

# Council Meeting

Monday 24 February 2014

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## 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 17 February 2014

- D1 Confirmation of Minutes of Meeting held on 3 February 2014
- D2 Monthly Financial Report - January 2014
- D3 Classification of Lands Purchased for the Kiaora Lands Redevelopment Project
- D4 Draft Rating Structure - 2014/15
- D5 Delivery Program 2013 to 2017 & Operational Plan 2013/14 (DPOP) Quarterly Progress Report December 2013 against Goal 6 - Getting Around, Goal 9 - Community Focussed Economic Development, Goal 10 - Working Together & Goal 11 - A Well Managed Council
- D6 Capital Works Program - Quarterly Progress Report December 2013

### Development Control Committee Meeting held on Monday 17 February 2014

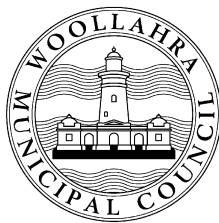
- D1 Confirmation of Minutes of Meeting held on 3 February 2014
- D2 DA284/2013 – 11A Neild Avenue Paddington – Demolition of existing carport on vacant land & construction of a new 3 storey infill building including attic, new vehicular gate & carport accessed from Neild Avenue, new fencing & landscaping, two air conditioning units – 5/7/2013
- D3 DA283/2013 – 11 Neild Avenue Paddington – Extensive alterations & additions to terrace house on ground & 1<sup>st</sup> floor levels, new landscaping in front & rear yards – 5/7/2013
- D4 DA505/2012 – 458 Edgecliff Road, Edgecliff – Section 82A Review refusal for alterations & additions to the existing residential flat building including a new attic addition for unit 20 & new north facing balconies for all levels- 7/6/2013
- D5 DA548-2013 – 82 Cascade Street, Paddington – Replacement of existing terracotta tile roof with colorbond orb roofing to main roof of existing terrace house – 5/12/2013
- D6 DA429/2013 - 16 Longworth Avenue, Point Piper – Various alterations & additions to the existing four storey dwelling, new pool, removal of trees, landscaping & new boatshed – 23/9/2013
- D7 DA452/2013 – 2 Wolseley Crescent, Point Piper – New swimming pool, privacy screens & landscaping to the rear & minor works to the existing dwelling – 8/10/2013
- D8 DA281/2008 part 4 – 9 Military Road, Watsons Bay – Section 96 Application – Proposed modifications to the façade & landscaping – 29/6/2009
- D9 Register of Current Land and Environment Court Matters and Register of Court Proceedings for Building Control, Environmental Control & Health Control
- D10 Register of SEPP 1 Objections
- D11 DA477/2012 – 1 Cascade Street, Paddington – Alterations to façade to reinstate heritage detail & addition to 1<sup>st</sup> floor above including a change of use of the shop to a residential use – 9/11/2012

### Urban Planning Committee Meeting held on Monday 10 February 2014

- D1 Confirmation of Minutes of Meeting held on 16 December 2013

### Community & Environment Committee Meeting held on Monday 10 February 2014

- D1 Confirmation of Minutes of Meeting held on 16 December 2013
- D2 Woollahra Local Traffic Committee Minutes – 4 February 2014
- D3 Rear Access Lanes (known as Dunny Lanes) as Community Gardens
- D4 Library Report 1 July 2013 - 31 December 2013
- D5 Cultural Committee Minutes Report



## Council Meeting

**Minutes of the Meeting of Woollahra Municipal Council  
held at the Council Chambers, Double Bay, on  
Monday 24 February 2014 at 8.03pm.**

Present Her Worship the Mayor, Councillor Toni Zeltzer  
Councillors Ted Bennett  
Anthony Boskovitz  
Peter Cavanagh  
Luise Elsing  
Greg Levenston  
Anthony Marano  
Katherine O'Regan  
Andrew Petrie  
Matthew Robertson  
Deborah Thomas  
Elena Wise  
Susan Wynne  
Jeff Zulman

Staff: Allan Coker (Director – Planning & Development)  
Gary James (General Manager)  
Don Johnston (Acting Director – Corporate Services)  
Sue O'Connor (Secretarial Support – Governance)  
Tom O'Hanlon (Director – Technical Services)  
Kylie Walshe (Director – Community Services)

Also in Attendance: Nil

## Confirmation of Minutes

(Wynne/Thomas)

- 1/2 THAT the Minutes of the Council Meeting held on 10 February 2014 be taken as read and confirmed.

