Agenda: Ordinary Council Meeting

Date: Monday 27 February 2006

Time: 8.00pm
23 February 2006

To: The Mayor, Councillor Andrew Petrie
   Councillors  Anthony Boskovitz
                John Comino
                Claudia Cullen
                Christopher Dawson
                Marcus Ehrlich
                Tanya Excell
                Wilhelmina Gardner
                Keri Huxley
                Julian Martin
                Geoff Rundle
                Isabelle Shapiro
                David Shoebridge
                Fiona Sinclair King
                John Walker

Dear Councillors

Council Meeting – 27 February 2006

In accordance with the provisions of the Local Government Act 1993, I request your attendance at Council’s Ordinary Council Meeting to be held in the Council Chambers, 536 New South Head Road, Double Bay, on Monday 27 February 2006 at 8.00pm.

Gary James
General Manager
Meeting Agenda

1. Confirmation of Minutes – Ordinary Meeting 13 February 2006
   Confirmation of Minutes - Strategic and Corporate Committee 21 February 2006

2. Leave of Absence and Apologies

3. Declarations of Interest

4. Late Correspondence

5. Petitions Tabled

6. Mayoral Minute Nil

7. Public Forum

8. General Manager’s Report Nil

9. Reports of the Committees
   9.1 Corporate & Works Committee 20 February 2006 1
      R1 7A & 9A Cooper Park Road, Bellevue Hill
      R2 Review of Ward Boundaries
      R3 Infrastructure and Environmental Projects Funding Options
      R4 2006/2007 Budget Strategy
      R5 2005/2006 Budget review for the Quarter Ended 31 December 2005

   9.2 Development Control Committee 20 February 2006 4
      R1 Development Application for use of 160 Oxford Street Darlinghurst by the University of Notre Dame (City of Sydney Council) – 833.G
      R2 DA748/2004 – 53 Kings Road, Vaucluse – Alterations to an existing semi-detached dwelling, including a new 1st floor level, off-street car parking and new swimming pool – 23/11/2004
      R3 DA474/2003 Part 4 – 15A/B Dumaresq Road, Rose Bay, Section 96 application – Proposed external modifications – 19/11/2005

   9.3 Urban Planning Committee 13 February 2006 21
      R1 Kiaora Lands, Double Bay
      R2 BASIX Alterations and Additions
      R3 Post Occupation Audit

   9.4 Community & Environment Committee 13 February 2006 24
      R1 Formal Endorsement of the Draft Sydney Coastal Councils Group Strategic Plan 2005-2008
### 9.5 Strategic and Corporate Committee

**R1** Ground Lease Review – The Cosmopolitan Centre Site – Double Bay

**R2** Notice of Motion – Independent Hearing and Assessment panel (IHAP)

#### 10. Rescission Motion

Nil

#### 11. Notices of Motion

Nil

#### 12. Questions without Notice

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9.1 Corporate & Works Committee

Items with Recommendations from the Committee Meeting of Monday 20 February 2006
Submitted to the Council for Determination

Item No: R1 Recommendation to Council
Subject: 7A & 9A Cooper Park Road, Bellevue Hill
Author: Zubin Marolia – Manager Property & Projects
File No: 620.G Part 4
Reason for Report: To seek Council approval to extinguish the Council right of way over
neighbouring property 7a Cooper Park Road

Recommendation:

A. That approval be not granted to the extinguishment of the Council’s right of way over
neighbouring property 7A Cooper Park Road.

B. That this matter be referred to the Asset Working Party to consider options to maximise use
and value for the 9A Cooper Park Road site.

C. That the legal position be further explored by Council’s legal advisor.

Item No: R2 Recommendation to Council
Subject: Review of Ward Boundaries
Author: Les Windle - Manager Governance
File No: 12.G
Reason for Report: To advise Councillors of the legislative requirement to review its ward
boundaries

Recommendation:

1. That the Council note the legislative requirement to review the ward boundaries.

2. That a report to submitted to a future meeting of the Strategic and Corporate Committee to
further consider the ward boundaries review.
Item No: R3  Recommendation to Council
Subject: Infrastructure and Environmental Projects Funding Options
Author: Don Johnston, Manager Finance
File No: 331G 2006/2007
Reason for Report: To provide the Committee options for the funding of infrastructure renewal and environmental projects

Recommendation:
1. That the report be further considered by the budget workshop on Tuesday 21st February, and
2. That subject to any variation arising from the workshop the committee recommends to the Council the adoption of Option 3 as set out in the report. That is:
   i) Make application for a combined infrastructure and environmental levy  
   ii) Make application to forgo the last year of the environmental levy, subject to i) above  
   iii) Introduce a stormwater levy of $25 per residential property and $100 per business property.

Item No: R4  Recommendation to Council
Subject: 2006/2007 Budget Strategy
Author: Don Johnston, Manager Finance
File No: 331G 2006/2007
Reason for Report: To provide the Committee with an update on the budget prior to the Budget Workshop

Recommendation:
THAT the report be noted and further considered at the Budget Workshop to be held following the Strategic & Corporate Committee meeting on 21 February 2006.

Item No: R5  Recommendation to Council
Subject: 2005/2006 Budget Review for the Quarter ended 31 December 2005
Author: Don Johnston, Manager Finance
File No: 331.G

Recommendation:
THAT the report be received and noted and the variations to the Budget be adopted.
9.2 Development Control Committee

Items with Recommendations from the Committee Meeting of Monday 20 February 2006
Submitted to the Council for Determination

Item No: R1 Recommendation to Council
Subject: Development Application for use of 160 Oxford Street Darlinghurst by the University of Notre Dame (City of Sydney Council)
Author: Brett Daintry – Manager Development Control
Peter Kauter – Executive Planner
File No: 833.G
Reason for Report: Response to a Question Without Notice

Recommendation:

A. That the council write to the City of Sydney Council objecting to the development application for use the Sacred Heart Parish at 160 Oxford Street Darlinghurst by the University of Notre Dame Australia for schools of medicine and nursing and medical consulting rooms, on the following grounds:

1. The proposed new building on the corner of Oxford and Victoria Streets will have an adverse impact on the heritage significance of the Sacred Heart Church building due to the excessive height of the building’s façade to Oxford Street – a four (4) storey façade is considered to be appropriate

2. The separation between the proposed new building on the corner of Oxford and Victoria Streets is considered to be inadequate to properly recognise the significance of the Sacred Heart Church building

3. The façade of the new building on the corner of Oxford and Victoria Streets should allow for increased pedestrian penetration by incorporating an additional entry at the corner of Oxford and Victoria Streets

4. The proposed new building on the corner of Oxford and Victoria Streets will be out of keeping with the height of existing buildings at the intersection resulting in an adverse impact on the Oxford Street streetscape

5. The applicant’s Statement of Environmental Effects is deficient. It fails to provide sufficient information in relation to traffic and parking impacts in the Paddington area to permit a proper assessment under Section 79C of the Environmental Planning and Assessment Act

B. THAT direct representation be made by the Deputy Mayor to the Central Sydney Planning Committee to put in the strongest possible terms Council’s objections in relation to this development and the Deputy Mayor be accompanied by whatever necessary senior staff are required to firmly put Council’s objections.
C. THAT in the event the Deputy Mayor is unable to make the representation to the Central Sydney Planning Committee, a member of the Development Control Committee make the representation.

