

Council Meeting

Monday 27 August 2012

Table of Contents

Items Determined Under Delegated Authority by Council Committees	2535
Council Meeting.....	2536
Confirmation of Minutes.....	2537
Leave of Absence.....	2537
Apologies	2537
Declarations of Interest	2537
Suspension of Standing Orders	2538
Corporate & Works Committee	2541
R1 Capital Works Program Status Report - June 2012 Including 2011/12 Budget Revotes & Rollovers.....	2541
R2 Integrated Planning & Reporting End-Of-Term Report 2008-2012	2542
Development Control Committee	2543
R1 594-596 New South Head Road, Rose Bay – Rose Bay Marina – Extensions To Rose Bay Marina – 2/4/2012	2543
R2 39 Drumalbyn Road, Bellevue Hill – Alterations & additions including a new roof terrace - 26/3/2012	2546
R3 26 Attunga Street, Woollahra – Substantial alterations & additions (new dwelling-house), landscaping & site works – 5/10/2011	2564
Urban Planning Committee.....	2600
R1 Draft Woollahra Residential DCP 2003 (Amendment No.4) –Excavation.....	2600
R2 Additional Controls for Lofts Over Garages in the Woollahra Heritage Conservation Area	2602
Matter of Urgency.....	2604
Urban Planning Committee.....	2604
R1 Delivery Program 2009 To 2013 And Operational Plan 2011/12 Quarterly Progress Report June 2012 – Goal (4) – Well Planned Neighbourhoods	2604
Community & Environment Committee.....	2606
R1 Literary Award	2606
R2 McKell Park and Darling Point Reserve Draft Plan of Management for Public Exhibition	2606
Notice of Motion.....	2607
Questions for Next Meeting.....	2610

Items Determined Under Delegated Authority by Council Committees

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

Corporate & Works Committee Meeting held on Monday 20 August 2012

- D1 Confirmation of Minutes of Meeting held on 6 August 2012
- D2 Monthly Financial Report - July 2012
- D3 Delivery Program 2009 to 2013 and Operational Plan 2011/12 (DPOP) Quarterly Progress Report June 2012 – Goals (6) - Getting Around, (9) - Community Focussed Economic Development, (10) - Working Together & (11) - A Well Managed Council

Development Control Committee Meeting held on Monday 20 August 2012

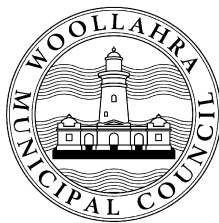
- D1 Confirmation of Minutes of Meeting held on 6 August 2012
- D2 DA235/2012 – 5-11 Thornton Street, Darling Point – New garden shed, new low wall at entry with building name, addition of a visitor car space – 7/6/2012
- D3 DA123/2012 – 39 Drumalbyn Road, Bellevue Hill – Alterations & additions including a new roof terrace - 26/3/2012 – **(See Item R2)**
- D4 DA563/2011 part 2 – 55A Darling Point Road, Darling Point – Section 96 Application – Proposed modification deletion of Condition No. C.1(h) of the original DA consent that required the proposed upper level be setback from the northern boundary line of the subject site adjoining 57 Darling Point Road – 19/6/2012
- D5 DA121/2012 – 112 Queen Street, Woollahra – Change of use to a grocery store, including internal fitout, three new condensers within an enclosure on the garage & the provision of one loading bay & one parking space off Smith Street (reduced from four spaces) – 23/3/2012
- D6 DA448/2011 – 26 Attunga Street, Woollahra – Substantial alterations & additions (new dwelling-house), landscaping & site works – 5/10/2011 – **(See Item R3)**
- D7 Register of Current Land and Environment Court Matters and Register of Court Proceedings for Building Control, Environmental Control & Health Control
- D8 Register of SEPP 1 Objections

Urban Planning Committee Meeting held on Monday 13 August 2012

- D1 Confirmation of Minutes of Meeting held on 23 July 2012

Community & Environment Committee Meeting held on Monday 13 August 2012

- D1 Confirmation of Minutes of Meeting held on 23 July 2012
- D2 Woollahra Local Traffic Committee Minutes – 7 August 2012
- D3 Woollahra Park Draft Plan of Management and Master plan
- D4 Library Annual Report for the Period July 2011 to June 2012
- D5 Community Facilities Report - Usage levels 2011/12



Council Meeting

**Minutes of the Meeting of Woollahra Municipal Council
held at the Council Chambers, Double Bay, on
Monday 27 August 2012 at 7.06pm.**

Present: Her Worship The Mayor, Councillor Susan Wynne

Councillors Anthony Boskovitz
Sean Carmichael
Peter Cavanagh
Lucienne Edelman
Nicola Grieve
Chris Howe
Susan Jarnason
Greg Medcraft
Andrew Petrie
Ian Plater
Isabelle Shapiro
David Shoebridge
Malcolm Young
Toni Zeltzer

Staff:

Chris Bluett	(Manager – Strategic Planning)
Allan Coker	(Director – Planning & Development)
Stephen Dunshea	(Director – Corporate Services)
Gary James	(General Manager)
Tom O’Hanlon	(Director – Technical Services)
Kylie Walshe	(Director – Community Services)
Les Windle	(Manager – Governance)

Also in Attendance: Nil

Confirmation of Minutes

(Carmichael/Jarnason)

1/15 THAT the Minutes of the Council Meeting held on 13 August 2012 be taken as read and confirmed.

Adopted

Leave of Absence

Nil

Apologies

Nil

Declarations of Interest

Note: Councillor Young drew Council's attention to the Late Correspondence he has submitted in relation to Development Control Committee Item R1 (594-596 New South Head Road, Rose Bay – Rose Bay Marina). Councillor Young advised that it is not a conflict of interest but a disclosure he is making about correspondence he has forwarded to the developer of the Rose Bay Marina.

Note: Councillor Shapiro declared a Non-Significant Non-Pecuniary Interest in Development Control Committee Item R3 (26 Attunga Street, Woollahra) as she knows one of the objectors to this item and this objector has worked for Council as a caterer for functions in the past. Councillor Shapiro does not believe it would affect her vote.

Note: Councillor Howe declared a Non-Significant Non-Pecuniary Interest in Development Control Committee Item R3 (26 Attunga Street, Woollahra), as the son of the owner was Councillor Howe's landlord for a number of years. Councillor Howe does not believe it would affect his vote.

Note: Councillor Medcraft declared a Pecuniary Interest in Notice of Motion No. 2 as he lives in Stafford Street, Paddington. Councillor Medcraft left the Meeting and did not participate in the debate or vote on the matter.

At this stage the Mayor, Councillor Susan Wynne thanked all the Councillors and staff for their care, concern and support following her recent hospitalisation due to a detached retina.

Suspension of Standing Orders

Councillor Zeltzer

- 2/15** That Standing Orders be suspended to allow her to thank the Mayor for the very cohesive term during her period as Mayor.

Adopted

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

Councillor Zeltzer advised:

She would like to thank the Mayor, Councillor Susan Wynne for the very cohesive term during her period as Mayor. From my own personal point of view it has been a real privilege and pleasure to be acting as Deputy Mayor under you. I would like to focus on, the collective, so to speak and to thank you for that. You came forward and proposed to be a very inclusive Mayor and you have done that, you also indicated that as far as you were concerned the community was first and foremost and the politics was out of the equation and you have also demonstrated that. It has been a very good term because of your approach and your values in the role and I have to thank you for those. I also have to thank you on a personal level because, as the Deputy Mayor, you have been very supportive of me and you have given me opportunities during this term to present on your behalf and to fill in for you on occasions and I feel that it gave me experiences I wouldn't have otherwise had and which I value greatly and I also thank you for that.

The Council noted the information.

Councillor Cavanagh

- 3/15** That the Suspension of Standing Orders continue to advise Council of the death of Joan Bielski on the 17 August 2012.

Adopted

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

Councillor Cavanagh advised:

Joan Bielski, apart from being the Aunt of Rod Ward a member of Council's staff, was one of the founders of the women's electoral lobby and a great educator, thinker and philosopher and had a great deal to do with the women's movement over the last 40 years. She died at the age of 88 and had been at a conference for women's rights in the morning and had a massive heart attack and died that afternoon. She was a remarkable woman.

The Council noted the information.

Councillor Howe

4/15 That the Suspension of Standing Orders continue to allow him to thank staff.

Adopted

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

Councillor Howe advised:

In the 4 years that I have been a Councillor I could not have asked the staff for any more than what they have provided, in fact on many occasions they have gone out of their way well beyond the call of duty. The senior staff will always answer their phone on weekends. I have sometimes disagreed with staff but none the less they have always been extremely objective in the way they approach things. I deal with quite a lot of Councils both here and in New Zealand and I can tell you that, we as a Municipality and the residents of our Municipality are extremely lucky for the calibre of our staff. I know of no Council with a more committed or more knowledgeable or more experienced group of staff right across the board.

I have really enjoyed the time I have been here and really enjoyed working with all of you, we don't always agree but the great thing about this country of ours is democracy.

The Council noted the information.

Councillor Young

5/15 That the Suspension of Standing Orders continue to also allow him to thank the staff.

Adopted

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

Councillor Young advised:

I rise as an outgoing Councillor and particularly as the outgoing Chairman of the Urban Planning Committee to thank staff. Not just for their services to us on the Committee over my year and over the previous 3 years that I have been on that Committee but also the great deal of work that they have done on the standard instrument and through the means of the Strategic Planning Working Party. Not all of you have been to those meetings but they are held after ordinary hours and there has obviously been a terrific lot of work going into the strategic thinking about our new LEP. I would like to thank all those staff and would be grateful if the Director of Planning and Mr Bluett would pass on my thanks to them.

The Council noted the information.

Councillor Carmichael

6/15 That the Suspension of Standing Orders continue to also allow him to thank the staff.

Adopted

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

Councillor Carmichael advised:

I wish to echo as Chairman of the Development Control Committee similar sentiments as Councillor Young, my thanks and the thanks of the Councillors and ask that those thanks be passed on the members of the Development Control Team.

The Council noted the information.

Councillor Medcraft

7/15 That the Suspension of Standing Orders continue to also allow him to thank the staff.

Adopted

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

Councillor Medcraft advised:

As a former 2 time Mayor of Woollahra I thank you Madam Mayor. You have done a wonderful job and have made us all proud. The feedback I have had from residents, the community and the staff has been fabulous, you have done an extremely great job for the community. I would also like to say congratulations and thank you to all the staff, it has been good coming back.

The Council noted the information.

Councillor Shapiro

8/15 That the Suspension of Standing Orders continue to also allow him to thank the staff.

Adopted

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

Councillor Shapiro advised:

After 8 years I would like to thank staff, particularly the General Manager. I think our residents are extremely lucky that you run such a professional wonderful organisation working with all the Directors and all the staff, close to 430, all under the General Manager who sets the tone. The Woollahra residents can be very grateful.

The Council noted the information.

Corporate & Works Committee

Items with Recommendations from the Committee Meeting of Monday 20 August 2012 Submitted to the Council for Determination

Item No: R1 Recommendation to Council

Subject: **Capital Works Program Status Report - June 2012 Including 2011/12 Budget Revotes & Rollovers**

Author: Don Johnston, Manager Finance
Tom O'Hanlon, Director Technical Services

File No: 331G

Reason for Report: To provide the Committee with an update on the status of projects in the 2011/12 Capital Works Program and to report on the 2011/12 Budget revotes and rollovers.