**Adopted**

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## Leave of Absence

(Thomas/Levenston)

- 2/2 That leave of absence for all meetings of the Council and its Committees be granted to Councillor Susan Wynne for the period Monday 3 March 2014 to Wednesday 12 March 2014 inclusive.

**Adopted**

(Thomas/Levenston)

- 3/2 That leave of absence for all meetings of the Council and its Committees be granted to Councillor Zulman for the period Sunday 13 April 2014 to Sunday 27 April 2014 inclusive.

**Adopted**

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## Apologies

Nil

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## Declarations of Interest

Councillor Wynne declared a Non-Significant, Non-Pecuniary Interest in Item R1 (80-82 New South Head Road, Vaocluse (Vaocluse Bowling Club)), as her children have had lessons there. Councillor Wynne does not believe it would affect her vote.

Councillor Boskovitz declared a Non-Significant, Non-Pecuniary Interest in Item R1 (80-82 New South Head Road, Vaocluse (Vaocluse Bowling Club)), as he used to play tennis there. Councillor Boskovitz does not believe it would affect his vote.

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## Suspension of Standing Orders

### **The Mayor Councillor Zeltzer**

- 4/2 That Standing Orders be suspended to allow The Mayor, Councillor Zeltzer to convey Council's condolences on the passing of Elaine Cassidy.

### **Adopted**

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

### **The Mayor, Councillor Zeltzer advised:**

I would like to convey my condolences on behalf of the Council to the family of Elaine Cassidy on her passing last Friday. We acknowledge her significant contribution to our Community over 15 years on Council and in her role as both Mayor and Deputy Mayor and I will prepare a full and formal Mayoral Minute for the next Council Meeting.

### **The Council noted the information.**

### **Councillor Zulman**

- 5/2 That the Suspension of Standing Orders continue to allow Councillor Zulman to discuss the 2014 Jewish Changemakers Awards.

### **Adopted**

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

### **Councillor Zulman advised:**

I would like to make mention about last night's 2014 Jewish Changemakers Awards, which I attended on behalf of the Mayor, together with representative from Waverley Council and the State Government. It is the third year that these awards have run and they seek to recognise the contribution of young people and professionals who have given to the community and recognise the visions of innovations Jewish youth and young adults, so they can inspire the community as a whole. I must say it was a great evening, it's grown in leaps and bounds they had 60 nominations, a number of people got to speak and it was really inspiring to see what a lot of young people had done.

### **The Council noted the information.**

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## Corporate & Works Committee

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### Items with Recommendations from the Committee Meeting of Monday 17 February 2014 Submitted to the Council for Determination

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**Item No:** R1 Recommendation to Council  
**Subject:** **Cross Street Carpark, Double Bay Expressions of Interest – Cinema Complex**  
**Author:** Peter Kauter, Executive Planner  
**File No:** 525 G (Cinema)  
**Reason for Report:** To seek approval to call for expressions of interest from the business community to redevelop the Cross Street Carpark, Double Bay to include a cinema complex

(Cavanagh/Petrie)

**6/2 Resolved without debate:**

That the Council call for expressions of interest from the business community for the redevelopment of its Cross Street Carpark site, Double Bay to include a cinema complex. The Expression of Interest document is to generally be in the form of Annexure 1 to this report with the inclusion of an additional in Section 4 to read “*provide a long-term financial return to the Council.*”

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**Item No:** R2 Recommendation to Council  
**Subject:** **2013/2014 Budget Review for the Quarter ended 31 December 2013**  
**Author:** Trang Banfield – Systems and Management Accountant  
Don Johnston – Chief Financial Officer and Responsible Accounting Officer  
**File No:** 331.G 2011/2012  
**Reason for Report:** To report on the review of the 2013/2014 Budget for the quarter ended 31 December 2013

(Cavanagh/Petrie)

**7/2 Resolved without debate:**

- A. THAT the report be received and noted.
- B. THAT Council note the statement from Council’s Responsible Accounting Officer that Council’s projected financial position at 30 June 2014, based on the forecasts outlined in this reports, will remain satisfactory.
- C. THAT the recommended variations to the 2013/14 budget outlined in the report be adopted.