D. THAT the Deputy Mayor write to the Lord Mayor of Sydney seeking the development of a Memorandum of Understanding between the City of Sydney and Woollahra Council in relation to development on or near the borders between the Councils.
Item No: R2  Recommendation to Council
Subject: 53 Kings Road, Vaucluse – Alterations to an existing semi-detached dwelling, including a new 1st floor level, off-street car parking and new swimming pool – 23/11/2004
Author: Michael McCubbery – Assessment Officer
File No: DA 748/2004
Reason for Report: In accordance with Council’s Code of Meeting Practice this item is referred to full Council due to a substantive change (approval) from the recommendation of Councillors on the site inspection (ie Defer and confer).

Recommendation: Pursuant to Section 80(1) of the Environmental Planning and Assessment Act, 1979.

THAT the Council, as the consent authority, grant development consent to Development Application No. 748/2004 for alterations to an existing semi-detached dwelling, including a new first floor level, on land at 53 Kings Road Vaucluse, subject to the following conditions:

1. Approved Plans

The development must be carried out in accordance with plans numbered 01/04 B, 02/04B, 03/04B and 04/04C, dated 26 May 2005, drawn by Van Rooijen Meyers Architects, as amended by the plans numbered 01/04 B, 02/04C, 03/04C and 04/04C, dated 9 February 2006, drawn by Van Rooijen Meyers Architects, and amended by all of which carry a Council stamp “Approved DA Plans” and the signature of a Council officer, except where amended by the following conditions.

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

The approved plans must be amended 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:

(a) the proposed works to provide an off-street car parking space, vehicular crossover, pergola and paving of the front private open space are to be deleted. The street tree and existing sandstone fence are to remain.

Reason: To maintain consistency with the attached property and the matched pair at 49 and 51 Kings Road, and compliance with Council’s controls for front fences.

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.

3. Requirement for a Construction Certificate

In accordance with the provisions of Section 81A of the Environmental Planning and Assessment Act 1979, the erection of the building must not be commenced until:
(a) detailed plans and specifications of the building have been endorsed with a Construction Certificate by:
   (i) Council; or
   (ii) an accredited certifier; and

(b) a principal certifying authority (PCA) has been appointed and the Council has been notified in writing of the appointment, and

(c) at least two days notice, in writing, has been given to Council of the intention to commence work.

4. **Drawings to show levels and heights**

   The reduced levels of the ground floor, first floor and the overall height of the roof in relation to Australian Height Datum must be shown on the drawings submitted with the Construction Certificate Application to ensure that building construction complies with the development consent.

5. **Structural adequacy**

   A statement from a qualified practising Structural Engineer, certifying to the adequacy of the existing structural members, walls and footings to support the additional loads imposed by the proposed development, must be submitted with the Construction Certificate application.

   This condition is imposed to ensure the structural integrity of the proposed building work.

6. **Structural details**

   Structural engineering details and design calculations, prepared and certified by a qualified practising Structural Engineer, must be submitted with Construction Certificate application, for all reinforced concrete work, structural steel work, retaining walls, brick fences, shoring and underpinning, isolated piers, chimneys, parapets and other structural members.

   This condition is imposed to ensure the structural integrity of the proposed building work.

7. **Demolition, excavation and construction hours**

   Demolition, excavation and construction work must not take place outside the hours of 7.00am to 5.30pm Monday to Friday and 7.00am to 1.00pm Saturday. No work and no deliveries are to take place on Sundays and public holidays. Noise from construction activities associated with the development must comply with the guidelines contained in the NSW EPA *Environmental Noise Control Manual* Chapter 171.

8. **Machine excavation**

   Excavation or removal of any materials involving the use of machinery of any kind, including compressors and jack hammers, must be limited to between 9.00am and 4.00 pm Mondays to Fridays, with regular breaks of 15 minutes each hour. This condition is imposed to ensure reasonable standards of amenity for occupants of neighbouring properties.
9. Levels

For the purpose of indicating relative levels in terms of Australian Height Datum and boundary clearances, and to ensure that building construction complies with the development consent, survey certificates must be provided to the PCA in respect of the building/s layout and ground floor level/s prior to pouring of concrete or laying of timber floor boards.

10. Building Inspections

The Applicant, Owner and Builder, jointly and severally, must ensure that they call their Principal Certifying Authority ("the PCA") to carry out such critical phase building inspections required by the PCA, the PCA Service Agreement and that the PCA is satisfied with the level of compliance achieved before the Builder proceeds to the next phase of construction. Ample notice of required inspections must be given to the PCA in accordance with the PCA Service Agreement. The Applicant, Owner and Builder must comply with the PCA Service Agreement (Service Contract) and any lawful direction given by the Principal Certifying Authority.

**Note:** It is the responsibility of the PCA to ensure that critical phase building inspections are undertaken in accordance with a PCA Service Agreement and issue to the Applicant, Owner and Builder appropriate Notice under Section 109L of the Environmental Planning & Assessment Act 1979 ("the Act") where any breach of this consent occurs. Failure of the PCA to issue such notice may result in Council taking action under Section 109V of the Act. Failure of the Applicant, Owner and Builder to comply with a PCA Service Agreement and comply with lawful directions of the PCA under this condition may result in Council issuing fines, notices, orders and commencing legal proceedings. Council will only enter into PCA Agreements with the Owner of the land being developed. Council, if appointed as the PCA, will report to the owner of the land being developed.

11. Existing trees which must be retained

Approval is NOT granted for the removal of the following trees, which Council has determined to be significant landscape elements. Where indicated, a Tree Preservation Bond is required to be lodged with Council. The Bond has been applied in accordance with Council’s policy regarding the bonding of trees on or adjacent development sites, where an assessment has determined that the proposed development may impact on the preservation of the following trees.

<table>
<thead>
<tr>
<th>Council Reference No:</th>
<th>Species</th>
<th>Location</th>
<th>Dimension (Metres)</th>
<th>Tree Preservation Bond required</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Hibiscus tiliaceus Tree Hibiscus</td>
<td>Street tree</td>
<td>4 x 3m</td>
<td>$1000.00</td>
</tr>
<tr>
<td>2</td>
<td>Ulmus parvifolia Chinese Weeping Elm</td>
<td>Rear yard of 55 Kings Rd southern side</td>
<td>4 x 3m</td>
<td>0</td>
</tr>
<tr>
<td>3</td>
<td>Lagerstroemia indica Crepe Myrtle</td>
<td>Rear yard of 55 Kings Rd southern side</td>
<td>4 x 3m</td>
<td>0</td>
</tr>
</tbody>
</table>

The Construction Certificate plans must include reference to the retention of the above mentioned trees and identify the trees by Councils reference number (Ref No:) and colour or shade them in the colour green for trees to be retained and yellow for trees to be transplanted.
A bond is placed on individual trees when considered appropriate by Council’s Landscape Development Officer. The value of the bond may represent the full value of the tree or the Officer’s Assessment of potential damage to the tree or a group of trees during development. The bond may be in the form of a bank guarantee and must be lodged prior to the issue of a Construction Certificate. The bond will not be released until Council has inspected and is satisfied with the condition of the trees. Council may use part or the entire bond to carry out works to trees or replace them, if they are not in a satisfactory condition.

