



# Ordinary Council



## Minutes

Monday 16 October 2017

# Ordinary Council Meeting

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## Table of Contents

	Page
Items Determined Under Delegated Authority by Council Committees.....	2659
Ordinary Council Meeting.....	2660
Confirmation of Minutes .....	2661
Leave of Absence and Apologies .....	2661
Declarations of Interest.....	2661
Late Correspondence .....	2662
Petitions Tabled .....	2662
Suspension of Standing Orders.....	2663
Corporate & Works Committee..... 9 October 2017 .....	2665
R1    Cosmopolitan Centre retail Lease - Council's right of first refusal .....	2665
Development Control Committee..... 9 October 2017 .....	2666
R1    DA216/2016/1 - 33 Elizabeth Street, Paddington .....	2666
Notices of Motion .....	2701
11.1    Notice of Motion - Youth Facilities at Rushcutters Bay.....	2701
11.2    Notice of Motion - Andrew Petrie .....	2702
11.3    Notice of Motion - Possibility of closing a portion of James Street where James Street intersects with Moncur Street .....	2702
11.4    Notice of Motion - Free Wi-Fi in Commercial Hubs .....	2703
11.5    Notice of Motion - Vaucluse Bowling Club Greens and Adjacent Areas .....	2704
11.6    Notice of Motion - Review of the Permissibility of Roof Terraces.....	2704
Questions for Next Meeting .....	2705
12.1    Questions for Next Meeting .....	2705
12.2    Cutler Footway.....	2705
12.3    Cooks Paddock, Paddington .....	2706
12.4    Rose Bay Police Station.....	2706
12.5    Business Papers.....	2707
12.6    Rose Bay and Eastern Suburbs Local Area Command.....	2707
12.7    Dockless Bikes.....	2707

## **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.**

### **Urban Planning Committee held on Monday 28 August 2017**

- D1 Confirmation of Minutes of Meeting held on 14 August 2017
- D2 Delivery Program 2013 to 2017 and Operational Plan 2016/17 (DPOP) Quarterly Progress Report June 2017 against Goal 4 - Well planned neighbourhoods and Goal 9 - Community focused economic development

### **Development Control Committee held on Monday 09 October 2017**

- D1 Confirmation of Minutes of Meeting held on 21 August 2017
- D3 DA292/2017/1 - 1 Marine Parade Watsons Bay
- D4 DA2017/408/1 - 1 Wallaroy Crescent, Woollahra
- D5 DA287/2017/1 - 45/60 Drumalbyn Road, Bellevue Hill
- D6 DA154/2017/1 - 130 Hargrave Street Paddington
- D7 DA246/2017/1 - 9/204-206 Old South Head Road Bellevue Hill
- D8 DA113/2017/1 - 18 Vaucluse Road, Vaucluse
- D9 DA595/2010/4 - 39 Vaucluse Road Vaucluse
- D10 Register of current Land and Environment Court matters for Development Applications and register for Court Proceedings for Building Control, Environmental Control and Health Control

### **Corporate & Works Committee held on Monday 09 October 2017**

- D1 Confirmation of Minutes of Meeting held on 21 August 2017
- D2 Monthly Financial Report - August 2017 (FY259-03)
- D3 Matters to be considered by Council during the next twelve (12) months following the Local Government Election



## Ordinary Council Meeting

**Minutes of the Meeting of Woollahra Municipal Council  
held at the Council Chambers, 536 New South Head Road, Double Bay, on  
16 October 2017 at 8.00pm.**

Present: His Worship the Mayor, Councillor Peter Cavanagh, ex-officio

Councillors: Susan Wynne  
Claudia Cullen  
Luise Elsing  
Mary-Lou Jarvis  
Anthony Marano  
Nick Maxwell  
Megan McEwin  
Harriet Price  
Lucinda Regan  
Matthew Robertson  
Isabelle Shapiro  
Richard Shields  
Mark Silcocks  
Toni Zeltzer

Staff:	Allan Coker	(Director – Planning & Development)
	Stephen Dunshea	(Director – Corporate Services)
	Gary James	(General Manager)
	Tom O’Hanlon	(Director – Technical Services)
	Vicki Munro	(Acting Director – Community Services)
	Helen Tola	(Manager – Governance & Council Support)

Also in Attendance: Nil

## Confirmation of Minutes

(Wynne/Robertson)

**212/17 Resolved:**

That the Minutes of the Ordinary Council Meeting held on 28 August 2017 be taken as read and confirmed.

(Wynne/Robertson)

**213/17 Resolved:**

That the Minutes of the Council Meeting held on 25 September 2017 be taken as read and confirmed.

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## Leave of Absence and Apologies

Nil

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## Declarations of Interest

Councillor Jarvis declared a non-significant, non-pecuniary interested in Item 9.2 – R1 (33 Elizabeth Street, Paddington) as former Councillor Comino has been retained to act for the applicant and was the director of the Liberal's campaign in the Local Government Election. Councillor Jarvis remained in the meeting, participated in the debate and voted on this matter.