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## Development Control Committee

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### Items with Recommendations from the Committee Meeting of Monday 17 February 2014 Submitted to the Council for Determination

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**Item No:** R1 Recommendation to Council

**Subject:** 80-82 New South Head Road, Vaucluse (Vaucluse Bowling Club) – Installation of tennis court lighting – 21/8/2013

**Author:** David Booth – Senior Assessment Officer

**File No:** DA362/2013

**Reason for Report:** In accordance with Council’s meeting procedures and policy this matter is referred to full Council due to it relates to a use of community land that is not exempt under the provisions of section 47E of the Local Government Act.

**Note:** Councillor Wynne declared a Non-Significant, Non-Pecuniary Interest in this Item, as her children have had lessons there. Councillor Wynne does not believe it would affect her vote.

**Note:** Councillor Boskovitz declared a Non-Significant, Non-Pecuniary Interest in this Item, as he used to play tennis there. Councillor Boskovitz does not believe it would affect his vote.

**(Levenston/Robertson)**

**8/2 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. 362/2013 for the installation of tennis court lighting on land at 80-82 New South Head Road Vaucluse, subject to the following conditions:

**A. General Conditions**

**A.1 Conditions**

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

**A.2 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.

### 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
L/B	Architectural plan	DM
Sharp Cut Off – v2 Standard MH Series	Specifications	Environmental Lighting Australia P/L
Lighting Design Analysis No. CEA131112A	Lighting Design Analysis	Environmental Lighting Australia P/L

**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*.)

### 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 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.

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

Nil

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

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

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

Description	Amount	Indexed	Council Fee Code
<b>LONG SERVICE LEVY</b> under Building and Construction Industry Long Service Payments Act 1986			
<b>Long Service Levy</b> <a href="http://www.lspc.nsw.gov.au/levy_information/?levy_information/levy_calculator.stm">http://www.lspc.nsw.gov.au/levy_information/?levy_information/levy_calculator.stm</a>	Contact LSL Corporation or use online calculator	No	
<b>SECURITY</b> under section 80A(6) of the Environmental Planning and Assessment Act 1979			
<b>Property Damage Security Deposit</b> (S138)- making good any damage caused to any property of the <i>Council</i>	\$2070	No	T115
<b>INSPECTION FEES</b> under Section 608 of the Local Government Act 1993			
Security Administration Fee	\$185	No	T16
<b>TOTAL SECURITY, CONTRIBUTIONS, LEVIES AND FEES</b>	\$2255 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 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.

## C.3 Soil and Water Management Plan – Submission & 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; and
- 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 be satisfied as to this matter.

## 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.

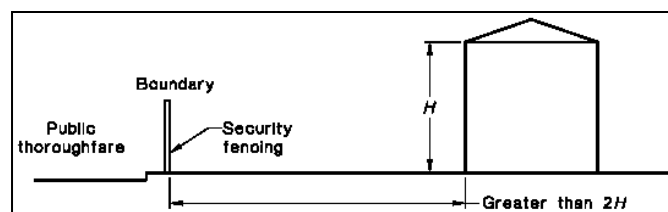
In this condition, a reference to the *BCA* is a reference to that code as in force on the date the application for the relevant construction certificate is made.

**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.

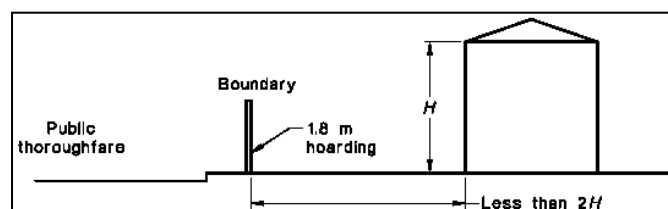
**Note:** All new guttering is to comply with the provisions of Part 3.5.2 of the Building Code of Australia.