(Cavanagh/Medcraft)

9/15 Resolved without debate:

THAT:

- A. The Quarterly Progress Report – Capital Works Program for June 2012 be received and noted.
 - B. The Items identified as “Recommended for Revote” in Annexures 1 and 2 be revoted into the 2012/13 Budget.
 - C. It be noted that \$1,264,970 has been set aside in the restricted cash reserve for Revotes & Rollovers at 30 June 2012.
-

Item No: R2 Recommendation to Council
Subject: **Integrated Planning & Reporting End-Of-Term Report 2008-2012**
Author: Helen Tola, Governance & Corporate Planning Coordinator
Stephen Dunshea, Director - Corporate Services
File No: 1229.G
Reason for Report: To present Council's End-of-Term Report to the final meeting of the outgoing Council in accordance with the Division of Local Government's Integrated Planning & Reporting Guidelines.

(Cavanagh/Medcraft)

10/15 Resolved without debate:

- A. THAT Council receive and note the End-of-Term Report 2008 – 2012 presented to the final Ordinary Meeting of this Council term held on 27 August 2012.
 - B. THAT the End-of-Term Report 2008 – 2012 be appended to Council's 2011/12 Annual Report and made available to the public via Council's website.
-

Development Control Committee

Items with Recommendations from the Committee Meeting of Monday 20 August 2012 Submitted to the Council for Determination

Item No: R1 Recommendation to Council
Subject: 594-596 New South Head Road, Rose Bay – Rose Bay Marina – Extensions To Rose Bay Marina – 2/4/2012
Author: Larissa Holbert – Senior Assessment Officer
File No: DA136/2012
Reason for Report: In accordance with Council’s meeting procedures and policy this matter is referred to full Council to allow Council to make a submission to the JRPP.

Note: Councillor Young drew Council’s attention to the Late Correspondence he has submitted in relation to this Item. Councillor Young advised that it is not a conflict of interest but a disclosure he is making about correspondence he has forwarded to the developer of the Rose Bay Marina.

Note: Late correspondence was tabled by Councillor Malcolm Young.

(Howe/Plater)

11/15 Resolved Unanimously:

- A. That Council advise the Regional Panel that it strongly supports the staff recommendation for refusal of development consent to Development Application No.136/2012 for the extension of the Rose Bay Marina at 594-596 New South Head Road, Rose Bay consisting of:
- An additional 9 x 10m berths on Arm A
 - The addition of a new marina arm (Arm C) which is proposed to be a floating pontoon system that incorporates 37 x 15m berths. The height of vessels to be berthed on the new Arm C is proposed to be limited to 3.5m in height
 - A new walkway connecting Arms B and C incorporating a viewing platform and bench seat
 - Retention of 24 commercial swing moorings

on land at 594-596 New South Head Road ROSE BAY, for the following reasons:

1. The proposal is inconsistent with and unacceptable having regard to the aims of the *Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005* (deemed State Environmental Planning Policy), contained in clause 2(1)(a), having particular regard to the principles set out in clause 2(2).
2. The proposal is inconsistent with and unacceptable having regard to objectives (d) and (g) of the W5 – Water Recreation zone of the *Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005* (deemed State Environmental Planning Policy).

3. The proposal is inconsistent with and unacceptable having regard to clauses 25(b) and (c) -*Foreshore and waterways scenic quality of the Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005* (deemed State Environmental Planning Policy).
 4. The proposal is inconsistent with and unacceptable having regard to Clause 26 - *Maintenance, protection and enhancement of views of the Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005* (deemed State Environmental Planning Policy).
 5. The proposal is inconsistent with and unacceptable having regard to part 3.2 (1st and 2nd dot points), part 4.2 (8th dot point) and part 4.7 – Marinas (Private and Commercial); Visual Impact (2nd and 5th dot points) of the *Sydney Harbour and Waterways Area Development Control Plan 2005*.
 6. The proposal is not in the public interest
 7. The visual setting of the heritage listed Rose Bay esplanade and balustrade (promenade and sea wall) will be adversely impacted on by the proposed additional marina arm (Arm C). The visual setting is already compromised by the existing marina development and an additional number of boats will further detract from the significance of the place. Important views across Sydney Harbour from the public foreshore and promenade will be further obstructed by an additional arm. Significant views from the harbour to the sea wall and promenade will also be adversely impacted by additional development in this area. Consequently the proposal is inconsistent with and unacceptable having regard to:
 - a. *Woollahra Local Environmental Plan 1995*, heritage conservation objectives and provisions Part 1, clause 2(1)(g) and 2(2)(g) and Part 4 clauses 26, 27 and 31 and with the area's foreshores and the harbour foreshore scenic protection area objectives in Part 1, clause 2(2)(h)
 - b. *Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005* (deemed State Environmental Planning Policy) Part 1, clause 2(1)(a), and Part 5, clauses 53(1)(b) and 59(1) and (2)(a)
 8. The proposal will have an adverse impact on marina ecology and aquatic fauna and flora including shading of existing seagrass beds. In this regard the proposal is:
 - a. inconsistent with the *Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005* (deemed State Environmental Planning Policy) clause 2(1)(c)
 - b. unsatisfactory with regard to the *Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005* (deemed State Environmental Planning Policy) clause 21(b), (c) and (h) and Part 6 – Wetlands Protection
 - c. unsatisfactory with regard to the *Sydney Harbour Foreshores and Waterways Area Development Control Plan 2000* clause 2.2 (1st and 2nd dot points), clause 4.7 – Marinas (private and commercial), *location* - 4th dot point, *design and layout* - 12th dot point
- B. That Council's Lawyers be instructed to provide advice on the prospects of getting an order for costs against the applicant in the event that the Land and Environment Court Appeal is dismissed by the Court.

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

For the Motion***Against the Motion***

Councillor Boskovitz
Councillor Cavanagh
Councillor Medcraft
Councillor Wynne
Councillor Shapiro
Councillor Edelman
Councillor Zeltzer
Councillor Young
Councillor Jarnason
Councillor Plater
Councillor Shoebridge
Councillor Carmichael
Councillor Howe
Councillor Grieve
Councillor Petrie

Nil

15/0

- Item No:** R2 Recommendation to Council
- Subject:** **39 Drumalbyn Road, Bellevue Hill – Alterations & additions including a new roof terrace - 26/3/2012**
- Author:** Daniel Barber – Assessment Officer
- File No:** DA123/2012
- Reason for Report:** In accordance with Council’s meeting procedures and policy this matter is referred to full Council due to a substantive change of the Committee’s recommendation (refusal of the roof terrace) to the Officer’s recommendation (approval of the roof terrace).
- Note:** Late correspondence was tabled by Leon Norman & Roy Jones (7 pieces), Scott Barwick & Joe Sidoti.

**Motion moved by Councillor Boskovitz
Seconded by Councillor Cavanagh**

That the recommendation from the Development Control Committee be adopted subject to:

1. Deletion of condition C.3(a)
2. Inclusion of a condition to lower the floor of the terrace by 220mm to RL 68.53
3. Inclusion of a condition to keep the solid screen but lower it 600mm to RL 70.25
4. Inclusion of a condition to shorten the roof terrace by 1.5m on the southern end

**Amendment moved by Councillor Howe
Seconded by Councillor Plater**

That the recommendation from the Development Control Committee be adopted.

**The Amendment was put and carried
The Amendment became the Motion
The Motion was put and Adopted**

(Howe/Plater)

12/15 Resolved: Pursuant to Section 80(1) of the Environmental Planning and Assessment Act 1979

THAT the Council, as the consent authority, grant development consent to Development Application No. 123/2012 for alterations and additions including a new roof terrace on land at 39 Drumalbyn Road Bellevue Hill, subject to the following conditions:

A. General Conditions

A.1 Definitions

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

Applicant means the applicant for this Consent.

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

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

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

Council means Woollahra Municipal Council

Court means the Land and Environment Court

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

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

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

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

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

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

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

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

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

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

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

Site means the land being developed subject to this consent.

WLEP 1995 means *Woollahra Local Environmental Plan 1995*

Work for the purposes of this consent means:

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

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

A.2 Approved Plans and supporting documents

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

Reference	Description	Author/Drawn	Date(s)
Revised drawings numbered 1A, 2A, 3A, 4A, 5A, 8A and 9A.	Architectural Plans	Leon Norman	20 July 2012

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

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

A.3 Ancillary Aspect of the Development (s80A(2) of the Act)

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

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

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

B.1 Construction Certificate required prior to any demolition

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

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

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

C.1 Payment of Security, Levies and Fees (Section 80A(6) and Section 94 of the Act, Section 608 of the Local Government Act 1993)

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

Description	Amount	Indexed	Council Fee Code
LONG SERVICE LEVY under Building and Construction Industry Long Service Payments Act 1986			
Long Service Levy http://www.lspc.nsw.gov.au/levy_information/?levy_information/levy_calculator.stm	Contact LSL Corporation or use online calculator	No	
SECURITY under section 80A(6) of the Environmental Planning and Assessment Act 1979			
Property Damage Security Deposit -making good any damage caused to any property of the <i>Council</i>	\$2,000.00	No	T115
INSPECTION FEES under Section 608 of the Local Government Act 1993			
Security Administration Fee	\$180.00	No	T16
TOTAL SECURITY, CONTRIBUTIONS, LEVIES AND FEES	\$2,180.00 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.

C.2 Structural Adequacy of Existing Supporting Structures

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

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

Standard Condition: C35

C.3 Modification of details of the development (s80A(1)(g) of the Act)

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

- a) The roof terrace is to be deleted.

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

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

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

Standard Condition: C4

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

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

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

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

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

This condition does not apply:

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

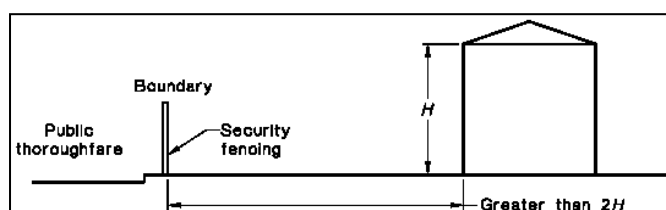
In this condition, a reference to the *BCA* is a reference to that code as in force on the date the application for the relevant construction certificate is made.

