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

THAT Council, as the consent authority, modify development consent to Development Application No. 845/2008 part 2 for the adaptive use of No. 751-755 (former car showroom) and No. 757 (former Post Office) New South Head Road for a retail use as a Woolworths supermarket, and the demolition of the pair of semi-detached dwellings at No. 12 and No. 14 Richmond Road to provide off-street car parking for 25 vehicles, with egress for service vehicles via 759 New South Head Road (Crystal Car Wash) on land at 751-755, 757 and 759 New South Head Road, and 12 and 14 Richmond Road, Rose Bay in the following manner:

A. General Conditions

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

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

Reference	Description	Author/Drawn	Date(s)
60051050	Acoustic Report	Aecom	02.11.2012
1 of 3	Technical Details	DEP Consulting Ltd	Received 20.11.2012
2 of 3			
3 of 3			
LDA-001 2	Landscape Plan	Scott Carver	30.10.2012
101 B	Architectural Plan	Scott Carver	30.10.2012

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

9.3 Urban Planning Committee

Items with Recommendations from the Committee Meeting of Monday 22 July 2013 Submitted to the Council for Determination

Item No: R1 Recommendation to Council
Subject: **Licenced Premises Development Control Plan**
Author: Peter Kauter, Executive Planner
File No: 1259.G
Reason for Report: To obtain a resolution from Council to proceed with the preparation of the Licenced Premises Development Control Plan

Recommendation:

1. That the Council resolve to proceed with the preparation of a Licenced Premises Development Control Plan in accordance with **Annexure A** of this report subject to the following:
 - a. The 7th control under Objective O 4.2.1 (Minimise the impact of licenced premises on the amenity of residents or other sensitive land uses) be amended to read “the density of licenced premises in the vicinity of the proposed development.”
 - b. Inclusion in Part 4.1.2 (Purpose of this chapter) a reference to the type of control considerations that may be appropriate when considering the acceptability of licenced premises density in the vicinity of the proposed developments. (the proposed wording to be provided to the Council Meeting on 12 August 2013 as late correspondence)
 2. That the draft plan be included in the forthcoming Comprehensive DCP
-

9.4 Community & Environment Committee

Items with Recommendations from the Committee Meeting of Monday 22 July 2013 Submitted to the Council for Determination

Item No: R1 Recommendation to Council
Subject: **Community and Cultural/Environmental Grants 2013 /2014**
Author: Romi Scodellaro, Melissa Sellen
File No: 30.G, 2012, 1142.G/Education
Reason for Report: To give consideration to applications for Section 356 Community and Cultural Grants and Community Environmental Grants from local community groups /services /schools.

Recommendation:

- A. That Council approve the selection panel's recommendations for the successful 2013/14 Community and Cultural Large Grants and the first round of the Small Grants Program.
- B. That Council approve the selection panel's recommendations for successful 2013/14 Community Environmental Grants.
- C. That a contribution equivalent to the amount provided to the Rose Bay Chamber of Commerce is given to the Queen Street and West Woollahra Association on an annual basis.

Item No: R3 Delegated to Committee
Subject: **Newcastle Street - Angle Parking**
Author: Cathy Edwards-Davis, Manager Engineering Services
File No: 900.G
Reason for Report: Response to Council Resolution

Note: In accordance with Council's meeting procedures and policy this matter has been called to full Council by Councillor Boskovitz, so that it can be determined in conjunction with a Notice of Motion.

Recommendation:

That Council take no further action with regard to the proposal to install angle parking in Newcastle Street, Rose Bay.

Item No: R4-Y2 Traffic Matters on Local Roads – Recommendation to C&E for consideration.

Subject: **Albermarle Avenue & Wilberforce Avenue, Rose Bay – Boats and Trailers**

Author: Cathy Edwards-Davis – Manager Engineering Services

File No: 900.G

Reason for Report: Council Resolution

Note: In accordance with Council’s meeting procedures and policy this matter is referred to full Council due to a substantive change of the Staff Officer’s recommendation to the Traffic Committee recommendation.

Recommendation:

- A. Note the Recommendation from the Traffic Committee that no further action be taken with regards to the installation of parking restrictions in Albermarle Avenue and Wilberforce Avenue, Rose Bay for the reasons outlined in the report.
 - B. That Council advertise a proposal to implement the following parking restrictions in Albermarle Avenue and Wilberforce Avenue, Rose Bay: *“1Hour Parking 9am – 11am Mon Resident Permit Holders Excepted” and unrestricted at other times* - and a further report be presented to the Community & Environment Committee advising of feedback received.
-

Notices of Motion

Item No: 1
From: Councillors Robertson and Elsing
Date: 1 August 2013
File No: 900.G

That Council:

Requests staff to prepare on behalf of Woollahra Council a submission to the NSW government's statutory review of the *Liquor Act 2007* and the *Gaming and Liquor Administration Act 2007*, including but not limited to:

- (a) the adequacy of the Act's current provisions relating to Community Impact Statements
- (b) the adequacy of the Act's current provisions creating an interplay between Councils' power to grant development consent to new alcohol venues, and the Independent Liquor and Gaming Authority's power to grant accompanying liquor licences, and the impact of this interplay on our municipality.

Background:

The NSW Government's review of the Liquor Act 2007 is a mandatory, statutory review due every five years.

The policy objectives of the *Liquor Act 2007* are to:

- (a) regulate and control the sale, supply and consumption of liquor in a way that is consistent with the expectations, needs and aspirations of the community,
- (b) facilitate the balanced development, in the public interest, of the liquor industry, through a flexible and practical regulatory system with minimal formality and technicality, and
- (c) contribute to the responsible development of related industries such as the live music, entertainment, tourism and hospitality industries.