## 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.

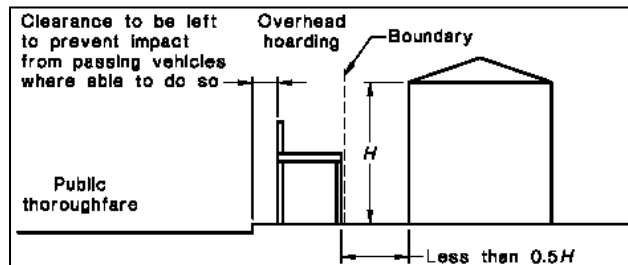


Where a development site adjoins a public thoroughfare with a footpath alongside the common boundary then, in addition to the hoarding required above, the footpath must be covered by an *overhead protective structure* and the facing facade protected by heavy-duty scaffolding, unless either:

- 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.

### 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*.

**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](http://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*.

## D.5 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](http://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.

## 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.

## E.2 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.

## E.3 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.

#### **E.4 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](http://www.epa.nsw.gov.au/small_business/builders.htm) for additional information.

#### **E.5 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.

## E.6 Disposal of site water during construction

The principal contractor or owner builder must ensure:

- a) Prior to pumping any water into the road or public stormwater system that approval is obtained from *Council* under section 138(1)(d) of the *Roads Act* 1993;
- b) That *water pollution*, as defined by the *Protection of the Environment Operations Act* 1997, does not occur as the result of the discharge to the road, public stormwater system or other place or any site water;
- c) That stormwater from any roof or other impervious areas is linked, via temporary downpipes and stormwater pipes, to a Council approved stormwater disposal system immediately upon completion of the roof installation or work creating other impervious areas.

**Note:** This condition has been imposed to ensure that adjoining and neighbouring land is not adversely affected by unreasonable overland flows of stormwater and that site water does not concentrate water such that they cause erosion and water pollution.

## E.7 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](http://www.epa.nsw.gov.au/resources/ci_build_sheet7.pdf)

## E.8 Placement and use of Skip Bins

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

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

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

## E.9 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](http://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](http://www.workcover.nsw.gov.au) and [www.epa.nsw.gov.au](http://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.

## **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.

### **F.2 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*.

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

Nil

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

### **H.1 Removal of Ancillary Works and Structures**

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

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

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

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

### **I.1 Outdoor lighting – Residential Tennis Courts**

Outdoor sports lighting must generally comply with AS 4282-1997: Control of the obtrusive effects of outdoor lighting. The maximum luminous intensity from each luminare 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.

The operation of the tennis court lighting is limited 5.00pm to 9.00pm, Monday to Saturday from April to September and must, by automatic timer, switch off at the 9.00pm curfew.

The intensity of light provided to the sporting area must comply with AS2560 and relevant parts to this Australian Standard.

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

**Note:** The height of the poles as proposed may be too low to comply with both AS4282 and AS2560. Where this is disclosed, it will be necessary to seek an amendment to this consent if it is proposed to increase the height of the poles and lights to achieve compliance with both standards. Council may consider, subject to an appropriate section 96 application relaxation of this condition where it can be demonstrated, by expert report, that the level of lighting in the existing area already exceeds the above criteria, where physical shielding is present or physical shielding is reasonably possible.

## I.2 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*.

## J. Miscellaneous Conditions

Nil

## K. Advisings

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

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

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

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

#### Warnings as to potential maximum penalties

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

#### Warning as to enforcement and legal costs

Should Council have to take any action to enforce 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](http://www.agd.nsw.gov.au).

## K.2 Dial before you dig



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

## K.3 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.

## K.4 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.5 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.

### **K.6 Release of Security**

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

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

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

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

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

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

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



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

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

Councillor Bennett  
Councillor Boskovitz  
Councillor Cavanagh  
Councillor Elsing  
Councillor Levenston  
Councillor Marano  
Councillor O'Regan  
Councillor Petrie  
Councillor Robertson  
Councillor Thomas  
Councillor Wise  
Councillor Wynne  
Councillor Zeltzer  
Councillor Zulman

Nil

***14/0***

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## Urban Planning Committee

### Items with Recommendations from the Committee Meeting of Monday 10 February 2014 Submitted to the Council for Determination

**Item No:** R1 Recommendation to Council  
**Subject:** **Planning Proposal for 529-539 Glenmore Road, Edgecliff**  
**Author:** Anne White—Senior Strategic Planner  
**File No:** 1064.G Plan Prop 2  
**Reason for Report:** To report on a planning proposal prepared by URBIS for 529-539 Glenmore Road, Edgecliff.