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

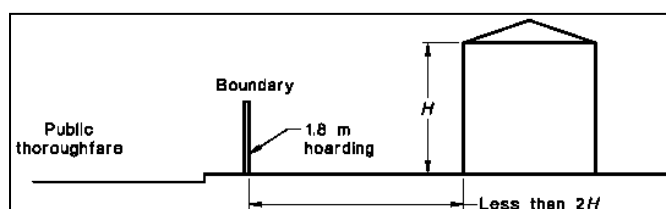
Note: All new guttering is to comply with the provisions of Part 3.5.2 of the Building Code of Australia.
Standard Condition: D1

D.2 Security Fencing, Hoarding and Overhead Protection

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



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

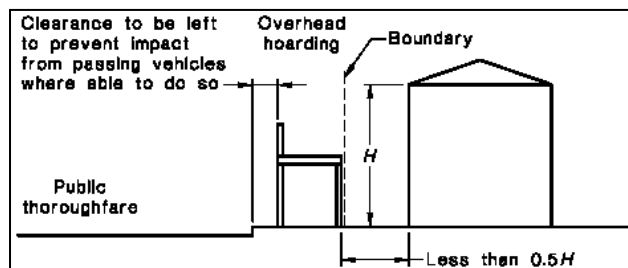


Where a development site adjoins a public thoroughfare with a footpath alongside the common boundary then, in addition to the hoarding required above, the footpath must be covered by an *overhead protective structure* and the facing facade protected by heavy-duty scaffolding, unless either:

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

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

- a) Extend from the common boundary to 200mm from the edge of the carriageway for the full length of the boundary;
- b) Have a clear height above the footpath of not less than 2.1 m;
- c) Terminate 200mm from the edge of the carriageway (clearance to be left to prevent impact from passing vehicles) with a continuous solid upstand projecting not less than 0.5 m above the platform surface; and
- d) Together with its supports, be designed for a uniformly distributed live load of not less than 7 kPa.



The *principal contractor* or *owner builder* must pay all fees associated with the application and occupation and use of the road (footway) for required hoarding or overhead protection.

The *principal contractor* or *owner builder* must ensure that Overhead Protective Structures are installed and maintained in accordance with WorkCover NSW Code of Practice - Overhead Protective Structures, gazetted 16 December 1994, as commenced 20 March 1995. This can be downloaded from:

<http://www.workcover.nsw.gov.au/Publications/LawAndPolicy/CodesofPractice/oheadprotstruucts.htm>.

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

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

Standard Condition: D11

D.3 Site Signs

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

Clause 98A of the Regulation provides:

Erection of signs

- For the purposes of section 80A (11) of the *Act*, the requirements of subclauses (2) and (3) are prescribed as conditions of a development consent for development that involves any building work, subdivision work or demolition work.
- A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
 - a. showing the name, address and telephone number of the principal certifying authority for the work, and
 - b. showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
 - c. stating that unauthorised entry to the work site is prohibited.
- Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.
- This clause does not apply in relation to building work, subdivision work or demolition work that is carried out inside an existing building that does not affect the external walls of the building.
- This clause does not apply in relation to Crown building work that is certified, in accordance with section 116G of the *Act*, to comply with the technical provisions of the State's building laws."

Clause 227A of the Regulation provides:

Signs on development sites

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

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

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

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

Standard Condition: D12

D.4 Building - Construction Certificate, Appointment of Principal Certifying Authority, Appointment of Principal Contractor and Notice of Commencement (s81A(2) of the Act)

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

- a) A construction certificate for the building work has been issued by the consent authority, the council (if the council is not the consent authority) or an accredited Certifier, and
- b) The person having the benefit of the development consent has:
 - Appointed a principal certifying authority for the building work, and
 - Notified the principal certifying authority that the person will carry out the building work as an owner-builder, if that is the case, and
- c) the principal certifying authority has, no later than 2 days before the building work commences:
 - Notified the consent authority and the council (if the council is not the consent authority) of his or her appointment, and

- Notified the person having the benefit of the development consent of any critical stage inspections and other inspections that are to be carried out in respect of the building work, and
- d) The person having the benefit of the development consent, if not carrying out the work as an owner-builder, has:
- Appointed a principal contractor for the building work who must be the holder of a contractor licence if any residential building work is involved, and
 - Notified the principal certifying authority of any such appointment, and
 - Unless that person is the principal contractor, notified the principal contractor of any critical stage inspections and other inspections that are to be carried out in respect of the building work, and
 - Given at least 2 days' notice to the council of the person's intention to commence the erection of the building.

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

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

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

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

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

Standard Condition: D15

D.5 Notification of Home Building Act 1989 requirements

- a) For the purposes of section 80A (11) of the *Act*, the requirements of this condition are prescribed as conditions of a development consent for development that involves any residential building work within the meaning of the Home Building Act 1989.
- b) Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the principal certifying authority for the development to which the work relates (not being the council) has given the council written notice of the following information:
- In the case of work for which a *principal contractor* is required to be appointed:
 - the name and licence number of the principal contractor, and
 - the name of the insurer by which the work is insured under Part 6 of that *Act*,
 - In the case of work to be done by an owner-builder:
 - the name of the owner-builder, and
 - if the owner-builder is required to hold an owner-builder permit under that *Act*, the number of the owner-builder permit.
- c) If arrangements for doing the residential building work are changed while the work is in progress so that the information notified under subclause (2) becomes out of date, further work must not be carried out unless the principal certifying authority for the development to which the work relates (not being the council) has given the council written notice of the updated information.

- d) This clause does not apply in relation to Crown building work that is certified, in accordance with section 116G of the Act, to comply with the technical provisions of the State's building laws.
Standard Condition: D17

E. Conditions which must be satisfied during any development work

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

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

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

This condition does not apply:

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

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

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

E.2 Compliance with Australian Standard for Demolition

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

Standard Condition: E2

E.3 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 d) above must take place before 9am or after 4pm any weekday, or before 9am or after 1pm any Saturday or at any time on a Sunday or public holiday.
- f) No operation of any equipment associated with the activities listed in part d) above must take place before 9am or after 4pm any weekday, or before 9am or after 1pm any Saturday or at any time on a Sunday or public holiday
- g) No rock excavation being cutting, boring, drilling, breaking, sawing , jack hammering or bulk excavation of rock, must occur without a 15 minute break every hour.

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

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

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

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

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

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

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

E.5 Public Footpaths – Safety, Access and Maintenance (Apply to all development)

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

- a) Not erect or maintain any gate or fence swing out or encroaching upon the road or the footway.
- b) Not use the road or footway for the storage of any article, material, matter, waste or thing.
- c) Not use the road or footway for any *work*.
- d) Keep the road and footway in good repair free of any trip hazard or obstruction.
- e) Not stand any plant and equipment upon the road or footway.
- f) Provide a clear safe pedestrian route a minimum of 1.5m wide.
- g) Protect street name inlays in the footpath which are not to be removed or damaged during development.

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

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

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

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

- erect a structure or carry out a work in, on or over a public road, or
- dig up or disturb the surface of a public road, or
- remove or interfere with a structure, work or tree on a public road, or
- pump water into a public road from any land adjoining the road, or
- connect a road (whether public or private) to a classified road, otherwise than with the consent of the appropriate roads authority.

Note: Section 68 of the *Local Government Act 1993* provides that a person may carry out certain activities only with the prior approval of the council including:

- Part C Management of Waste:
 - a. For fee or reward, transport waste over or under a public place
 - b. Place waste in a public place
 - c. Place a waste storage container in a public place.”
- Part E Public roads:
 - a. Swing or hoist goods across or over any part of a public road by means of a lift, hoist or tackle projecting over the footway
 - b. Expose or allow to be exposed (whether for sale or otherwise) any article in or on or so as to overhang any part of the road or outside a shop window or doorway abutting the road, or hang an article beneath an awning over the road.”
 - c. Any work in, on or over the Road or Footway requires *Council Approval* and in the case of classified roads the NSW Roads and Traffic Authority. Road includes that portion of the road uses as a footway.

Standard Condition: E7

E.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 Placement and use of Skip Bins

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

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

Note: Waste storage containers must not be located on the footpath without a site specific activity approval. Where such site specific activity approval is granted a 1.5m wide clear path of travel is maintained free of any trip hazards.
Standard Condition: E21

E.8 Dust Mitigation

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

This generally requires:

- a) Dust screens to all hoardings and site fences.
- b) All stockpiles or loose materials to be covered when not being used.
- c) All equipment, where capable, being fitted with dust catchers.
- d) All loose materials being placed bags before placing into waste or skip bins.
- e) All waste and skip bins being kept covered when not being filled or emptied.
- f) The surface of excavation work being kept wet to minimise dust.
- g) Landscaping incorporating trees, dense shrubs and grass being implemented as soon as practically possible to minimise dust.

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

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

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

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

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

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

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

None relevant

H. Conditions which must be satisfied prior to the issue of a Final Occupation Certificate (s109C(1)(c))**H.1 Removal of Ancillary Works and Structures**

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

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

Note: This condition has been imposed to ensure that all ancillary matter is removed prior to the issue of the *Final Occupation Certificate*.
Standard Condition: H12

I. Conditions which must be satisfied during the ongoing use of the development**I.1 Noise Control**

The use of the second floor level roof terrace 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: 150

I.2 Outdoor lighting – Residential

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

All lighting to be installed on the roof terrace will be recessed lights or will be surface wall/balustrade mounted lights at a maximum height of 600 mm above the finished floor level of the roof terrace.

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

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

Standard Condition: 142

J. Miscellaneous Conditions

None relevant.

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 Builders Licences and Owner Builders Permits

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

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

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

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

Standard Condition: K5

K.3 Building Standards - Guide to Standards and Tolerances

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

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

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

The Guide can be down loaded from:

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

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

K.4 Appeal

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

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

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

K.5 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: In accordance with section 375A of the Local Government Act a Division of votes is recorded on this planning matter.

For the Motion

Councillor Carmichael
Councillor Medcraft
Councillor Petrie
Councillor Edelman
Councillor Shapiro
Councillor Shoebridge
Councillor Howe
Councillor Plater
Councillor Young
Councillor Wynne

Against the Motion

Councillor Boskovitz
Councillor Cavanagh
Councillor Jarnason
Councillor Zeltzer
Councillor Grieve

10/5

Item No: R3 Recommendation to Council
Subject: **26 Attunga Street, Woollahra – Substantial alterations & additions (new dwelling-house), landscaping & site works – 5/10/2011**
Author: Simon Taylor – Senior Assessment Officer
File No: DA448/2011
Reason for Report: In accordance with Council’s meeting procedures and policy this matter is referred to full Council due to a substantive change of the Committee’s recommendation (approval) to the Site Committee recommendation (deferral).

Note: Councillor Shapiro declared a Non-Significant Non-Pecuniary Interest in this Item as she knows one of the objectors and this objector has worked for Council as a caterer for functions in the past. Councillor Shapiro does not believe it would affect her vote.

Note: Councillor Howe declared a Non-Significant Non-Pecuniary Interest in this Item, as the son of the owner was Councillor Howe’s landlord for a number of years. Councillor Howe does not believe it would affect his vote.

Note: Late correspondence was tabled by Ruth Osen.

(Shoebridge/Edelman)

That the recommendation from the Development Control Committee be adopted subject to:

1. Condition No. A.3 (Approved Plans and supporting documents) including a notation that the approved plans are those submitted to the Development Control Committee on 20 August 2012.
2. Inclusion of a condition requiring the primary mansard roof being amended to be a pitched roof with the central ridge at a maximum RL of 21.17.
3. Inclusion of a condition requiring the deletion of the mansard roof and the lowering of the maximum height of the roof above the Breakfast Room by 1 metre and that the resulting roof above the Breakfast Room be non-trafficable.