Where trees have not been preserved and retained in accordance with the approval the developer may forfeit the total bond amount.

12. No excavation within tree root zones (C10a)

To allow for the preservation of a viable root zone, excavation work must not be undertaken within the specified radius of the trunks of the following trees. Beyond this radius, excavation is permissible only after root pruning by hand along the perimeter line of such works has been carried out.

<table>
<thead>
<tr>
<th>Council Reference No:</th>
<th>Species</th>
<th>Location</th>
<th>Radius from Trunk (Metres)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Hibiscus tiliaceus Tree Hibiscus</td>
<td>Street tree</td>
<td>1.5 metres</td>
</tr>
</tbody>
</table>

13. Hand excavation within tree root zones

To prevent compaction within the root zone, excavation undertaken within the specified radius of the trunks of the following trees must be hand dug. Any root pruning must be undertaken by hand along the perimeter line of such works by an experienced Tree Surgeon-Arborist with a minimum qualification of a Certificate in Arboriculture or other equivalent qualification acceptable to Council’s Landscape Assessment Officer.

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

<table>
<thead>
<tr>
<th>Council Reference No:</th>
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<th>Location</th>
<th>Radius from Trunk (Metres)</th>
</tr>
</thead>
<tbody>
<tr>
<td>2</td>
<td>Ulmus parvifolia Chinese Weeping Elm</td>
<td>Rear yard of 55 Kings Rd southern side</td>
<td>1.5 metres</td>
</tr>
<tr>
<td>3</td>
<td>Lagerstroemia indica Crepe Myrtle</td>
<td>Rear yard of 55 Kings Rd southern side</td>
<td>1.5 metres</td>
</tr>
</tbody>
</table>

14. Footings in the vicinity of trees

To ensure the preservation of retained trees, NO APPROVAL is granted for severing of significant tree roots. Footings for any structures constructed within the area, defined by the canopy driplines of the following trees, shall be constructed using an isolated pier and beam construction method, to bridge any existing roots exceeding 100mm, where excavation identifies roots exceeding this diameter. The piers shall be located such that no roots of a diameter greater than 100mm shall be severed.

Approval is granted for the root pruning of all roots of a diameter less than 100mm, subject to all pruning works being undertaken by an experienced Tree Surgeon-Arborist with a minimum qualification of a Certificate in Arboriculture or other equivalent qualification acceptable to Council.
15. **Street trees**

a) The area beneath the canopy of any street tree adjacent to the frontage of the property, excluding vehicle crossings and footpaths, must be fenced using a minimum of 1.8 metres high chainlink or welded mesh fencing. The fencing must be maintained for the duration of the building works. Storage of materials or plant must not occur within the fenced area.

d) To ensure preservation of existing street tree roots, vehicular crossings must be constructed at a minimum distance of 1500 mm from the centre of the trunk of the following street tree located within the Council verge.

<table>
<thead>
<tr>
<th>Council Reference No:</th>
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<th>Location</th>
<th>Dimension (Metres)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td><em>Hibiscus tiliaceus</em> Tree Hibiscus</td>
<td>Street tree</td>
<td>4 x 3m</td>
</tr>
</tbody>
</table>

16. **Stormwater Management Plan**

A Stormwater Management Plan for the site must be submitted with the application for a Construction Certificate. This Condition is imposed to ensure site stormwater is disposed in a controlled and sustainable manner.

Stormwater run-off from the proposed development must drain to Councils kerb in Kings Road under gravity feed.

The Stormwater Management Plan must be in accordance with Council’s *Draft* Stormwater Drainage Management Development Control Plan. New drainage systems must be designed having regard to the need to prevent stormwater from entering buildings in accordance with the Building Code of Australia (BCA).

A detailed Stormwater Management Plan must be produced by a suitably qualified civil or hydraulic engineer. The plan must be at a scale of 1:100 and 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 (as appropriate for the site and determined by the Hydraulic Consultant):

- All pipe layouts, dimensions, grades, lengths and material specifications
- All invert levels reduced to Australian Height Datum (AHD)
- Location and dimensions and of all drainage pits
- Point of connection to Councils drainage infrastructure
- Overland flow paths over impervious areas.
- Copies of certificates of title, showing the creation or existence of private easements to drain water by gravity, if required.
- Subsoil drainage details (layout, grades, material), clean out points and discharge point.

Accordingly, the following requirements apply to all stormwater drainage systems:
a) **Inspection and Certification of Existing System**

Where it is proposed to connect to the existing site drainage system, the applicant must supply an inspection report for the affected site drainage system from a suitably qualified engineer. This inspection report must confirm:

- The point and method of discharge (by way of sketch or plan) for the existing stormwater drainage system,
- The satisfactory condition of the existing system,
- The satisfactory capacity for continued usage, and
- No deleterious effect on existing, adjacent or downstream properties as a result of the continued use of this existing system.

b) **Existing stormwater drainage systems that discharge to the sewer are not in compliance with Sydney Water or Council’s requirements.** The applicant must submit details of a stormwater drainage system that complies with Sydney Water’s requirements and Council’s Stormwater *draft* DCP-LAP.

c) **New or existing stormwater drainage systems that discharge to an approved Council drainage point after passing over other private properties will be required to provide evidence of the existence of a private drainage easement.** Alternatively, evidence of the procurement of a private drainage easement over any intervening properties must be provided.

d) Any new kerb connections must be made using galvanised Rectangular Hollow Sections (RHS) (125 x 75 mm), or suitable kerb adaptors, to prevent ongoing damage to the kerb. A maximum of two kerb connections per nominal 15 metres of site frontage is allowed. Conduits must be separated by a minimum of 3 metres where more than one is required.

### 17. **Stormwater Certification and Work-As-Executed (WAE) Plans**

Prior to the release of the Final Building Certificate, Certification and Work-As-Executed (WAE) plans must be submitted and approved by the Accredited Certifier demonstrating that the site drainage system has been provided according to the submitted calculations and/or approved plans.

Certifications must be provided by a suitably qualified engineer. WAE plans must be prepared and certified by a Registered Surveyor.

The following must be provided:

a) **Certification that:**

The drainage system has been installed in accordance with the drainage Conditions of Development Consent and relevant Australian Standards. That all drainage components are structurally adequate and have been installed in accordance with the relevant Codes and Standards and/or specifications.
b) Work-As-Executed (WAE) plans showing:

Pipe and drainage system layout, including all pits, pipe diameters, grades, materials, invert levels and surface levels.
Details (exact point and method) of connection to Council system

18. **Stormwater disposal**

Stormwater must be disposed of by an appropriate method specified in Council’s Draft Stormwater Development Control Plan and Local Approvals Policy. Details of the proposed method/s of disposal must be submitted with the Construction Certificate Application.

19. **Erosion and sediment control**

Erosion and sediment controls, designed in accordance with the SSROC Soil, Water Management Brochures titled “Do it Right on Site” and the NSW Environmental Protection Authority’s “Managing Urban Stormwater: Soils and Construction” (*The Blue Book*), must be implemented during demolition, excavation and construction of the development. All controls must be maintained at all times.

20. **Sediment removal from vehicle wheels**

A vehicle wheel wash, cattle grid, wheel shaker or other appropriate device, must be installed to prevent mud and dirt leaving the site and being deposited on the street.