**(O'Regan/Robertson)**

**9/2 Resolved without debate:**

That the planning proposal prepared by URBIS for 529-539 Glenmore Road, Edgecliff as summarised in the report to the Urban Planning Committee meeting of 10 February 2014 is not supported. In summary the proposal:

- is not in context with the character of the surrounding buildings,
- will not reflect the desired future character of the Paddington heritage conservation area,
- does not provide a suitable built form transition between the site and the surrounding areas,
- has significant and unreasonable impacts on 161 New South Head Road.

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

***For the Motion***

Councillor Bennett  
 Councillor Boskovitz  
 Councillor Cavanagh  
 Councillor Elsing  
 Councillor Levenston  
 Councillor Marano  
 Councillor O'Regan  
 Councillor Petrie  
 Councillor Robertson  
 Councillor Thomas  
 Councillor Wise  
 Councillor Wynne  
 Councillor Zeltzer  
 Councillor Zulman

***Against the Motion***

Nil

***14/0***

**Item No:** R2 Recommendation to Council  
**Subject:** **Interim Heritage Orders**  
**Author:** Amelia Parkins - Strategic Heritage Officer  
**File No:** 1073.G  
**Reason for Report:** To inform Council of the recent Ministerial Order authorising all councils to make interim heritage orders, under the NSW Heritage Act 1977.  
To obtain a decision of the Council to delegate the authorisation of interim heritage orders to the General Manager.

**Motion moved by Councillor Boskovitz**  
**Seconded by Councillor Zulman**

That no further action be taken in relation to this matter.

**Amendment moved by Councillor O'Regan**  
**Seconded by Councillor Robertson**

That the staff recommendation be adopted.

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

**(O'Regan/Robertson)**

**10/2 Resolved:**

That the Council resolve under Section 377 of the *Local Government Act 1993* to delegate to the General Manager the authority granted by the Minister for Heritage on 12 July 2013 to the Council to make interim heritage orders.

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## Community & Environment Committee

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### Items with Recommendations from the Committee Meeting of Monday 10 February 2014 Submitted to the Council for Determination

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**Item No:** R1 Recommendation to Council  
**Subject:** Woollahra Small Sculpture Prize  
**Author:** Jo Jansyn, Cultural Development Coordinator  
**File No:** 20.G  
**Reason for Report:** To provide a detailed evaluation of the 2013 Woollahra Small Sculpture Prize.

**Motion moved by Councillor Thomas  
Seconded by Councillor Boskovitz**

- A. THAT the 2013 Woollahra Small Sculpture Prize Evaluation Report be noted.
- B. THAT Council increase the Prize money offered in the Woollahra Small Sculpture Prize acquisitive award from \$10,000 to \$15,000 in 2014.
- C. THAT Council offer a new non acquisitive award called the Mayor's Prize of \$1,000 commencing in the 2014 Woollahra Small Sculpture Prize which is selected by the Mayor of the time.
- D. THAT a report be made giving guidance as to how Council could seek naming rights sponsorship for the Woollahra Small Sculpture Prize to offset the cost to Council.

**Amendment moved by Councillor Robertson.**

- A. THAT the 2013 Woollahra Small Sculpture Prize Evaluation Report be noted.
- B. THAT Council increase the Prize money offered in the Woollahra Small Sculpture Prize acquisitive award from \$10,000 to \$15,000 in 2014.

**The Amendment lapsed for want of a Seconder**

**The Motion was put and carried**

**(Thomas/Boskovitz)**

**11/2 Resolved:**

- A. THAT the 2013 Woollahra Small Sculpture Prize Evaluation Report be noted.
- B. THAT Council increase the Prize money offered in the Woollahra Small Sculpture Prize acquisitive award from \$10,000 to \$15,000 in 2014.
- C. THAT Council offer a new non acquisitive award called the Mayor's Prize of \$1,000 commencing in the 2014 Woollahra Small Sculpture Prize which is selected by the Mayor of the time.
- D. THAT a report be made giving guidance as to how Council could seek naming rights sponsorship for the Woollahra Small Sculpture Prize to offset the cost to Council.