In securing the objects, the Act requires that each person who exercises functions under the Act (including a licensee) is required to have due regard to the need to:

- (a) minimise harm associated with misuse and abuse of liquor (including harm arising from violence and other anti-social behaviour),
- (b) encourage responsible attitudes and practices towards the promotion, sale, supply, service and consumption of liquor, and
- (c) ensure that the sale, supply and consumption of liquor contributes to, and does not detract from, the amenity of community life.

The Independent Liquor and Gaming Authority must not grant a liquor licence unless it is satisfied that any development consent required under the *Environmental Planning and Assessment Act 1979* to use the premises for the purposes of the business or activity to which the proposed licence relates is in force.

Community Impact Statements (CIS)

Higher risk liquor licence applications – such as hotel, club, packaged liquor, and entertainment venue licences, as well as extensions of liquor trading hours – must be accompanied by a community impact statement (CIS). The CIS facilitates consideration of the impact that granting an application will have on the local community. Where a CIS is required, the Liquor Act provides that the Independent Liquor and Gaming Authority cannot grant an application unless it is satisfied that the overall social impact will not be detrimental to the well-being of the local or broader community.

Public critique of the current provisions relating to CIS indicate an inadequacy whereby the bar is set too low, and applicants merely complete standardised forms online. This low threshold puts Councils in an awkward position with respect to approving development applications for licenced venues, and makes it much more difficult for Councils to control the density and number of alcohol venues in their area.

The Liquor Act review has requested submissions from Randwick Council and the City of Sydney, but not Woollahra. Given Woollahra's proximity to these higher alcohol venue density areas, the suspected increase in alcohol venues in Oxford St Paddington and Double Bay as they undergo revitalisation, and the work already done by staff in creating the Licences Premises DCP it is timely that a submission to the review be made by Woollahra Municipal Council.

Submissions to the review close on 30 August 2013.

Questions for the Next Meeting

Item No: 13
Subject: Questions for Next Meeting
Author: Gary James, General Manager
File No: 467.G/Q 10
Reason for Report: To provide a response to Questions for Next Meeting from Council Meeting of 22 July 2013 and for Councillors to ask Questions for Next Meeting in accordance with Council's Code of Meeting Practice.

Recommendation:

That the responses to previous Questions for Next Meeting be noted.

Background:

The provision for Councillors to ask Questions for Next Meeting is contained in Section 3.2 of Council's Code of Meeting Practice which states:

3.2 QUESTIONS FOR NEXT MEETING – No previous notice of questions required

- 1) As a standard practice, "Questions for Next Meeting" shall be listed in all agendas of Ordinary Meetings of Council. The agenda item shall contain a report of the questions asked at the last Council Meeting and the responses to those questions and provide an opportunity for the Councillors to ask questions for the next Council Meeting.*
- (2) Questions asked at a Council Meeting shall also be submitted in writing.*
- (3) The Councillor must put every question directly, succinctly and without argument.*
- (4) The Mayor shall refer the question to the General Manager or responsible Division Head, or if the question is directed to another Councillor, the Councillor concerned. There shall be no requirement to answer the question immediately.*
- (5) If the answer to a question can be given immediately, and it makes sense to do so, then such shall be done and a record made in the Minutes of the Meeting. If an answer can be given, but not immediately, then the Mayor shall indicate to whom the question is to be directed.*
- (6) In the spirit of achieving the expeditious discharge of Council business the agenda item "Questions for Next Meeting" shall generally be limited to not more than 30 minutes duration unless the Council determines otherwise, on the evening in question and by way of specific resolution.*

Questions for Next Meeting should be asked in accordance with the Code of Meeting Practice.

Responses to Councillors Questions for Next meeting on 22 July 2013 are as follows:

Councillor Kirillova asking:

Has the Council given any consideration to the options for future community use of the existing building of Woollahra Library once the Library relocates to its new premises in the Kiaora Development?

Director Community Services in response:

The brief for the feasibility study will be drafted following discussion on the future use of St Brigids by the Property Assets Working Party.

Councillor Robertson asking:

My question relates to the protections afforded to items within our Municipality pursuant to their listing on the NSW State Heritage Register.

Are staff able to comment on the treatment of protections currently enjoyed once the NSW Government's Planning Law White Paper becomes law and or the future role of the NSW Heritage Register?

Manager Strategic Planning in response:

The recently exhibited White Paper and associated planning bills deal with reforms to the NSW planning system. Primarily, the reforms will replace the Environmental Planning and Assessment Act 1979. Items on the NSW State Heritage Register fall under the NSW Heritage Act 1977. There is no indication in the White Paper that protection of State items under the NSW Heritage Act will change. The White Paper does mention that local items and local heritage conservation areas will continue to be identified and managed in local plans under the new plan.

Councillor Robertson asking:

Are staff aware of the waist high bollard erected in the centre of the zebra crossing on Boundary Street at Glenview Street, Paddington?

If so, will staff inform Council as to whether its installation was carried out by this Council, the City of Sydney or the RMS and to what end?

While it appears to be a safety device, it has confused many locals, who suggest that its installation may be a concession that the zebra crossing remains in a dangerous location.

Manager Engineering Services in response:

A witches hat and bollard have been installed on this crossing. It appears that the bollard was installed to replace the "Keep Left" sign which is normally in this location. The "Keep Left" sign may have been knocked over by a vehicle. Woollahra Council staff did not install the bollard and it is unknown who did. A replacement "Keep Left" sign will be installed shortly.

Gary James
General Manager

Political Donations – matters to be considered by Councillors at Meetings