21. **Display of Council’s warning sign for soil and water management**

Throughout the excavation and construction period, Council’s warning sign for soil and water management must be displayed on the most prominent point of the building site, visible both from the street and site.

A copy of the sign is available from Council.

22. **Stockpiles**

Stockpiles of topsoil, sand, aggregate, soil or other material must not be located on any drainage line or easement, natural watercourse, footpath or roadway, or within the dripline of any Street Tree. Stockpiles within the construction site must be protected with adequate sediment controls, in accordance with Council’s Code for Sediment Control.

23. **Location of building operations**

Building operations such as brick cutting, washing tools or brushes and mixing mortar must not take place on public roadways or footways or in any other location which could lead to the discharge of materials into the stormwater drainage system.

Footpaths, gutters and roadways must be swept regularly to keep them free from sediment.

24. **Temporary disposal of roof water**

Stormwater from any roof areas must be linked, via a temporary downpipe, to a Council approved stormwater disposal system immediately upon completion of the roof installation.
25. Disposal of site water during construction

The disposal of site water (includes groundwater, seepage, dewatering and stormwater trapped in excavations) must be in accordance with the requirements contained within Council’s Draft Stormwater Management Code. Disposal of site water to Council’s stormwater system is not permitted unless an appropriate treatment method, approved by Council’s Drainage Engineer, is implemented.

In the event of contaminated water, the applicant is advised to liaise with Sydney Water regarding a Trade Waste Agreement.

26. Repair of Damaged Infrastructure

If Council’s infrastructure is damaged during the course of works, Council’s Development Engineer must be notified and necessary repairs must be undertaken within the time stipulated by Council, to Council’s specifications, and at no cost to Council. Works generally must be in accordance with the relevant clauses of the current edition of AUS-SPEC.

If work is not undertaken to the satisfaction of the Development Engineer with regard to time or quality, Council may carry out remedial works and deduct the cost from the Damage Security Deposit.

27. Damage security deposit

A security deposit of $8,000 (Eight thousand Dollars) for the cost of making good any damage to Council property caused as a consequence of the construction work, plus an administration fee of $154.00, must be paid to Council prior to the issue of the Construction Certificate. The security deposit, which may be in the form of a bank guarantee, has been calculated in accordance with the following schedule.

<table>
<thead>
<tr>
<th>Estimated cost of work</th>
<th>Deposit</th>
</tr>
</thead>
<tbody>
<tr>
<td>Works up to $50,000</td>
<td>$2,000</td>
</tr>
<tr>
<td>Works in excess of $50,000 &amp; up to $100,000</td>
<td>$4,000</td>
</tr>
<tr>
<td>Works in excess of $100,000</td>
<td>$4,000+$200/$10,000 estimated cost&gt;$100,000</td>
</tr>
</tbody>
</table>

Council may use all or part of the Damage Security Deposit to complete damage restoration works if they do not meet Council’s requirements.

28. Footpath levels

The existing footpath level and grade at the street alignment of the property must be maintained.

29. Protection of services

Prior to any excavation works, the location and depth of all services (telephone, cable TV, electricity, gas, water, sewer, drainage, etc.) must be ascertained. The developer must meet all costs of any adjustment, relocation or reinstatement of any services.
30. **Storage of materials and plant on Council’s footpath**

Building, excavation or demolition materials and plant must not be stored on Council’s footpath and/or roadway unless prior written approval has been obtained from Council’s Development Engineer.

31. **Public footpaths**

A safe pedestrian circulation route a minimum of 1.5m wide and with a pavement free of trip hazards must be maintained at all times on or adjacent to the public footpaths fronting the construction site. Where the footpath is damaged, repair works must be carried when directed by Council officers and in accordance with the relevant clauses of the current edition of AUS-SPEC.

Where circulation is diverted on to the roadway clear directional signage and protective barricades must be installed in accordance with Aust AS1742-3 1996 “Traffic Control Devices for Work on Roads”.

If pedestrian circulation is not satisfactorily maintained, and action is not taken promptly to rectify the defects, Council may carry out remedial works and deduct the cost from the Damage Security Deposit.

32. **Excavations and backfilling**

(a) All excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with appropriate professional standards.

(b) All excavations associated with the erection or demolition of a building must be properly guarded and protected to prevent them from being dangerous to life or property.

33. **Structural Certification of excavation works and associated structures.**

The excavation and construction of the proposed swimming pool have been identified as possibly affecting the stability of surrounding property and structures during their construction.

Due to this, the excavation and construction of these development works must be overseen by an engineer. This is to ensure the stability of surrounding property / infrastructure is not adversely affected by such works.

Excavation, retention, underpinning and construction must be undertaken on-site by an excavation contractor with specialist excavation experience. A suitably qualified geotechnical or structural engineer, specialising in excavation, must supervise the excavation procedure.

This engineer is to provide certification to the Accredited Certifier, prior to issue of Final Building Certificate, that excavation, retention, underpinning and construction of all the excavation works stated above has been conducted:

a. According to the relevant Australian Standards and Codes of Practice, and

b. In a manner that does not compromise the structural integrity of all adjacent structures and property.
34. **Swimming Pools and Spa Pools**

The pool must comply with the following requirements:

- all waste water must be drained into the main sewer with the permission of Sydney Water;
- filtration or other mechanically operated equipment must be operated by a time switch and must be installed set and sealed so that the operation of such equipment is limited to between the hours of 7.00 am and 8.00 p.m. Monday to Saturday and 8:00am and 8:00pm on Sundays and public holidays;
- filtration or other mechanically operated equipment must be installed in a masonry housing and treated to prevent the noise level, when the equipment is in operation, from rising above the background noise level, when measured at the boundaries of the subject site;
- vertical depth markers must be permanently fitted and clearly visible at the deep and shallow ends of the pool to ensure reasonable levels of safety;
- where the pool concourse is higher than 1 metre above the adjacent ground level, a protective guard or handrail complying with the provisions of Clause D2.16 of the Building Code of Australia must be fitted;
- an egress ladder or steps into the pool must be provided to ensure reasonable levels of safety;
- the pool must be fenced, prior to filling the structure with water to a depth of 300 mm or more in such a manner so as to obstruct the entry to the pool in accordance with the provisions of the *Swimming Pools Act 1992* and Regulations and *Australian Standard 1926 "Fences and Gates for Private Swimming Pools;"*
- all overflow and splash must be contained within the boundaries of the site, to ensure reasonable levels of amenity for neighbouring properties and the locality;
- warning notices must be provided in accordance with the provisions of the *Swimming Pools Act 1992* Section 17 and Regulation 8, to ensure reasonable levels of safety.

35. **Dilapidation survey**

A dilapidation survey of the following property and infrastructure must be conducted prior to any site work. The extent of the survey must cover the likely “zone of influence” that may arise due to excavation works, including dewatering and/or construction induced vibration. A practicing structural engineer must prepare a full dilapidation report on the structural condition of all existing structures at the following locations:

No. 55 Kings Road

The Report must be completed and submitted to Council prior to the commencement of any demolition, excavation or construction works.

A second dilapidation report, recording structural conditions of all structures originally assessed prior to the commencement of works, must be carried out at the completion of the works and be submitted to Council.