Adopted

(Shoebridge/Edelman)

13/15 Resolved: Pursuant to Section 80(1) of the Environmental Planning and Assessment Act 1979

THAT the Council, as the consent authority, is of the opinion that the objection under State Environmental Planning Policy No. 1 – Development Standards to the 9.5m maximum building height development standard under Clause 12 of Woollahra LEP 1995 is well founded but only when in relation to the revised plans lodged with Council on 22 May 2012. The Council is also of the opinion that strict and entire compliance with the development standard is unreasonable and unnecessary in the circumstances of this case as the conditioned development is considered to be appropriate within the site and its location within the streetscape. It also maintains an acceptable level of amenity to adjoining properties.

AND

THAT the Council, as the consent authority, being satisfied that the objection under SEPP No. 1 is well founded (but only when in relation to the revised plans lodged with Council on 22 May 2012) and also being of the opinion that the granting of consent to DA 488/2011 is consistent with the aims of the Policy, grant development consent to DA No. 448/2011 for substantial alterations and additions (new dwelling-house), landscaping and site works on land at 26 Attunga Street, Woollahra, subject to the following conditions:

A. General Conditions

A.1 Conditions

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

Standard Condition: A1

A.2 Definitions

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

Applicant means the applicant for this Consent.

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

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

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

Council means Woollahra Municipal Council

Court means the Land and Environment Court

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

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

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

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

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

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

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

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

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

Road has the same 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)
DA 4-8 C, DA 5-8 C and DA 7-8 C	Architectural Plans	R.D. Nahum Architect	Sept 2011
DA 1-8 B, DA 2-8 B, DA 3-8 B, DA 6-8 B and DA 8-8 B			
396185S	BASIX Certificate	Department of Planning	15 Sept 2011
A Revision 1	Landscape Plan	Anthony Wyer Landscape Design	9 Sept 2011
835-C01	Stormwater Concept Plan	R Balas Eng P/L	Sept 2011

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

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

Note: The approved plans are those stamped 'Amended' and dated 20 August 2012
Standard Condition: A5

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

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

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

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

This approval does not give consent to installation of air conditioning plant. A separate Development Consent or Complying Development Certificate and Part 4A Certificates, as appropriate, will need to be obtained prior to the development work commencing.

Standard Condition: A9

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

B.1 Construction Certificate required prior to any demolition

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

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

Standard Condition: B1

B.2 Hazardous Materials

Prior to the execution of demolition works, a Hazardous Building Materials Assessment is to be undertaken in accordance with NSW WorkCover requirements identifying all hazardous materials forming part of the building structure. Any hazardous materials identified must be reported to Council accompanied with predetermined clean-up objectives for the removal and disposal of such materials.

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

C.1 Modification of details of the development (Section 80A(1)(g) of the Act)

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

- a) Be altered to show the height of the building, as depicted on the elevation drawings as being to an accurate and consistent scale
- b) Outline the cantilevered nature of the addition to the rear of the ground floor so that it does not intrude within 4.5m of the Fiddlewood tree
- c) The establishment of A/C units within the basement sub floor area only and acoustically housed appropriately
- d) The revision of DA8-8 (Sections) to be consistent with DA1-8 to DA7-8
- e) The deletion of the mansard roof over the first floor and its replacement with a pitched roof with a central ridge with a maximum RL of 21.17
- f) Deletion of the mansard roof over the single storey component of the dwelling at the rear of the ground floor (breakfast room) and replacement with a non-trafficable roof with a height no more than RL 17.37

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

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

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

Standard Condition: C4

C.2 Amended Landscape Plan and Architectural drawings

An amended Landscape Plan and Architectural drawings, prepared by a qualified Landscape Architect or Landscape Designer, in accordance with Councils DA Guide Annexure 8 and conforming to the conditions of this Development Consent is to be submitted to Council for approval prior to issue of the Construction Certificate. The amended landscape plan and architectural drawings must include:

- a) The relocation of the proposed stairs at the rear of the property to be a minimum distance of 4.5m from Tree 1 – Fiddlewood
- b) The provision of deep soil landscaping within the front setback area adjoining Attunga Street in accordance with the architectural plan numbered DA3-8, Issue B and dated 21 May 2012
- c) The retention of 4 x Bangalow palms in the front yard adjoining Attunga Street

C.3 Payment of Security, Levies and Fees (Section 80A(6) and Section 94 of the Act, Section 608 of the Local Government Act 1993)

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

Description	Amount	Indexed	Fee Code
LONG SERVICE LEVY under Building and Construction Industry Long Service Payments Act 1986			
Long Service Levy (LSL) 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 Council property	\$19,660	No	T115
DEVELOPMENT LEVY under Woollahra Section 94A Development Contributions Plan 2011 This plan may be inspected at Woollahra Council or downloaded at www.woollahra.nsw.gov.au .			
Development Levy (Section 94A)	\$8,830 + Index Amount	Yes, quarterly	T96
INSPECTION FEES under Section 608 of the Local Government Act 1993			
Public Road/Footpath Infrastructure Inspection Fee	\$406	No	
Security Administration Fee	\$180	No	T16
TOTAL	\$29,076 plus any index amounts and LSL		

Building and Construction Industry Long Service Payment

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

How must the payments be made?

Payments must be made by:

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

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

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

How will the section 94A levy be indexed?

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

Do you need HELP indexing the levy?

Please contact our customer service officers. Failure to correctly calculate the adjusted development levy will delay the issue of any Part 4A Certificate and could void any Part 4A Certificate (construction certificate, subdivision certificate, or occupation certificate).

Deferred periodic payment of section 94A levy under the Woollahra Section 94A Development Contributions Plan 2011

Where the applicant makes a written request supported by reasons for payment of the section 94A levy other than as required by clause 3.9, the Council may accept deferred or periodic payment. The decision to accept a deferred or periodic payment is at the sole discretion of the Council, which will consider:

- The reasons given;
- Whether any prejudice will be caused to the community deriving benefit from the public facilities;
- Whether any prejudice will be caused to the efficacy and operation of this plan; and
- Whether the provision of public facilities in accordance with the adopted works schedule will be adversely affected.

Council may, as a condition of accepting deferred or periodic payment, require the provision of a bank guarantee where:

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

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

Standard Condition: C5

C.4 Tree Management Details

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

- a) Trees to be numbered in accordance with these conditions,
- b) Shaded green where required to be protected and retained,
- c) Shaded yellow where required to be transplanted,
- d) Shaded blue where required to be pruned,
- e) Shaded red where authorised to be removed and,

- f) References to applicable tree management plan, arborists report, transplant method statement or bush regeneration management plan.
Standard Condition: C30

C.5 Road and Public Domain Works

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

- a) Full width vehicular crossings having a width of 5m in accordance with Council's standard driveway drawing RF2B.
- b) A design longitudinal surface profile for the proposed driveway must be submitted for assessment.
- c) Removal of all driveway crossings and kerb laybacks in Attunga Street and Milton Avenue which will be no longer required.
- d) Reinstatement of footpath, kerb and gutter to match existing.
- e) Where a grass verge exists, the balance of the area between the footpath and the kerb over the full frontage of the proposed development must be turfed. The grass verge must be constructed to contain a uniform minimum 75mm of friable growing medium and have a total cover of Couch turf.

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

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

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

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

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

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

- a) “*Do it Right On Site, Soil and Water Management for the Construction Industry*” published by the Southern Sydney Regional Organisation of Councils, 2001
- b) “*Managing Urban Stormwater - Soils and Construction*” published by the NSW Department of Housing 4th Edition” (*The Blue Book*).

Where there is any conflict *The Blue Book* takes precedence. The *Certifying Authority* must be satisfied that the soil and water management plan complies with the publications above prior to issuing any *Construction Certificate*.

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

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

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

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

C.7 Car Parking Details

The Construction Certificate plans and specifications required by clause 139 of the Regulation, must include detailed plans and specifications for car parking demonstrating compliance with AS/NZS 2890.1:2004: Parking Facilities - Off-Street Car Parking, including access levels and grades must comply with access levels and grade required by Council under the Roads Act 1993

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

Standard Condition: C45

C.8 Stormwater management plan

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

- a) General design in accordance with the Stormwater Concept Plan by R Balas Engineering, drawing no 835-C01, dated September 2011 other than amended by this and other conditions
- b) The discharge of stormwater, by a single direct connection, to Council's existing drainage pit in Milton Avenue
- c) Compliance with the objectives and performance requirements of the BCA
- d) Any rainwater tank required by BASIX commitments including their overflow connection to the Stormwater Drainage System
- e) General compliance with the Council's draft Development Control Plan Stormwater Drainage Management (Draft Version 1.1, Public Exhibition Copy dated 14 December 2006)

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

- a) All pipe layouts, dimensions, grades, lengths and material specification
- b) All invert levels reduced to Australian Height Datum (AHD)
- c) Location and dimensions of all drainage pits
- d) Point and method of connection to Councils drainage infrastructure
- e) Copies of certificates of title, showing the creation of private easements to drain water by gravity, if required
- f) Subsoil Drainage - Subsoil drainage details, clean out points, discharge point

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

Note: The collection, storage and use of rainwater is to be in accordance with *Standards Australia HB230-2008 "Rainwater Tank Design and Installation Handbook"*.

Standard Condition: C51

C.9 Building upgrade (Clause 94 of the Regulation)

Council considers pursuant to clause 94 of the *Regulation* that it is appropriate to require the existing building 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 building 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 smoke alarms shall be installed throughout the building in accordance with the requirements of Part 3.7.2 of the *BCA* (Volume 2)
- b) That all stairways shall comply with the requirements of Part 3.9 of the *BCA* (Volume 2)

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 condition 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

C.10 Light and Ventilation

The *Construction Certificate* plans and specifications, required to be submitted to the *Certifying Authority* pursuant to clause 139 of the *Regulation*, must detail all a lighting, mechanical ventilation or air-conditioning systems complying with Part F.4 of the *BCA* or clause 3.8.4 and 3.8.5 of the *BCA* Housing Provisions, inclusive of [AS 1668.1](#), [AS 1668.2](#) and [AS/NZS 3666.1](#). If an alternate solution is proposed then the *Construction Certificate* application must include a statement as to how the performance requirements of the *BCA* are to be complied with and support the performance based solution by expert *evidence of suitability*. This condition does not set aside the mandatory requirements of the *Public Health (Microbial Control) Regulation 2000* in relation to *regulated systems*. This condition does not set aside the effect of the *Protection of the Environment Operations Act 1997* in relation to offensive noise or odour.

Note: Clause 98 of the *Regulation* requires compliance with the *BCA*. Clause 145 of the *Regulation* prevents the issue of a *Construction Certificate* unless the *Accredited Certifier/Council* is satisfied that compliance has been achieved. Schedule 1, Part 3 of the *Regulation* details what information must be submitted with any *Construction Certificate*. It is the Applicant's responsibility to demonstrate compliance through the *Construction Certificate* application process. Applicants must also consider possible noise and odour nuisances that may arise. The provisions of the *Protection of the Environment Operations Act 1997* have overriding effect if offensive noise or odour arises from the use. Applicant's must pay attention to the location of air intakes and air exhausts relative to sources of potentially contaminated air and neighbouring windows and air intakes respectively, see section 2 and 3 of [AS 1668.2](#).