## Notice of Motion

**Item No:** 1  
**From:** Councillor Robertson  
**Date:** 10 February 2014  
**File No:** 900.G

**(Robertson/Zulman)**

That Council:

- a. Recognises the potential negative impacts the Liquor Amendment Act 2014 will have on the Woollahra LGA due to our geographic proximity to the newly-created CBD exclusion zone and the real potential for the displacement of alcohol-fuelled violence into neighbouring Woollahra.
- b. Requests staff to prepare a report detailing a baseline study of complaints and alcohol-related violence in the municipality now, and comparing this data to that gathered for the first six months of operation of the Act.

**Lost**

**Note:** A Division was called by Councillors Robertson and Petrie

*For the Motion*

Councillor Elsing  
Councillor Robertson

*Against the Motion*

Councillor Bennett  
Councillor Boskovitz  
Councillor Cavanagh  
Councillor Levenston  
Councillor Marano  
Councillor O'Regan  
Councillor Petrie  
Councillor Thomas  
Councillor Wise  
Councillor Wynne  
Councillor Zeltzer  
Councillor Zulman

*2/12*

**Item No:** 2  
**From:** Councillors Robertson, Marano, Elsing & Zeltzer  
**Date:** 13 February 2014  
**File No:** 900.G

**(Marano/Robertson)**

**12/2** That Council:

Requests staff to prepare a report exploring the possibility of listing as an item on the NSW state heritage register the building known as "Elaine", located at 550 New South Head Rd Double Bay, including its curtilage, grounds and the contents of its site.

**Adopted**

**Note:** A Division was called by Councillor Boskovitz

*For the Motion*

Councillor Elsing  
Councillor Marano  
Councillor O'Regan  
Councillor Robertson  
Councillor Thomas  
Councillor Wise  
Councillor Wynne  
Councillor Zeltzer

*Against the Motion*

Councillor Boskovitz  
Councillor Bennett  
Councillor Cavanagh  
Councillor Levenston  
Councillor Petrie  
Councillor Zulman

**8/6**

**Item No:** 3  
**From:** Councillor Petrie  
**Date:** 18 February 2014  
**File No:** 900.G

**(Petrie/Boskovitz)**

**13/2** That the Council donate \$10,000 to the Radio 2GB 'Were for the Bush Appeal'.

**Adopted**

**Note:** A Division was called by Councillors Petrie and Cavanagh

*For the Motion*

*Against the Motion*

Councillor Bennett  
Councillor Boskovitz  
Councillor Cavanagh  
Councillor Levenston  
Councillor Petrie  
Councillor Thomas  
Councillor Wise  
Councillor Wynne  
Councillor Zeltzer

Councillor Elsing  
Councillor Marano  
Councillor O'Regan  
Councillor Robertson  
Councillor Zulman

*9/5*

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**Item No:** 4  
**From:** Councillor Thomas  
**Date:** 20 February 2014  
**File No:** 900.G

**(Thomas/Wynne)**

**14/2** That in conjunction with the budget report to Council, details be provided of Council's contributions to business organisations representing commercial centres within the municipality; the report to include:

- core contributions granted on annual basis
- contributions in excess of core contributions
- any caveats or conditions attaching to the contributions
- any direct or indirect contributions "in kind" provided from Council resources on an annual basis,

This to enable Councillors to assess the benefit of these contributions to the Council, the business organisation and the respective commercial centres.

**Adopted**

## 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.

(Boskovitz/Petrie)

15/2 That Councillors ask Questions for Next Meeting in accordance with Council's Code of Meeting Practice.

**Adopted**

**The following questions were asked:-**

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**Councillor Boskovitz asking:**

There has been a spate of people entering private properties in Vaucluse and keying the residents vehicles.

Can you please bring this to the attention of the Rose Bay Police and is the Council able to stop this behaviour.

**General Manager in response:**

Certainly we could call the Police and draw it to their attention, nothing springs to mind that we can do ourselves in our capacity as a Council, I will talk to the other Directors and if there is anything we can do I will pursue it.