36. **Standard for demolition**

All demolition work must be undertaken in accordance with the provisions of *Australian Standard AS2601-2001: The Demolition of Structures.*
37. Building & Construction Industry Long Service Payment

The Long Service Levy under Section 34 of the Building & 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.

Note: The Levy can be paid directly to the Long Services Payments Corporation or to Council.

Note: Further information can be obtained from the Long Service Payments Corporation’s website http://www.lspc.nsw.gov.au/ or by telephoning the Long Service Payments Corporation on 13 14 41.

38. Compliance with Building Code of Australia

(a) All building work must be carried out in accordance with the provisions of the Building Code of Australia.

(b) This condition does not apply to the extent to which an exemption is in force under Clause 187 or 188, of the Environmental Planning and Assessment Regulation 2000, subject to the terms of any condition or requirement referred to in Clause 187 (6) or 188 (4) of the Regulation.

39. Residential building work

(a) Building work that involves residential building work (within the meaning of the Home Building Act 1989) must not be carried out unless the principal certifying authority (PCA) for the development to which the work relates:

in the case of work to be done by a licensee under that Act:

(i) has been informed in writing of the licensee's name and contractor license number; and

(ii) is satisfied that the licensee has complied with the requirements of Part 6 of that Act; or

in the case of work to be done by any other person:

(iii) has been informed in writing of the person's name and owner-builder permit number; or

(iv) has been given a declaration, signed by the owner of the land, that states that the reasonable market cost of the labour and materials involved in the work is less than the amount prescribed for the purposes of the definition of owner-builder work in Section 29 of that Act,

and is given appropriate information and declarations under paragraphs (a) and (b) whenever arrangements for the doing of the work are changed in such a manner as to render out of date any information or declaration previously given under either of those paragraphs.

Note: The amount referred to in paragraph (a) (iv) above is prescribed by regulations under the Home Building Act 1989. As at the date on which this Regulation was Gazetted, that amount was $5,000. As those regulations are amended from time to time, so that amount may vary.
(b) A certificate purporting to be issued by an approved insurer under Part 6 of the *Home Building Act 1989* that states that a person is the holder of an insurance policy issued for the purposes of that Part is, for the purposes of this clause, sufficient evidence that the person has complied with the requirements of that Part.

40. Support for neighbouring buildings

(a) If an excavation associated with the erection or demolition of a building extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation to be made:

(i) must preserve and protect the building from damage; and  
(ii) if necessary, must underpin and support the building in an approved manner; and  
(iii) must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.

(b) The owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this condition, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.

(c) In this condition, allotment of land includes a public road and any other public place.

41. Signs to be erected on building and demolition sites

(a) A sign must be erected in a prominent position on any work site on which work involved in the erection or demolition of a building is being carried out:

(i) stating that unauthorised entry to the work site is prohibited; and  
(ii) showing the name of the person in charge of the work site and a telephone number at which that person may be contacted outside working hours.

(b) Any such sign must be removed when the work has been completed.

(c) This clause does not apply to:

(i) building work carried out inside an existing building; or  
(ii) building work carried out on premises that must be occupied continuously (both during and outside working hours) while the work is being carried out.

42. Residential building work over $12,000 in value

Council must be provided with the following information prior to the commencement of any works;

(a) the proposed builder's details (in writing); and  
(b) proof of payment of the required insurance premium pursuant to Part 6 of the *Home Building Act 1989*. 
ADVISINGS

1. Other approvals

This development consent does not remove the need to obtain any other statutory consent or approval necessary under any other Act, including:

- an Application for Approval under Section 68 of the Local Government Act 1993 for an activity under that Act, including the erection of a hoarding. All such applications must comply with the Building Code of Australia.
- an application for an Occupation Certificate under Section 109(C)(2) of the Environmental Planning and Assessment Act 1979.
  An application for an Occupation Certificate may be lodged with Council if the applicant has nominated Council as the Principal Certifying Authority.

2. Application for a Construction Certificate

The required Application for a Construction Certificate may be lodged with Council. Alternatively, you may apply to an accredited private certifier for a Construction Certificate.

**WARNING:** Failure to obtain a Construction Certificate prior to the commencement of any building work is a serious breach of Section 81A(2) of the Environmental Planning & Assessment Act 1979. It is also a criminal offence which attracts substantial penalties and may also result in action in the Land and Environment Court and orders for demolition.

3. Occupational Health and Safety

All site works must comply with the occupational health and safety requirements of the NSW WorkCover Authority.

4. Air Conditioning Systems Residential Premises

Under Clause 52 of the Noise Control Regulation 2000 a person must not cause or permit an air conditioner to be used on residential premises in such a manner that it emits noise that can be heard within a habitable room in any other residential premises (regardless of whether any door or window to that room is open):

before 8am or after 10pm on any Saturday, Sunday or Public Holiday, or
before 7am or after 10pm on any other day.

5. Modifications to the consent

Changes to the external configuration of the building, changes to the site layout or any changes to the proposed operation or use will require the submission and approval of an application under Section 96 of the Environmental Planning & Assessment Act 1979 before the issue of a Construction Certificate.
6. **Tree preservation**

Where tree work has not been approved by this Development Consent the developer is notified that a general Tree Preservation Order applies to all trees in the Municipality of Woollahra with a spread of branches greater than three (3) metres and also on all trees, irrespective of the spread of branches, with a height greater than five (5) metres. This order prohibits the ringbarking, cutting down, topping, lopping, pruning, transplanting, injuring, or wilful destruction of such trees except with the prior written consent of the council. Written consent from Council for such tree works must be in the form of a Tree Preservation Order Permit for Pruning or Removal of Protected Trees obtained from the Parks and Streetscape Section of Council.

7. **Storage bins on footpath and roadway**

Approval is required from Council prior to the placement of any storage bin on Council's footpath and/or roadway.

8. **Home Building Act insurance**

Home Building Act Insurance must be obtained from an insurance company approved by the Department of Fair Trading prior to the commencement of demolition or construction work.

9. **Building Code of Australia classification**

The classification of the building pursuant to the Building Code of Australia is Class 1(a) and class 10(b).

10. **Appeal**

Council is always prepared to discuss its decisions and, in this regard, please do not hesitate to contact Michael McCubbery. 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, 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 assessor having the full authority to completely determine the matter at the conference.
Item No: R3  Recommendation to Council  
Subject: 15A/B Dumaresq Road, Rose Bay, Section 96 Application – Proposed external modifications – 19/11/2005  
Author: David Booth – Senior Assessment Officer  
File No: DA474/2003 Part 4  
Reason for Report: In accordance with Council’s Code of Meeting Practice this item is referred to full Council due to a substantive change (refusal) from the Officers recommendation (approval)  

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

THAT Council, as the consent authority, *refuse* to modify development consent to Development Application No. 474/2003 Part 4 for alterations and additions to a residential flat building on land at 15A and 15B Dumaresq Road, Rose Bay for the following reasons:  

1. The proposed modifications will cause significant and unreasonable loss of private views to adjoining properties. In this regard, the proposal is unsatisfactory with the following  
   - Objective (a) of the Residential 2 (a) zone under Woollahra LEP 1995  
   - Objective 2 (h) (iv) under Woollahra LEP 1995  
   - Performance criteria C5.5.6 and objective O5.5.2 under Woollahra RDCP 2003.  