Standard Condition C59

C.11 BASIX commitments

The *applicant* must submit to the *Certifying Authority* *BASIX Certificate* No. 396185S with any application for a *Construction Certificate*.

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

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

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

C.12 Structural Adequacy of Existing Supporting Structures

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

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

C.13 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.14 Submission of a Site Waste Minimisation and Management Plan (SWMMP)

A SWMMP being submitted to Council for approval prior to a *Construction Certificate* being issued. The SWMMP is to be prepared in accordance with Council's Site Waste Minimisation and Management Development Control Plan 2010.

Standard Condition: C68

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

D.1 Establishment of Tree Protection Zones

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

- a) Tree Protection Zone areas

Council Ref No	Species	Location	Radius from Trunk
1	<i>Citharexylum spinosum</i> Fiddlewood tree	Rear garden adjacent Milton Avenue	3 metres
2	<i>Archontophoenix cunninghamiana</i>	Along Attunga street frontage	1.5 metres
3	Bangalow palm * three stems		
4	<i>Archontophoenix cunninghamiana</i> Bangalow palm	Rear garden adjacent Milton Avenue	1.5 metres

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



Figure 1: A typical example of chainmesh fencing and signage to be installed as fencing for tree protection zones.

- c) Trunk protection, to a maximum height permitted by the first branches, is to be installed around the trunks of the trees listed in the table below;

Council Ref No	Species	Location
1	<i>Citharexylum spinosum</i> Fiddlewood tree	Rear garden adjacent Milton Avenue

A padding material e.g. Hessian or thick carpet underlay is to be wrapt around the trunk first. Harwood planks, 50x100mm and to the maximum possible length, are to be placed over the padding and around the trunk of the tree at 150mm centres. These planks are to be secured in place by 8 gauge wire at 300mm spacing.



Figure 2: A typical example of trunk protection to be installed

- 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) Existing soil levels must be maintained within Tree Protection Zones. Where excavation is undertaken adjacent such an area, the edge of the excavation must be stabilised, until such time as permanent measures are installed (e.g. retaining wall etc.) to prevent erosion within the Tree Protection Zone.
- f) Sediment control measures are to be installed around all Tree Protection Zones to protect the existing soil levels.
- g) The storage of materials, stockpiling, siting of works sheds, preparation of mixes, cleaning of tools or equipment is not permitted within Tree Protection Zones.

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

Note: Water Restrictions take precedence over this condition. Having regard to water restrictions manual hosing may be necessary.
Standard Condition: D8

D.2 Permissible work within Tree Protection Zones

The table below provides a radius distance from the centre of the trunk of existing trees whereby the following incursions are permissible:

- a) Permissible Work within Tree Protection Zones

Council Ref No	Species	Location	Radius from Trunk	Approved works within incursion
1	<i>Citharexylum spinosum</i> Fiddlewood tree	Rear garden adjacent Milton Avenue	1 metre	Removal of existing paving
2	<i>Archontophoenix cunninghamiana</i>	Along Attunga street frontage	500mm	
3	Bangalow palm *three stems			
4	<i>Archontophoenix cunninghamiana</i> Bangalow palm	Rear garden adjacent Milton Avenue		

- b) Where excavation is undertaken within a specified Tree Protection Zone, the edge of the excavation must be stabilised, until such time as permanent measures are installed (e.g. retaining wall etc.) to prevent erosion within the Tree Protection Zone.
- c) To prevent damage to roots and compaction within the Tree Protection Zone of specified trees, excavation must be hand dug. Small hand tools only are to be utilised, mattocks and similar digging tools are not to be used within these areas. No root with a diameter equal to or in excess of 50mm is to be cut unless approved, in writing, by a qualified Arborist (minimum qualification of Australian Qualification Framework Level 4 or recognised equivalent).

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

Beyond this radius, mechanical excavation is permitted, when root pruning by hand along the perimeter line of such works is completed.

D.3 Erosion and Sediment Controls – Installation

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

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

Where there is any conflict The Blue Book takes precedence.

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

Note: The “Do it Right On Site, Soil and Water Management for the Construction Industry” publications can be downloaded free of charge from www.woollahra.nsw.gov.au.

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

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

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

Standard Condition: D14

D.4 Compliance with Building Code of Australia and insurance requirements under the Home Building Act 1989

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

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

This condition does not apply:

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

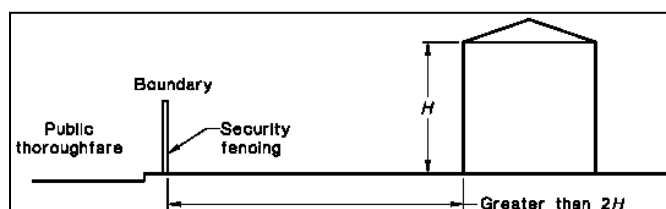
In this condition, a reference to the *BCA* is a reference to that code as in force on the date the application for the relevant construction certificate is made.

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

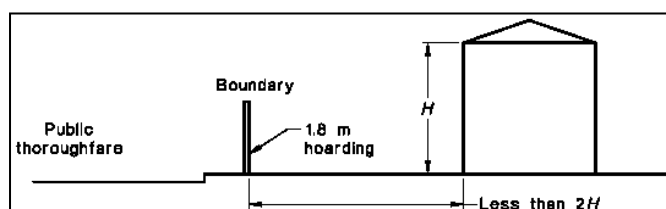
Note: All new guttering is to comply with the provisions of Part 3.5.2 of the Building Code of Australia.
Standard Condition: D1

D.5 Security Fencing, Hoarding and Overhead Protection

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



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

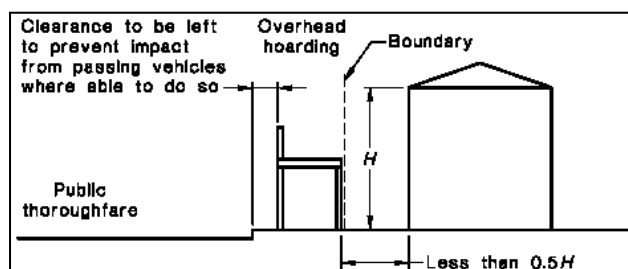


Where a development site adjoins a public thoroughfare with a footpath alongside the common boundary then, in addition to the hoarding required above, the footpath must be covered by an *overhead protective structure* and the facing facade protected by heavy-duty scaffolding, unless either:

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

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

- a) Extend from the common boundary to 200mm from the edge of the carriageway for the full length of the boundary;
- b) Have a clear height above the footpath of not less than 2.1 m;
- c) Terminate 200mm from the edge of the carriageway (clearance to be left to prevent impact from passing vehicles) with a continuous solid upstand projecting not less than 0.5 m above the platform surface; and
- d) Together with its supports, be designed for a uniformly distributed live load of not less than 7 kPa.



The *principal contractor* or *owner builder* must pay all fees associated with the application and occupation and use of the road (footway) for required hoarding or overhead protection.

The *principal contractor* or *owner builder* must ensure that Overhead Protective Structures are installed and maintained in accordance with WorkCover NSW Code of Practice - Overhead Protective Structures, gazetted 16 December 1994, as commenced 20 March 1995. This can be downloaded from:

<http://www.workcover.nsw.gov.au/Publications/LawAndPolicy/CodesofPractice/ohheadprotstrcuts.htm>.

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

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

Standard Condition: D11

D.6 Site Signs

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

Clause 98A of the Regulation provides:

Erection of signs

- For the purposes of section 80A (11) of the *Act*, the requirements of subclauses (2) and (3) are prescribed as conditions of a development consent for development that involves any building work, subdivision work or demolition work.
- A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
 - a. showing the name, address and telephone number of the principal certifying authority for the work, and
 - b. showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
 - c. stating that unauthorised entry to the work site is prohibited.
- Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.
- This clause does not apply in relation to building work, subdivision work or demolition work that is carried out inside an existing building that does not affect the external walls of the building.
- This clause does not apply in relation to Crown building work that is certified, in accordance with section 116G of the *Act*, to comply with the technical provisions of the State's building laws."

Clause 227A of the Regulation provides:

Signs on development sites

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

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

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

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

Standard Condition: D12

D.7 Toilet Facilities

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

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

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

In this condition:

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

approved by the council means the subject of an approval in force under Division 1 of Part 3 of the *Local Government (Approvals) Regulation 1993*.

public sewer has the same meaning as it has in the *Local Government (Approvals) Regulation 1993*.

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

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

D.8 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.9 Notification of Home Building Act 1989 requirements

- a) For the purposes of section 80A (11) of the *Act*, the requirements of this condition are prescribed as conditions of a development consent for development that involves any residential building work within the meaning of the Home Building Act 1989.
- b) Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the principal certifying authority for the development to which the work relates (not being the council) has given the council written notice of the following information:
 - In the case of work for which a *principal contractor* is required to be appointed:
 - the name and licence number of the principal contractor, and
 - the name of the insurer by which the work is insured under Part 6 of that *Act*,
 - In the case of work to be done by an owner-builder:
 - the name of the owner-builder, and
 - if the owner-builder is required to hold an owner-builder permit under that *Act*, the number of the owner-builder permit.
- c) If arrangements for doing the residential building work are changed while the work is in progress so that the information notified under subclause (2) becomes out of date, further work must not be carried out unless the principal certifying authority for the development to which the work relates (not being the council) has given the council written notice of the updated information.
- d) This clause does not apply in relation to Crown building work that is certified, in accordance with section 116G of the *Act*, to comply with the technical provisions of the State's building laws.

Standard Condition: D17

E. Conditions which must be satisfied during any development work

E.1 Tree Preservation

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

General Protection Requirements

- a) There must be no excavation or *work* within the required Tree Protection Zone(s). The Tree Protection Zone(s) must be maintained during all *development work unless otherwise specified*.
- b) Where excavation encounters tree roots with a diameter exceeding 50mm excavation must cease. The *principal contractor* must procure an inspection of the tree roots exposed by a qualified arborist. Excavation must only recommence with the implementation of the recommendations of the qualified arborist or where specific instructions are given by Council's Tree Management Officer in strict accordance with such Council instructions.
- c) Where there is damage to any part of a tree the *principal contractor* must procure an inspection of the tree by a qualified arborist immediately. The *principal contractor* must immediately implement treatment as directed by the qualified arborist or where specific instructions are given by Council's Tree Management Officer in strict accordance with such Council instructions.

Note: Trees must be pruned in accordance with *Australian Standard AS 4373 "Pruning of Amenity Trees"* and *WorkCover NSW Code of Practice Amenity Tree Industry*.
Standard Condition: E8

E.2 Tree Preservation and Approved Landscaping Works

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

- a) The following trees must be retained

Ref No	Species	Location	Dimension
1	<i>Citharexylum spinosum</i> Fiddlewood tree	Rear garden adjacent Milton Avenue	14 x 10 metres
2	<i>Archontophoenix cunninghamiana</i>	Along Attunga street frontage	12 x 3 metres
3	Bangalow palm * three stems		
4	<i>Archontophoenix cunninghamiana</i> Bangalow palm	Rear garden adjacent Milton Avenue (adjacent to Tree 1)	10 x 2 metres

- b) The following trees may be removed

Ref No	Species	Location	Dimension
4	<i>Schefflera actinophylla</i> Umbrella tree	Front garden along Attunga street frontage	10 x 3 metres

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

E.3 Paving in the vicinity of trees

Paving works within the specified radius from the trunks of the following trees must be constructed in such a way as to ensure that the existing moisture infiltration and gaseous exchange to the tree root system are maintained. When preparing an area for paving within the specified radius the soil surface should not be skimmed. A new surface must be established above the former ground level that does not inhibit gaseous exchange, such as granular fill not exceeding 100mm in depth or a load suspension layer.