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**Councillor Petrie asking:**

I note in the Urban Planning Committee Operation Quarterly reports and ask.

I note that the gross and net mean for time of DA matters that there has been a substantial spike in the processing of DA's, is there any reason for it?

**Director Planning & Development in response**

This was a matter that was discussed at the Urban Planning Committee tonight and I did draw the Committee's attention to those figures and I did indicate that there was a number of reasons which lead to those figures, including a higher level of staff absenteeism leading up to Christmas and increased number of appeals that Council and staff has had to deal with during that period and the transfer of at least one staff member from Development Control to Strategic Planning to assist with the comprehensive DCP. I also indicated that the review of the assessment report template had a negative impact on processing time and the revision of the delegations requiring us report on every SEPP1 objection where there is a variation more than 10%. They were the primary reasons that I explained to the Committee tonight.



**Councillor Petrie asking:**

I refer to my Question without Notice regarding a report on Altona two weeks ago taking into consideration degrees and priorities for a Heritage Listing, when am I going to get that report?

**Director Planning & Development in response:**

Tonight we had a detailed discussion on the Heritage programme and I did point out that the volume of projects that we have in that programme has meant that there has been delays in various projects. We are working to execute those projects in accordance with the priorities which have already been established through the Committee and they are in order, 1. Comprehensive LEP, 2. Development Control Plan, 3. the report on Timber Cottages Paddington and 4. The Rose Bay Promenade.

After that there were a series of projects which involved area research and some relating to specific properties. The Committee did not give any clear direction about the priorities that we were to apply in determining which project we were to do after the The Rose Bay Promenade. In view of the Council's resolution tonight in relation to 'Elaine' given that that is a site which is currently on the market for sale, that is a matter that would need to be given priority.

**Councillor Petrie further asking:**

Do you acknowledge that without this report a separate Notice of Motion may arise on a fortnightly basis.

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

That is a matter for Councillors.

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**Councillor Thomas asking:**

Could you formally tell me if it is possible to trial a rubbish sock on the stormwater drain that flows onto Lady Martins Beach Point Piper to reduce rubbish flowing onto the beach and into the water.

**Director Technical Services in response:**

I can confirm that it certainly is and that sock has actually been ordered and I will have to follow up with my staff to see how it is progressing.

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**Councillor O'Regan asking:**

Woollahra Council has been a member of SSROC for sometime and as a result generated savings, can you advise of the total savings and the key areas in which savings have been generated.

At the recent SSROC meeting a report on Improving Communication was tabled indicating that it was agreed that a summary of SSROC activity be provided to Councils on a quarterly basis. Given the contents of the report is valuable, can you advise how that quarterly report would be provided to all Councillors

**Director Technical Services in response:**

On Notice

I will make a comment though I will pre-warn the Councillors that trying to determine exactly how much we have saved in participating with SSROC tender process is difficult because you don't know how much you would have spent if you had not been in the SSROC tender process.

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**Councillor O'Regan asking:**

Can you advise what current facilities are currently available in Double Bay in terms of public bathrooms and also public bathrooms with baby change facilities, also whether this will change with the Kiaora Lands Development.

**Director Technical Services in response:**

On Notice

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**Councillor Wise asking:**

Regarding the report of Timber Cottages in Paddington in our Notice of Motion, we requested that staff consider using external resources to complete that work and to provide a proposed cost estimate given the current resourcing constraints in the heritage area and the urgency of this report. When will an estimate of those costs be provided, so that we can expedite the report.

**Director Planning & Development in response**

On Notice.

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**Councillor Robertson asking:**

How are enquires progressing with the Lands and Titles Office with respect to the ownership of the easement between 174 and 172 Underwood Street, Paddington?

**Director Planning & Development in response**

On Notice

But, I do understand that we have made enquiries with the Lands and Titles Office to get the title records for that property, so we can ascertain whether or not that it is a public right of way access over that land.

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There being no further business the meeting concluded at 9.43pm.

*We certify that the pages numbered 561 to 595 inclusive are the Minutes of the Ordinary Meeting of Woollahra Municipal Council held on 24 February 2014 and confirmed by Council at the ordinary Meeting of Council on 10 March 2014 as correct.*

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**General Manager**

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**Mayor**