2. The proposed modifications will cause significant and unreasonable loss of the visual and acoustic privacy to adjoining properties. In this regard, the proposal is unsatisfactory with the following  
   - Objective (a) of the Residential 2 (a) zone under Woollahra LEP 1995  
   - Performance criteria C5.8.6 and objective O5.8.1 under Woollahra RDCP 2003.  

3. The cumulative impacts of non-compliance with the previous consent would be exacerbated by any further concessions and the application is not development that would be in the public interest because the proposed balustrade (by condition) could be easily removed, the proposed floor tiled roof would provide utility (inducement and usability) as a roof deck, roof gardens would necessitate access to the roof deck and Council would be left to take enforcement action under Part 6 of the Environmental Planning and Assessment Act 1979.
### 9.3 Urban Planning Committee

**Items with Recommendations from the Committee Meeting of Monday 13 February 2006**  
**Submitted to the Council for Determination**

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<td><strong>Subject:</strong></td>
<td>Kiaora Lands, Double Bay</td>
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| **Author:** | Chris Bluett - Manager Strategic Planning  
| | Gary James – General Manager  
| | Allan Coker – Director Planning and Development |
| **File No:** | 1064.G (Am 44) |
| **Reason for Report:** | To respond to a decision of the Council about planning controls and future commercial decisions for the Kiaora Lands site in Double Bay |

**Recommendation:**

A. That the report on Kiaora Lands, Double Bay be received and noted.

B. That Council retain the current planning controls for the Kiaora Lands site pending a review of Council’s assets and investigation of alternate schemes.


D. That Council request that the DA Consent be surrendered to Council.

E. That Council extends the Section 94 Plan to include all the land covered by the Kiaora Lands development consent.

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<td><strong>Subject:</strong></td>
<td>BASIX Alterations &amp; additions</td>
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<td><strong>Author:</strong></td>
<td>Peter Kauter - Executive Planner</td>
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<td><strong>File No:</strong></td>
<td>885.G BASIX</td>
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<tr>
<td><strong>Reason for Report:</strong></td>
<td>Council to consider making a submission to NSW Department of Planning on the introduction of BASIX Alterations and Additions and to respond to related notices of motion</td>
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**Recommendation:**

A. That the Executive Planner’s report on the BASIX Alterations and Additions discussion paper and related notices of motion be noted

B. That the council make a submission to the Department of Planning in response to the BASIX Alterations and Additions discussion paper as follows:
i. The Department of Planning consider allowing commitments for the use of water from rainwater tanks for the flushing of toilets installed as part of substantial alterations and additions to dwellings.

ii. Provision be made in conveyancing legislation for certification of commitments in BASIX affected buildings at the time of a transfer of title

iii. Provision to be made for pool covers to be required for all pools.

C. That the removal of water heaters from the exempt development provisions be included with the comprehensive review of Woollahra Local Environmental Plan 1995 as part of the new LEP template

D. That no other action be taken to change our planning documents in respect to matters presently covered and intended to be covered by BASIX.

Item No: R3 Recommendation to Council

Subject: Post Occupation Audit

Author: Peter Kauter – Executive Planner

File No: 885.G.post occ


Recommendation:

A. That the following developments be included in the post occupation audit:

1. 8 Kent Road Rose Bay
2. 98-100 Wolseley Road Point Piper
3. 120-122 Victoria Road Bellevue Hill
4. 2-16 Bellevue Road Bellevue Hill
5. 26 Fairfax Road Bellevue Hill
6. 75 Ocean Avenue Double Bay
7. 43 Ocean Street Woollahra
8. 49 Ocean Street Woollahra
9. 12A Holdsworth Street Woollahra
10. 34 Great Thorne Street Edgecliff
11. 428 Glenmore Road Edgecliff
12. 31 Hargrave Street Paddington
13. 120-140 Oxford Street Paddington
14. 3 Lamb Street, Bellevue Hill
15. 1 Victoria Avenue, Woollahra

B. That the post inspection audit take place on Thursday 27th April 2006 commencing at 10.00am and include as many of the properties as possible.

C. That staff prepare an itinerary for the post occupation audit and circulate it to Councillors before the site inspections.
9.4 Community & Environment Committee

Items with Recommendations from the Committee Meeting of Monday 13 February 2006
Submitted to the Council for Determination

Item No: R1 Recommendation to Council
Subject: Formal Endorsement of the Draft Sydney Coastal Councils Group Strategic Plan 2005 - 2008
Author: Rebecca Peacock - Environmental Protection Coordinator
File No: 814.G

Recommendation:


B. THAT Council support Section 4 “The Sydney Regional Coastal Management Guiding Principles” when undertaking their planning and management responsibilities.

C. THAT Council support Section 8 “Requirements and Expectations of being a SCCG Member and delegate”.


9.5 Strategic and Corporate Committee

Items with Recommendations from the Committee Meeting of Tuesday 21 February 2006 Submitted to the Council for Determination

Item No: R1 Recommendation to Council
Subject: Ground Lease Review - The Cosmopolitan Centre Site - Double Bay
Author: Zubin Marolia - Manager Property and Projects
File No: 269.2 part 12
Reason for Report: To report on behalf of the Cosmopolitan Centre Working Party, requesting Council approval in principle to the commercial terms upon which legal agreement for the new 99 year ground lease will be prepared.

Recommendation:

A. That the Council endorse the recommendation made by the Strategic and Corporate Committee in “Closed Session”.

B. That Council consider the future role of the Cosmopolitan Centre Working Party and future membership of the Working Party now that the commercial terms of the project have been finalised.

Item No: R2 Recommendation to Council
Subject: Notice of Motion – Independent Hearing and Assessment Panel (IHAP)
Author: Peter Kauter – Executive Planner
File No: 900.G
Reason for Report: To provide information on integrating an advisory model IHAP into the current structure of development control and assessment/decision making in response to a notice of motion

Recommendation

A. That Council introduce an Independent Hearing and Assessment Panel (IHAP) for a six months trial period.

B. That:

a) it introduce the Staff Referral Model
b) it be introduced in accordance with the principles set out in the conclusion of this report and in accordance with the draft Terms of Reference set out in Annexure C
c) a further report be submitted to the Strategic & Corporate Committee for consideration regarding specific details on remuneration of IHAP members, scheduling of IHAP meetings and any necessary changes to DCC delegations following a decision on the preferred operating model
ANSWERS TO QUESTIONS WITHOUT NOTICE FROM PREVIOUS COUNCIL MEETING

Item No: 12
Subject: Questions Without Notice
Author: Gary James, General Manager
File No: 467.G/Q01
Reason for Report: To provide a response to Questions without Notice from Council Meeting of 13 February 2006 and for Councillors to ask Questions without Notice in accordance with Council’s Code of Meeting Practice.

Recommendation:

That the responses to previous Questions without Notice be noted.

Background:

The provision for Councillors to ask Questions Without Notice is contained in Section 3 of Council's Code of Meeting Practice which states:

(1) As a standard practice, “Questions Without Notice” shall be listed in all agendas of Ordinary Meetings of Council

(2) Questions shall be in writing.

(3) The Mayor shall direct the question to the General Manager or responsible Division Head; or if the question is directed to another Councillor, the Councillor concerned. There shall be no requirement to answer the question immediately.