Council Ref No	Species	Location	Radius from centre of trunk
1	<i>Citharexylum spinosum</i> Fiddlewood tree	Rear garden adjacent Milton Avenue	4.5 metres
2	<i>Archontophoenix cunninghamiana</i> (Bangalow palm) * three stems	Along Attunga street frontage	1 metre
3			

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

E.4 Level changes in the vicinity of trees

No level changes are to occur within the specified radius from the trunks of the following trees to allow for the preservation of their root zones.

Ref No	Species	Location	Radius from Trunk
1	<i>Citharexylum spinosum</i> Fiddlewood tree	Rear garden adjacent Milton Avenue	4.5 metres
2	<i>Archontophoenix cunninghamiana</i> Bangalow palm) *three stems	Along Attunga street frontage	1.5 metres
3			
4	<i>Archontophoenix cunninghamiana</i> Bangalow palm	Rear garden adjacent Milton Avenue	1.5 metres

E.5 Hand excavation within tree root zones

To prevent damage to roots and compaction within the root zone, excavation undertaken within the specified radius from the trunks of the following trees must be hand dug. Small hand tools only are to be utilised, mattocks and similar digging tools are not to be used within these areas. No root with a diameter equal to or in excess of 50mm is to be cut unless approved, in writing, by a qualified Arborist (minimum qualification of Australian Qualification Framework Level 4 or recognised equivalent).

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

Any exposed surface roots must be covered to prevent drying out and watered. Materials used to minimise surface roots drying out include leaf litter mulch or a geotextile fabric.

Beyond this radius, mechanical excavation is permitted, when root pruning by hand along the perimeter line of such works is completed.

Ref No	Species	Location	Radius from Trunk
1	<i>Citharexylum spinosum</i> Fiddlewood tree	Rear garden adjacent Milton Avenue	4 .5 metres

E.6 Footings in the vicinity of trees

Footings for any structure constructed within the specified radius from the trunks of the following trees, is to be constructed using an isolated pier and beam construction method. Excavations for installation of piers is to be located so that no tree root with a diameter equal to or in excess of 50mm is to be severed. The smallest possible area is to be excavated which allows construction of the pier. The beam is to be placed a minimum of 100mm above ground level and is to be designed to bridge all tree roots with a diameter equal to or in excess of 50mm.

Council Ref No	Species	Location	Radius from centre of trunk
1	<i>Citharexylum spinosum</i> Fiddlewood tree	Rear garden adjacent Milton Avenue	4. 5 metres

E.7 Public Footpaths – Safety, Access and Maintenance

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

- a) Not erect or maintain any gate or fence swing out or encroaching upon the road or the footway.
- b) Not use the road or footway for the storage of any article, material, matter, waste or thing.
- c) Not use the road or footway for any *work*.
- d) Keep the road and footway in good repair free of any trip hazard or obstruction.
- e) Not stand any plant and equipment upon the road or footway.
- f) Provide a clear safe pedestrian route a minimum of 1.5m wide.
- g) Protect street name inlays in the footpath which are not to be removed or damaged during development.

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

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

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

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

- erect a structure or carry out a work in, on or over a public road, or
- dig up or disturb the surface of a public road, or
- remove or interfere with a structure, work or tree on a public road, or
- pump water into a public road from any land adjoining the road, or
- connect a road (whether public or private) to a classified road, otherwise than with the consent of the appropriate roads authority.

Note: Section 68 of the *Local Government Act* 1993 provides that a person may carry out certain activities only with the prior approval of the council including:

- Part C Management of Waste:
 - a. For fee or reward, transport waste over or under a public place
 - b. Place waste in a public place
 - c. Place a waste storage container in a public place.”
- Part E Public roads:
 - a. Swing or hoist goods across or over any part of a public road by means of a lift, hoist or tackle projecting over the footway
 - b. Expose or allow to be exposed (whether for sale or otherwise) any article in or on or so as to overhang any part of the road or outside a shop window or doorway abutting the road, or hang an article beneath an awning over the road.”
 - c. Any work in, on or over the Road or Footway requires *Council* Approval and in the case of classified roads the NSW Roads and Traffic Authority. Road includes that portion of the road uses as a footway.
Standard Condition: E7

E.8 Maintenance of Environmental Controls

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

- a) Erosion and sediment controls,
- b) Dust controls,
- c) Dewatering discharges,
- d) Noise controls;
- e) Vibration monitoring and controls;
- f) Ablutions;

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

Standard Condition: E11

E.9 Erosion and Sediment Controls – Maintenance

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

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

Where there is any conflict *The Blue Book* takes precedence.



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

Note: Section 257 of the Protection of the Environment Operations Act 1997 provides that “the occupier of premises at or from which any pollution occurs is taken to have caused the pollution”.

Warning: Irrespective of this condition any person occupying the site may be subject to proceedings under the Protection of the Environment Operations Act 1997 where pollution is caused, permitted or allowed as the result of the occupation of the land being developed whether or not they actually cause the pollution.

Standard Condition: E15

E.10 Hours of Work –Amenity of the neighbourhood

- a) No *work* must take place on any Sunday or public holiday,
- b) No *work* must take place before 7am or after 5pm any weekday,
- c) No *work* must take place before 7am or after 1pm any Saturday,
- d) The following *work* **must not** take place before 9am or after 4pm any weekday, or before 9am or after 1pm any Saturday or at any time on a Sunday or public holiday;
 - i) Piling;
 - ii) Piering;
 - iii) Rock or concrete cutting, boring or drilling;
 - iv) Rock breaking;
 - v) Rock sawing;
 - vi) Jack hammering; or
 - vii) Machine excavation,
- e) No loading or unloading of material or equipment associated with the activities listed in part d) above must take place before 9am or after 4pm any weekday, or before 9am or after 1pm any Saturday or at any time on a Sunday or public holiday.
- f) No operation of any equipment associated with the activities listed in part d) above must take place before 9am or after 4pm any weekday, or before 9am or after 1pm any Saturday or at any time on a Sunday or public holiday
- g) No rock excavation being cutting, boring, drilling, breaking, sawing , jack hammering or bulk excavation of rock, must occur without a 15 minute break every hour.

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

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

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

E.11 Dust Mitigation

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

This generally requires:

- a) Dust screens to all hoardings and site fences.
- b) All stockpiles or loose materials to be covered when not being used.
- c) All equipment, where capable, being fitted with dust catchers.
- d) All loose materials being placed bags before placing into waste or skip bins.
- e) All waste and skip bins being kept covered when not being filled or emptied.
- f) The surface of excavation work being kept wet to minimise dust.
- g) Landscaping incorporating trees, dense shrubs and grass being implemented as soon as practically possible to minimise dust.

- Note:** “*Dust Control - Do it right on site*” can be down loaded free of charge from Council’s web site www.woollahra.nsw.gov.au or obtained from Council’s office.
- Note:** Special precautions must be taken when removing asbestos or lead materials from development sites. Additional information can be obtained from www.workcover.nsw.gov.au and www.epa.nsw.gov.au . Other specific condition and advice may apply.
- Note:** Demolition and construction activities may affect local air quality and contribute to urban air pollution. The causes are dust, smoke and fumes coming from equipment or activities, and airborne chemicals when spraying for pest management. Precautions must be taken to prevent air pollution.
Standard Condition: E23

E.12 Noise Objectives

To assist in managing impacts of noise from the demolition of the existing dwelling and outbuilding on residences and other sensitive land uses, it is recommended that the *NSW Department of Environment & Climate Change: Construction Noise Guideline* be applied to the site to provide a quantitative and qualitative assessment for evaluating performance and compliance of resultant noise from demolishing works of the existing dwelling and outbuilding. In particular reference is made to Table 2 of the *NSW Department of Environment & Climate Change: Construction Noise Guideline* which sets out management levels for noise at residences and other sensitive land uses.

E.13 Protection of the Environment Operations Act 1997

No equipment, building materials or other articles are to be used or placed in a manner on or off the site that will cause or likely to cause a ‘pollution incident’ as defined under the *Protection of the Environment Operations Act 1997*.

E.14 Soil Removal

Prior to the disposal of any soil from the site, such soil shall be classified in accordance with the provisions of both the Protection of the Environment Operations Act 1997 and the NSW EPA Guidelines: Assessment, Classification and Management of Liquid and Non-Liquid Wastes (1999).

E.15 Contaminated Fill Material

The excavation and removal of any contaminated fill material to an appropriate DECC – licensed landfill facility.

E.16 Public Footpaths – Safety, Access and Maintenance

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

- a) Not erect or maintain any gate or fence swing out or encroaching upon the road or the footway.
- b) Not use the road or footway for the storage of any article, material, matter, waste or thing.
- c) Not use the road or footway for any *work*.
- d) Keep the road and footway in good repair free of any trip hazard or obstruction.
- e) Not stand any plant and equipment upon the road or footway.
- f) Provide a clear safe pedestrian route a minimum of 1.5m wide.
- g) Protect street name inlays in the footpath which are not to be removed or damaged during development.

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

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

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

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

- erect a structure or carry out a work in, on or over a public road, or
- dig up or disturb the surface of a public road, or
- remove or interfere with a structure, work or tree on a public road, or
- pump water into a public road from any land adjoining the road, or
- connect a road (whether public or private) to a classified road, otherwise than with the consent of the appropriate roads authority.

Note: Section 68 of the *Local Government Act 1993* provides that a person may carry out certain activities only with the prior approval of the council including:

- Part C Management of Waste:
 - a. For fee or reward, transport waste over or under a public place
 - b. Place waste in a public place
 - c. Place a waste storage container in a public place.”

- Part E Public roads:
 - a. Swing or hoist goods across or over any part of a public road by means of a lift, hoist or tackle projecting over the footway
 - b. Expose or allow to be exposed (whether for sale or otherwise) any article in or on or so as to overhang any part of the road or outside a shop window or doorway abutting the road, or hang an article beneath an awning over the road.”
 - c. Any work in, on or over the Road or Footway requires *Council* Approval and in the case of classified roads the NSW Roads and Traffic Authority. Road includes that portion of the road uses as a footway.
Standard Condition: E7

E.17 Placement and use of Skip Bins

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

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

Note: Waste storage containers must not be located on the footpath without a site specific activity approval. Where such site specific activity approval is granted a 1.5m wide clear path of travel is maintained free of any trip hazards.
Standard Condition: E21

E.18 Compliance with Australian Standard for Demolition

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

Standard Condition: E2

F. Conditions which must be satisfied prior to any occupation or use of the building (Part 4A of the Act and Part 8 Division 3 of the Regulation)

F.1 Commissioning and Certification of Systems and Works

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

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

- a) Certification from the supervising professional engineer that the requirement of the Geotechnical / Hydrogeological conditions and report recommendations were implemented and satisfied during development work.
- b) All flood protection measures.
- c) All garage/car park/basement car park, driveways and access ramps comply with Australian Standard AS 2890.1 – “Off-Street car parking.”
- d) All stormwater drainage and storage systems.

- e) All mechanical ventilation systems.
- f) All hydraulic systems.
- g) All structural work.
- h) All acoustic attenuation work.
- i) All waterproofing.
- j) Such further matters as the Principal Certifying Authority may require.

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

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

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

F.2 Occupation Certificate (section 109M of the Act)

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

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

F.3 Street Numbering

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

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

F.4 Mailbox

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

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

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

Nil.

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

H.1 Landscaping

All landscape work including all planting must be completed by the *principal contractor* or *owner* in compliance with the approved landscape plan, arborist report, transplant method statement and tree management plan. The *principal contractor* or *owner* must provide to PCA a works-as-executed landscape plan and certification from a qualified landscape architect/designer, horticulturist and/or arborist as applicable to the effect that the works as completed comply with this consent.

Note: This condition has been imposed to ensure that all Landscaping work is completed prior to the issue of the *Final Occupation Certificate*.

Standard Condition: H9

H.2 Road Works (including footpaths)

The following works must be completed to the satisfaction of Council, in accordance with the *Roads Act 1993* approvals and comply with Council's "*Specification for Roadworks, Drainage and Miscellaneous Works*" dated January 2003 unless expressly provided otherwise by these conditions at the *principal contractor's* or *owner's* expense:

- a) Stormwater pipes, pits and connections to public stormwater systems within the *road*;
- b) Driveways and vehicular crossings within the *road*;
- c) Removal of redundant driveways and vehicular crossings;
- d) New footpaths within the *road*;
- e) Relocation of existing power/light pole
- f) relocation/provision of street signs
- g) New or replacement street trees;
- h) New footway verges, where a grass verge exists, the balance of the area between the footpath and the kerb or site boundary over the full frontage of the proposed development must be turfed. The grass verge must be constructed to contain a uniform minimum 75mm of friable growing medium and have a total cover of turf predominant within the street.
- i) New or reinstated kerb and guttering within the *road*; and
- j) New or reinstated road surface pavement within the *road*.

Note: Security held by Council pursuant to section 80A(6) of the Act will not be release by Council until compliance has been achieved with this condition. An application for refund of security must be submitted with the *Final Occupation Certificate* to Council. This form can be downloaded from Council's website www.woollahra.nsw.gov.au or obtained from Council's customer service centre.

Standard Condition: H13

H.3 Fulfillment of BASIX commitments – Clause 154B of the Regulation

All BASIX commitments must be effected in accordance with the BASIX Certificate No. 396185S.

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

Standard Condition: H7

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

I.1 Rainwater Tank – Operation and Maintenance

All rainwater tank systems shall be operated and maintained in accordance with the technical provisions of the NSW Code of Practice for Plumbing and Drainage 3rd Edition 2006, AS/NZS 3500 as adopted by the Building Code of Australia, and the NSW Health Guideline "Use of Rainwater Tanks Where a Public Water Supply is Available".

Note: The NSW Health Guideline can be downloaded from http://www.health.nsw.gov.au/policies/gl/2007/pdf/GL2007_009.pdf. The guideline's introduction states: "In urban areas the public water supply remains the most reliable source of good quality drinking water for the community. In these areas NSW Health supports the use of rainwater tanks for non-drinking uses, such as toilet flushing, washing clothes or in water heating systems, and outdoors for uses such as garden watering, car washing, filling swimming pools, spas and ornamental ponds, and fire fighting. Use of rainwater conserves the public water supply and helps to reduce stormwater impacts. In urban areas NSW Health recommends that people use the public water supply for drinking and cooking because it is filtered, disinfected and generally fluoridated."
Standard Condition: I35

I.2 Maintenance of BASIX commitments

All BASIX commitments must be maintained in accordance with the BASIX Certificate No. 396185S.

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

I.3 Noise Control

The use of the premises must not give rise to the transmission of *offensive noise* to any place of different occupancy. *Offensive noise* is defined in the *Protection of the Environment Operations Act 1997*. This condition has been imposed to protect the amenity of the neighbourhood.

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

I.4 Noise from mechanical plant and equipment

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

The *background noise level* is the underlying level present in the ambient noise, excluding the subject noise source, when extraneous noise is removed. For assessment purposes the background noise level is the $L_{A90, 15 \text{ minute}}$ level measured by a sound level meter. This condition has been imposed to protect the amenity of the neighbourhood.

Note: Words in this condition have the same meaning as in the:

NSW Industrial Noise Policy (http://www.environment.nsw.gov.au/resources/ind_noise.pdf)

ISBN 0 7313 2715 2, dated January 2000, and

Noise Guide for Local Government (<http://www.environment.nsw.gov.au/noise/nglg.htm>)

ISBN 1741370671 , dated December 2004.

J. Miscellaneous Conditions

Nil.

K. Advisings

K.1 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.2 Roads Act Application

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

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

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

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

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

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

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

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

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

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

All public domain works must comply with Council's "*Specification for Roadworks, Drainage and Miscellaneous Works*" dated January 2003 unless expressly provided otherwise by these conditions. This specification and the application form can be downloaded from www.woollahra.nsw.gov.au.

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

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

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

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

Standard Advising: K24

K.3 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.4 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.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 Asbestos Removal, Repair or Disturbance

Anyone who removes, repairs or disturbs bonded or a friable asbestos material must hold a current removal licence from Workcover NSW.

Before starting work, a work site-specific permit approving each asbestos project must be obtained from Workcover NSW. A permit will not be granted without a current Workcover licence.

All removal, repair or disturbance of or to asbestos material must comply with:

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

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

Standard Advising: K8

K.9 Appeal

Council is always prepared to discuss its decisions and, in this regard, please do not hesitate to contact Simon Taylor, Assessment Officer, on (02) 9391 7162.

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.10 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.11 Model

If you submitted a model with the application it must be collected from the Council offices within fourteen (14) days of the date of this determination. Models not collected will be disposed of by Council.

Standard Condition: K21

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

For the Motion

Against the Motion

Councillor Boskovitz
Councillor Cavanagh
Councillor Medcraft
Councillor Wynne
Councillor Shapiro
Councillor Edelman
Councillor Zeltzer
Councillor Young
Councillor Jarnason
Councillor Plater
Councillor Shoebridge
Councillor Carmichael
Councillor Howe
Councillor Grieve
Councillor Petrie

Nil

15/0

Urban Planning Committee

Items with Recommendations from the Committee Meeting of Monday 13 August 2012 Submitted to the Council for Determination

Item No: R1 Recommendation to Council

Subject: **Draft Woollahra Residential DCP 2003 (Amendment No.4) – Excavation**

Author: Tom Jones – Urban Design Planner

File No: 1064.G

Reason for Report: To report on the public exhibition of the Draft Woollahra Residential DCP 2003 (Amendment No. 4) – Excavation.
To obtain Council’s approval of the Draft Woollahra Residential DCP 2003 (Amendment No. 4) – Excavation.

Note: Late correspondence was tabled by Council’s Urban Design Planner, Tom Jones & George Karavanas.

**Motion moved by Councillor Howe
Seconded by Councillor Carmichael**

That the matter be deferred for Council to seek an opinion from Council’s legal counsel in regards to the ability of the proposed amendments to provide what the Councillors put up in the Notice of Motion, which is to substantially reduce the level of excavation in our area.

**Amendment moved by Councillor Young
Seconded by Councillor Shoebridge**

A. That the Draft Woollahra Residential Development Control Plan 2003 (Amendment No. 4) – Excavation, as contained in **annexure 6** of the report to Urban Planning Committee meeting on 13 August 2012 be approved, subject to C 5.2.17A and C 5.2.17B being amended as follows:

C 5.2.17A The volume of material, measured in situ, to be excavated from below existing ground level in connection with a site used as a single dwelling or dual occupancy is not to exceed the volume shown on the sliding scale in *figure 5.2.11A*.

C 5.2.17B The volume of material, measured in situ, to be excavated from below existing ground level in connection with a site used as residential flat building is not to exceed the volume shown on the sliding scale in *figure 5.2.11B*

B. That the Draft Woollahra Residential Development Control Plan 2003 (Amendment No. 4) – Excavation comes into effect on the date that notice of the approval is published in the Wentworth Courier.

- C. That the Planning Proposal, regarding changes to Woollahra Local Environment Plan 1995, submitted to the Department of Planning and Infrastructure as required by Part B of the Council's resolution of 12 December 2011 be withdrawn.

The Amendment was put and carried
The Amendment became the Motion
The Motion was put and Adopted

(Young/Shoebridge)

14/15 Resolved:

- A. That the Draft Woollahra Residential Development Control Plan 2003 (Amendment No. 4) – Excavation, as contained in **annexure 6** of the report to Urban Planning Committee meeting on 13 August 2012 be approved, subject to C 5.2.17A and C 5.2.17B being amended as follows:
- C 5.2.17A The volume of material, measured in situ, to be excavated from below existing ground level in connection with a site used as a single dwelling or dual occupancy is not to exceed the volume shown on the sliding scale in *figure 5.2.11A*.
- C 5.2.17B The volume of material, measured in situ, to be excavated from below existing ground level in connection with a site used as residential flat building is not to exceed the volume shown on the sliding scale in *figure 5.2.11B*
- B. That the Draft Woollahra Residential Development Control Plan 2003 (Amendment No. 4) – Excavation comes into effect on the date that notice of the approval is published in the Wentworth Courier.
- C. That the Planning Proposal, regarding changes to Woollahra Local Environment Plan 1995, submitted to the Department of Planning and Infrastructure as required by Part B of the Council's resolution of 12 December 2011 be withdrawn.

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

For the Motion

Councillor Medcraft
 Councillor Jarnason
 Councillor Plater
 Councillor Young
 Councillor Zeltzer
 Councillor Grieve
 Councillor Shoebridge
 Councillor Wynne

Against the Motion

Councillor Boskovitz
 Councillor Carmichael
 Councillor Cavanagh
 Councillor Petrie
 Councillor Edelman
 Councillor Shapiro
 Councillor Howe

8/7

Item No: R2 Recommendation to Council
Subject: **Additional Controls for Lofts Over Garages in the Woollahra Heritage Conservation Area**
Author: Sara Reilly Strategic Heritage Officer
File No:
Reason for Report: To respond to decisions of the Council requiring a report on controls for lofts over garages in the Woollahra Heritage Conservation Area.

Note: Late correspondence was tabled by Council's Manager Strategic Planning, Chris Bluett.

(Young/Shoebridge)

15/15 Resolved:

That a draft development control plan be prepared to amend the Woollahra Heritage Conservation Area DCP as set out in section 5.0 of the report to the Urban Planning Committee meeting on 13 August 2012 subject to:

(i) inclusion of the following objective:

O1. To protect the amenity of the property, neighbouring properties and public open space in terms of visual

(ii) control C13(b) being amended to read:

C13(b) protects the amenity of the property, neighbouring properties and public open space in terms of visual and acoustic privacy and sunlight access.