(4) If the answer to a question can be given immediately then such shall be done and a record made in the Minutes of the Meeting. If an answer can be given, but not immediately, then the Mayor shall indicate to whom the question is to be directed and the basis upon which the answer is to be provided (whether in writing and direct to the Enquirer, or by means of a report to an appropriate Committee, or otherwise.)

(5) In the spirit of achieving the expeditious discharge of Council business the agenda item “Questions Without Notice” shall generally be limited to not more than 30 minutes duration unless the Council determines otherwise, on the evening in question and by way of specific resolution.

Questions Without Notice should be asked in accordance with the Code of Meeting Practice.

Responses to Councillors Questions Without Notice on 13 February 2006 are as follows:
Councillor Comino asking:

Will you bring a report to the appropriate Committee of Council discussing the ramifications of the recent Canada Bay Council decision of the Land and Environment Court imposing obligations on Council’s dealings with retrospective approvals of construction certificates and other issues where accredited certifiers have been involved?

Also discussing - What are the consequences legal or otherwise to Council?

Director – Planning & Development in response:

I would be happy to bring a report back to the Committee on that matter.

Councillor Comino asking:

Could you please advise the Councillors what steps your Department has taken regarding the development application lodged by the University of Notre Dame for the Sacred Heart site in Oxford Street, Darlinghurst.

Also will a briefing of Councillors on the proposal be arranged?

Director – Planning & Development in response:

The Council was not formally notified of this development. It was brought to the Council’s attention by Laelie Schwartz who spoke to the Council earlier tonight (in the Public Forum) and immediately upon that advice we sent email correspondence to the City Council. We asked the City Council to extend the advertising period to enable the proper submission to be prepared and made. In response to that the City Council advised that the matter is to go to the Central Sydney Planning Committee on 16 March, and that the officer’s report for that Committee will be completed on 1 March. So clearly there is a matter is urgency. It is an urgent matter for us to get a report up to Council and endorsed prior to that date.

I think, the best approach is for the DCC to accept this as a late report to the DCC next week. That would be the first opportunity for a us to report and to get some feedback from the Councillors to enable us to get a submission back to the City Council ready by the end of next week.

Councillor Comino asking:

What developments, if any, have transpired regarding the ownership, transfer and maintenance of Council’s ferry wharves?

Manager of Public Infrastructure in response:

The NSW State Government has examined on a number of occasions, the possibility of the State Government assuming ownership of all wharves used by Sydney Ferries to ensure standardised maintenance and safety standards for ferry wharves.
On the last occasion that the matter was reviewed, which was in late 2003, the State Government decided not to proceed with the proposal.

I am not aware of any recent developments on the possibility of the State Government assuming ownership and maintenance responsibility for Council ferry wharves.

**Councillor Huxley asking:**

I note the answer on p24 to my QWN of 13 February 2006. Does this mean that all “proposed” garages in front alignments are going to be approved? If not can we ask staff to support Council’s controls in relation to C4.4.5 under Part 4.4 of the RDCP 2003 or will we see an amendment to the RDCP. Are staff aware of the many times Councillors have supported our controls in respect off these kinds of applications?

**Director – Planning & Development in response:**

The answer to the first part is clearly no. Each case will need to be considered and determined on its merits.

The second part related to staff being aware of the Council’s controls and supporting the Council’s Controls and the answer to that question again is that we are aware of the Council’s controls. We are aware of the feelings of Councillors in relation to applying those controls in a disciplined and strict manner and we will support them. Our obligation is then to deal with each application on merit in the context of those controls and Council policy.

**Councillor Huxley asking:**

When will the reports on Sydney Grammar School’s application to sub-divide White City lands come to Committee or when will we be briefed on it. Will staff please make themselves available to the community to explain the proposal?

**Director – Planning & Development in response:**

I advise Councillors that this relates to a subdivision application that has been submitted for the White City site. That application has been advertised and will follow the normal assessment and reporting process through to the DCC. Councillor Huxley has spoken to me about arranging a briefing session with our local interested parties and I am very happy to organise that at a suitable time with those parties.
Councillor Dawson asking:

Have we forsaken the Municipal roundabout? The junction of Glenmore Road with Cascade Street has seen the extinction of a very fine smaller roundabout. Who was responsible? Does the Director agree that now directions to motorists are confusing? Is this something to do with the Cross City Tunnel?

Director – Technical Services in response:

The removal of that roundabout was the subject of considerable amount of public consultation. It is connected with the Cross City Tunnel and I do not agree that the signage conditions at the roundabout are confusing.

Councillor Walker asking:

Are you aware that a permanent looking sign advertising a commercial gym has been erected on the high chain wire fence on the Woollahra Golf Course boundary on O’Sullivan Road at the end of Plumer Road. Could this sign be removed please?

Manager of Compliance in response:

The area has been inspected by staff and the sign has been removed.

Councillor Rundle asking:

Would you please pass on my congratulations to David Sheils, Llewellyn Jones and the groundsmen of Woollahra 2 and 3 for the presentation of those fields for the Bondi Tens Tournament held by Colleagues last Friday and Saturday. It is the first time in recent memory that the Woollahra Fields appeared to be presented in a superior state to its neighbours to the north.

Director – Technical Services in response:

I will.

Councillor Rundle asking:

Infrastructure levy, could you please advise what steps you have undertaken to obtain a meeting with the Minister for Local Government to discuss the implementation of such levy since my last question on this subject?

General Manager in response:

We have not been able to get a meeting with the new Minister. I have had a number of conversations with the Director – General in relation to his attitude to infrastructure levies and we will be bringing a preliminary report in relation to that to next weeks Corporate and Works Committee with further consideration at the workshop to be held next Tuesday night.
Councillor Rundle asking:

Thank you for your response to my question re Rose Bay Afloat. As this Council, by resolution, has sought the removal of the structure, has the Maritime Authority of NSW indicated what it wishes to discuss, if they have not so indicated, could you please request such information and advise Councillors.

Director – Planning & Development in response:

To my knowledge there is no resolution of Council setting out clearly its position in relation to the removal of that structure, and I can also advise that last week together with the Deputy Mayor met representatives from the Maritime Authority seeking some further advice from the Council in relation to its attitude on that matter. We were unable to clearly articulate a Council position in the absence of a resolution of Council. In those circumstances, the Maritime Authority is to write to Council seeking a clear position in relation to the intentions or removal of that facility and our intention is to put the matter to Council so there can be a resolution.

Councillor Sinclair King asking:

I understand a revised DA is being submitted for 21 Jersey Road. What progress has been made in regard to the Jersey Road Heritage LEP?

Director – Planning & Development in response:

I know that the owners of that site are in the process of preparing a new DA for that site but I am not aware whether or not the application has been made. I will check that and advise Councillors.

Manager of Strategic Planning in further response:

We have made further attempts to gain a response from the Department without success. Apparently a letter has been drafted by Departmental staff, but awaits confirmation from the regional manager. Yesterday I met the regional manager and explained our circumstances. She gave a commitment to finalise the matter. I expect this to occur in a week’s time. In the meantime, we can advise that the Director-General of the Department has issued a direction which revokes the functions under section 65 and section 69 of the Environmental Planning and Assessment Act 1979 delegated to the Council in 1997. These functions relate to certification of a draft LEP prior to public exhibition and reporting to the Director-General after exhibition. The revocation is effective from 22 February 2006. The Department has established a local environmental plan review panel which will consider all draft LEPs. The draft LEP for the Jersey Road properties will need to be submitted to the review panel. We will consult with the regional office about the next steps. A copy of the revocation notice and planning circular dealing with the review panel has been sent to Councillors through the Councillor Bulletin.
Councillor Sinclair King asking:

You were also going to follow up with the Department of Planning on the LEP?

Director – Planning & Development in response:

We have done that. We have spoken to the Department of Planning on a number of occasions over the last few weeks. We have expressed our extreme displeasure about the delay in the certification of that LEP to enable it to be publicly exhibited. We have written to the Department. We have set out a very strong case why the Department should not delay this LEP and that we should be allowed to proceed to public exhibition. We have still not received a formal reply. We were on the phone again today about it. I have been advised that the Department staff were meeting this afternoon and that advice would come back to us if not tomorrow, later this week.

Councillor Sinclair King asking:

Can offending signs for Aldi be removed from the Edgecliff Centre?

Director – Planning & Development in response:

I will need to check this, but the consent may have been granted for the Aldi sign. I will check and report back.

Manager of Compliance in further response:

Development consent DA 411/2005 was granted at the Application Assessment Panel meeting of 4 October 2005 for:
- Alterations and expansion of supermarket within Edgecliff Centre;
- New signage on western, northern and eastern elevation.

The consent included approval of a 15m2 directory sign on the wall overlooking the bus interchange (eastern elevation) and a similar sign on the New South Head Rd elevation. Condition 3(ii) of the consent required the following;

"The advertising content of each sign shall be in the nature of a directory sign. The advertising content shall be limited to the name of the building and/or the names or logos of principal tenants of the Edgecliff Centre."

The current sign on the eastern elevation reads "Edgecliff Centre/Aldi and specialty shops plus an Aldi logo". It is considered that this sign complies with the above condition.

The sign on the New South Head Road elevation is currently about 4m2 and displays the Aldi logo. The advertising content of this sign does not strictly comply with condition 3(ii) of the consent. The applicant/architect has been contacted in relation to this issue and they have advised Council that the New South Head Road sign has been constructed in two sections, with only one section erected at this time. The section that features the wording "The Edgecliff Centre/Aldi and Specialty shops" will be installed within 4 weeks. The completed sign will be similar in appearance to the one on the eastern elevation and will comply with condition 3(ii) of the development consent. Council's Compliance Section will follow-up on this sign to ensure compliance.

A Section 96 application to modify development consent DA 411/2005 is currently before Council seeking permission for the eastern elevation sign to be illuminated. The above information has been forwarded to the Assessment Officer reviewing the current Section 96 application so she is aware of the above issues.
Councillor Sinclair King asking:

With the Kiaora development not proceeding has Council considered and, if not, can it consider alternate premises for the Woollahra Municipal Library?

General Manager in response:

I think that the demise of the Kiaora Lands development opens up a whole range of questions. I think it goes without saying that the Library is clearly not going to Double Bay on that site. Coming out of Urban Planning tonight I think there was the establishment of a Working Party to look at some of the planning issues. There is also the Asset Working Party where we would be referring some of those facilities for consideration. So it would come through the Asset Working Party.

Councillor Cullen asking:

A number of people are continuing to fish from our wharves etc. Given that the fish are contaminated would it be appropriate to put up some signage warning residents and guests not to fish.

General Manager in response:

I will take that On Notice to identify what we can do in those circumstances.

Manager of Public Open Space in further response:

NSW Fisheries is responsible for the management of commercial and recreational fishing in the Harbour. They are also responsible for signposting fishing regulations. Staff from NSW Fisheries have confirmed they are in the process of installing signage throughout Sydney Harbour warning the public not to eat more than the recommended amount of fish. Whilst commercial fishing is banned, recreational fishing is not.

An extract from NSW Fisheries website states:

"Is recreational fishing banned in the Harbour?

Recreational fishing in the Harbour has not been banned, but fishers are urged to follow the strict dietary advice. An expert panel has recommended that anglers eat only 150g serve of fish and 300g of prawns caught from the Harbour per month. Anyone concerned can also follow ‘catch and release’ practices. Please note that all recreational fishing rules governing bag limits and size limits, the requirement to hold a recreational fishing licence, and some fishing methods in parts of the harbour continue to apply."
Councillor Shoebridge asking:

Can any report on the recent Canada Bay Council decision please also consider the possibility of Council levying a charge under the LGA on all privately certified developments to cover potential costs to Council similar to that proposed by Gosford Council in November 2005?

Director – Planning & Development in response:

I think what Councillor Shoebridge is getting at is maybe an additional fee where the Council is appointed as official certifying authority for a development which has already been carried out and where the Council has no choice but to accepting the appointment as the official certifying authority retrospectively.

Councillor Shoebridge in clarification:

In relation to the enforcement process.

Director Planning and Development in further response:

Yes

Director Planning and Development in further response:

A report is currently being prepared by the Executive Planner and will be presented to a meeting of the Urban Planning Committee in March.

Councillor Shoebridge asking:

Could the recently constructed illuminated commercial signage on the dental clinic abutting Saber Park Woollahra be reviewed for compliance?

Manager of Compliance in response:

A search of Council's records revealed that the property in question is No. 35-37 Vernon Street Woollahra. The last development consent for this site was granted for a change of use on 17 June 1991. As the subject sign is illuminated it is unlikely that it will satisfy the exempt criteria specified in Council's "Exempt and Complying Development Control Plan".

Accordingly, this matter has been recorded in Council's Customer Request Management System (reference CRMS No. 24972512) and has been referred to Council's Development Compliance Officer for investigation. Council Shoebridge will be kept informed of the investigation.
Councillor Huxley asking:

Will Compliance please provide feedback on residents complaints regarding the new roof terrace, new balustrading and the removal of the use of the roof on the Royal at Paddington? Further would Council staff please respond to local complaints regarding the sign/banner that has been hanging off the hotel for at least 2 years? When will a review of the notification and delegated authority process come to Councillors?

Director – Planning & Development in response:

In relation to the issues of the Royal Hotel we would be very happy to follow up on those issues and report back.

In relation to the notification policy, this has been a matter which has been before the Committee and before Council and I think that policy was reviewed within a period of less than 12 months.

The other part of the question, related to the delegations. There is a requirement in our Management Plan and there is a Council resolution that this be undertaken. There will be a report coming to the DCC probably the second meeting in March.

Manager of Compliance in further response:

The issues raised in relation to the Royal Hotel at Paddington, 237 Glenmore Road Paddington, have been investigated by staff, including perusal of the previous development consents. A 'Notice of Intention to Issue and Order' was issued on the owner of the Hotel on 21 February 2006 in the following terms:

"1. Cease using the roof terrace level for commercial purposes by removing the permanently fixed high table structures and umbrellas.
2. Demolish the 1800mm high metal/glass panels erected around the south western corner of the roof terrace.
3. Remove the advertising banner displaying the words “Happy Hour Mon-Fri 4-5pm” attached to the first floor verandah."

Gary James
General Manager

Annexures:

Nil