(iii) control C13(d) being amended to read:

C13(d) the maximum width of the loft and single garage is 4.5m and for the loft and double garage is 6m

(iv) control 13a(d) being amended to read:

C13a Loft structures will not be permitted:

(d) over a multiple space garage, other than a side by side double garage, in which case a transverse gable form is used.

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

For the Motion

Councillor Boskovitz
Councillor Cavanagh
Councillor Medcraft
Councillor Wynne
Councillor Shapiro

Against the Motion

Nil

Councillor Edelman
Councillor Zeltzer
Councillor Young
Councillor Jarnason
Councillor Plater
Councillor Shoebridge
Councillor Carmichael
Councillor Howe
Councillor Grieve
Councillor Petrie

15/0

Matter of Urgency Urban Planning Committee

Items with Recommendations from the Committee Meeting of Monday 27 August 2012 Submitted to the Council for Determination

Item No: R1 Recommendation to Council

Subject: **Delivery Program 2009 To 2013 And Operational Plan 2011/12
Quarterly Progress Report June 2012 – Goal (4) – Well Planned
Neighbourhoods**

Author: Allan Coker - Director Planning & Development
Chris Bluett - Manager Strategic Planning
Patrick Robinson - Manager Development Control

File No: 1229.G

Reason for Report: To review the status of the priorities and actions in Council's Delivery Program 2009 to 2013 and Operational Plan 2011/12 for the three months ending 30 June 2012.

(Shoebridge/Zeltzer)

That in accordance with Council's Code of Meeting Practice, Item R1 of the Urban Planning Committee Meeting held on 27 August 2012 be brought forward as a Matter of Urgency so as to give staff timely direction on this matter as the next Council Meeting will not be held for several weeks due to the Local Government Election.

Adopted

The Mayor ruled Urgency.

(Shoebridge/Young)

16/15 Resolved:

- A. THAT the June 2012 quarterly progress report on Goal 4 (Well planned neighbourhoods) of Council's Delivery Program 2009 to 2013 and Operational Plan 2011/12 be received and noted and that revised target dates be adopted.
- B. THAT staff continue with developing the planning projects identified in the standard LEP process but not proceed with any further statutory drafting until further clarification on the Government's Green Paper planning reforms.

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

For the Motion***Against the Motion***

Councillor Boskovitz
Councillor Cavanagh
Councillor Medcraft
Councillor Wynne
Councillor Shapiro
Councillor Edelman
Councillor Zeltzer
Councillor Young
Councillor Jarnason
Councillor Plater
Councillor Shoebridge
Councillor Carmichael
Councillor Howe
Councillor Grieve
Councillor Petrie

Nil

15/0

Community & Environment Committee

Items with Recommendations from the Committee Meeting of Monday 13 August 2012 Submitted to the Council for Determination

Item No: R1 Recommendation to Council
Subject: **Literary Award**
Author: Jo Jansyn, Cultural Development Coordinator
File No: 79.G
Reason for Report: In response to a Council Resolution to support the establishment of a new Literary Award.

(Jarnason/Plater)

17/15 Resolved without debate:

That Council defer consideration of the matter at this time and not establish a Woollahra Digital Literary Award in 2012/13.

Item No: R2 Recommendation to Council
Subject: **McKell Park and Darling Point Reserve Draft Plan of Management for Public Exhibition**
Author: Paul Fraser - Team Leader Open Space & Recreation Planning
File No: 175.G MP
Reason for Report: To provide the requested relevant advice from the Department of Primary Industries relating to the McKell Park and Darling Point Plan of Management (PoM) prior to the plan going on public exhibition.

(Grieve/Plater)

18/15 Resolved:

- A. That Council make the necessary changes as discussed in the report and place the McKell Park and Darling Point Reserve draft Plan of Management (PoM) which was presented on the 16 April 2012 on public exhibition for not less than 28 days and that submissions be received for a period of not less than 42 days from the date the plan is placed on exhibition, in accordance with Section 113 (c) of the *Crown Lands Act 1989* and Section 38 of the *Local Government Act 1993*.
 - B. Subject to recommendation A above, that Council hold a public hearing on the proposal to categorise the Community Land in McKell Park as 'Park' in accordance with Section 36 (4) and 40A (1) of the Local Government Act 1993.
 - C. That Council considers submissions received and, where appropriate, incorporates changes in a Final Plan of Management to be further considered by Council.
-

Notice of Motion

Item No: 1
From: Councillor Shoebridge
Date: 20 August 2012
File No: 900.G

(Shoebridge/Boskovitz)

19/15 That Council:

1. attend to the maintenance of the Raoul Wallenberg Memorial Garden on Queen St Woollahra; and
2. work with the local community to hold a modest commemorative event at the memorial garden to mark the centenary of his birth.

Adopted

Item No: 2
From: Councillor Cavanagh
Date: 23 August 2012
File No: 900.G

Note: Councillor Medcraft declared a Pecuniary Interest in this Item as he lives in Stafford Street, Paddington. Councillor Medcraft left the Meeting and did not participate in the debate or vote on the matter.

(Cavanagh/Zeltzer)

20/15 Re: Completion of Stafford Street paving works

That a report be submitted to the appropriate committee of Council considering completing the paving work between 15 to 27 Stafford St Paddington in line with the paving completed in the remainder of the street.

Adopted

Item No: 3
From: Councillor Howe
Date: 23 August 2012
File No: 900.G

(Howe/Zeltzer)

21/15 Cleaning of Footpath in Double Bay Commercial Centre and Oxford Street, Paddington.

1. That a report be tabled to the appropriate committee on cleaning of the paved footpath areas within the Double Bay Commercial area, the report to consider and respond with respect to;
 - a) Current Council cleaning and maintenance program, and known regular cleaning or maintenance programs by privately operated licensed premises or café/restaurants.
 - b) Consideration of weekly or other appropriately timed high pressure “spot” water cleaning of the new footpath paving by Council, particularly areas where private operated licensed premises, café, restaurants and food outlet exist.
 - c) Recovery of Council’s cost for regular high pressure water cleaning of paving where private operated licensed premises, café, restaurants and food outlets have contributed to spills, grease and dirt on the paving from operation of those premises.
 - d) What appropriate action can be taken By Council to prevent or decrease the propensity of dog owners from allowing their dogs to urinate against buildings, poles, planters or other structures within the Double Bay Commercial Centre.

Adopted

Item No: 4
From: Councillor Howe
Date: 23 August 2012
File No: 900.G

(Howe/Petrie)

22/15 Consideration for Incentives and a Moratorium to Promote additional Outdoor Dining with Double Bay, Woollahra, Oxford Streets Commercial Precincts, together with other appropriate local business areas with the Woollahra Municipality.

1. That a report be tabled to the appropriate committee as a matter of priority on Council’s ability to introduce incentives and a moratorium on Council’s fees and charges relating to outdoor dining facilities within the public domain/footpaths areas of Double Bay, Oxford Street and Woollahra Commercial Precincts, together with other appropriate local business areas to improve the visual appearance, dynamics and vitality of these areas, together with assisting in improving the commercial viability of local businesses, the report to include;
 - a) How Council may improve and expedite the processing of applications relating to use of the public domain and footpath areas for outdoor dining and other uses consistent with the objectives of Council’s policies, planning instruments and operational plans,
 - b) Consideration of Council removing the cost of Development Application Fees for a period of 24 months for applications relating to the same,

- c) Consideration of Council foregoing Licensed Fees for a period of 24 months relating to the use of the public domain and footpath areas for outdoor dining and other uses consistent with the objectives of Council's policies, planning instruments and operational plans, including the economic impacts both to Council budgets, and to the commercial viability to small business of applying for, and operating new or additional outdoor dining areas.

Adopted

Note: A Division was called by Councillors Howe and Petrie

For the Motion

Councillor Cavanagh
Councillor Medcraft
Councillor Petrie
Councillor Edelman
Councillor Shapiro
Councillor Plater
Councillor Howe
Councillor Wynne

Against the Motion

Councillor Boskovitz
Councillor Carmichael
Councillor Shoebridge
Councillor Jarnason
Councillor Young
Councillor Zeltzer
Councillor Grieve

8/7

Questions for Next Meeting

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

(Grieve/Carmichael)

23/15 That Councillors ask Questions for Next Meeting in accordance with Council's Code of Meeting Practice.

Adopted

The following questions were asked:-

Councillor Carmichael asking:

The lights have been out in Lennox Street the past couple of weeks and I was wondering if this fault could be notified to the relevant authority?

Director Technical Services in response:

Yes

Councillor Carmichael asking:

A raised concrete island was recently installed on the intersection of Arthur Street and Carlotta Road. Some residents have approached me asking if some reflectors could be installed on this island so it is more visible for passing traffic at night.

Could this please be referred to the Traffic Committee for consideration?

Director Technical Services in response:

On notice.

Councillor Medcraft asking:

Re: Broughton Street, Paddington

I refer to responses to Questions for Next Meeting and the response given on this, when is the report on this issue to be submitted?

Director Technical Services in response:

On notice.

Councillor Medcraft asking:

Re: Kid Friendly Paddington Project

I believe the Council has received a proposal from Glenmore Road Primary School that puts into practice the NSW Commission for Children and Youth Strategy for re-engaging middle years children (aged 9 - 14).

Has the proposal been received and what is its status?

Mayor in response:

On notice.

Councillor Medcraft asking:

Re: Juniper Hall

Having regard to the historical significance of Juniper Hall for Paddington and Woollahra more generally. Has Council engaged with the National Trust on proposed auction for a 99 year lease of the property, particularly in relation to community access and preservation of Juniper Hall in the event a lease is entered into, which would amount to an economic sale of the property?

Has Council contributed funds in the past to renovation or maintenance of the property?

Mayor in response:

On notice.

Councillor Edelman asking:

Further to my question relating to on/off leash areas in Christison Park I note Council's response.

It remains confusing however in Christison Park as to what parts of the park are on/off leash and I ask Council to put in place clear signage designating the areas.

I would also ask that consideration be given to lifting the in leash restriction at Signal Station Reserve between 4.30pm and 8.30am in keeping with the restrictions on the Christison Park Oval and to create uniformity.

Mayor in response:

On notice.

Councillor Grieve asking:

Can the Director of Technical Services advise if there will be a wide and genuine community consultation with Council and the community about the closing of the Double Bay Wharf for 9 months and if so, when this may be happening?

Director Technical Services in response:

I will take the Question On notice but I can advise Councillor that it is a matter that we have been in discussion with RMS. We actually don't think it will be a 9 month closure, they have allowed themselves 9 months but we don't think that it will be closed for that long.

At this stage, the Mayor advised that we have just received word that at the Local Government Managers Association Conference tonight, Woollahra Council was announced the winner for Excellence in Collaboration for Gap Park, which is an extraordinary effort, as well as a Highly Commended for Council's Business Assurance Management Program for excellence in leadership and innovation.

The Mayor congratulated the Councillors and staff for championing these projects.

There being no further business the meeting concluded at 9.05pm.

We certify that the pages numbered 2534 to 2612 inclusive are the Minutes of the Ordinary Meeting of Woollahra Municipal Council held on 27 August 2012 and confirmed by Council at the ordinary Meeting of Council on tba as correct.

General Manager

Mayor