Councillor Wynne declared a non-significant, non-pecuniary interested in Item 9.2 – R1 (33 Elizabeth Street, Paddington) as former Councillor Comino has been retained to act for the applicant and was the director of the Liberal's campaign in the Local Government Election. Councillor Wynne remained in the meeting, participated in the debate and voted on this matter.

Councillor Zeltzer declared a non-significant, non-pecuniary interested in Item 9.2 – R1 (33 Elizabeth Street, Paddington) as former Councillor Comino has been retained to act for the applicant and was the director of the Liberal's campaign in the Local Government Election. Councillor Zeltzer remained in the meeting, participated in the debate and voted on this matter.

Councillor Shapiro declared a non-significant, non-pecuniary interested in Item 9.2 – R1 (33 Elizabeth Street, Paddington) as former Councillor Comino has been retained to act for the applicant and was the director of the Liberal's campaign in the Local Government Election. Councillor Shapiro remained in the meeting, participated in the debate and voted on this matter.

Councillor Shields declared a non-significant, non-pecuniary interested in Item 9.2 – R1 (33 Elizabeth Street, Paddington) as former Councillor Comino has been retained to act for the applicant and was the director of the Liberal's campaign in the Local Government Election. Councillor Shields remained in the meeting, participated in the debate and voted on this matter.

Councillor Marano declared a non-significant, non-pecuniary interested in Item 9.2 – R1 (33 Elizabeth Street, Paddington) as former Councillor Comino has been retained to act for the applicant and was the director for the Liberal’s campaign in the last local government election. Councillor Marano remained in the meeting, participated in the debate and voted on this matter.

Councillor Maxwell declared a non-significant, non-pecuniary interested in Item 9.2 – R1 (33 Elizabeth Street, Paddington) as former Councillor Comino has been retained to act for the applicant and was the director of the Liberal’s campaign in the Local Government Election. Councillor Maxwell remained in the meeting, participated in the debate and voted on this matter.

The Mayor, Councillor Cavanagh declared a non-significant, non-pecuniary interested in Item 9.2 – R1 (33 Elizabeth Street, Paddington) as former Councillor Comino has been retained to act for the applicant and was the director of the Liberal’s campaign in the Local Government Election. The Mayor, Councillor Cavanagh remained in the meeting, participated in the debate and voted on this matter.

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## Late Correspondence

**Note:** Council resolution of 27 June 2011 to read late correspondence in conjunction with the relevant Agenda Item R1 – Development Control Committee - (33 Elizabeth Street, Paddington) & Notice of Motion 11.5 (Vaucluse Bowling Club Greens & Adjacent Areas).

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## Petitions Tabled

Nil

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## **Suspension of Standing Orders**

(Elsing/Wynne)

### **214/17 Resolved:**

That Standing Orders be suspended to allow Cr Elsing to advise Council of the LGNSW on the Capable Councils Post Election workshop.

### **Adopted**

**The Mayor ruled the LGNSW on the Capable Councils Post Election workshop and permitted the Suspension of Standing Orders.**

### **Cr Elsing advised:**

I would like to congratulate Local Government NSW for putting on a series of education programs for the new Councillors. I was delighted to go to the workshop held today on the Capable Framework workshop where they ran through the materials which I understand had been sent to all Councillors. It is excellent material, a number of other Councillors attended including Councillor Regan and Councillor Silcocks. I would like to put on the public record what a fantastic support they provide in terms of education and training and I would encourage all Councillors to have a look at the website for information.

**The Council noted the information.**

### **Councillor Wynne**

### **215/17 Resolved:**

That the Suspension of Standing Orders continue to allow Councillor Wynne to congratulate Council on the success of the Small Sculpture Prize opening.

### **Adopted**

**The Mayor ruled congratulate Council on the success of the Small Sculpture Prize opening and permitted the continuation of the Suspension of Standing Orders.**

### **Councillor Wynne advised:**

I would like to commend Councillor Marano and the Committee who held the Woollahra Small Sculpture Prize event on Friday evening and all the staff behind that event. It was such an extraordinary event. Councillor Marano you looked very dapper. It just was such an extraordinary turnout and the level of work that gets submitted every year and the judges and listening to them speak and hearing how difficult it is for them every year and how impressed they are on the quality of work. I just wanted to congratulate everyone and I want to hand over to Councillor Marano to take over the plinth, so to speak.

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

I agree and thankyou Councillor Marano, everybody thanks you.

**Councillor Marano advised:**

It was a wonderful night, there was no alcohol left I am told. I think it was a successful evening, we had over 300 people attend the event. The winning entry was very popular and of course your choice as the Mayor's prize Mr Mayor was also very popular 'the black dog' both excellent pieces and both substantially heavy pieces. There was just such a good mood on the night, everyone had a great time and we were very lucky with the weather. It just continues to get better and better every year, so thank you all for your support. If you haven't been I encourage you to go. The exhibition is there 7 days per week for the next 3 weeks between 9am to 5pm.

**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 9 October 2017 Submitted to the Council for Determination

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<b>Item No:</b>	R1 Recommendation to Council
<b>Subject:</b>	<b>COSMOPOLITAN CENTRE RETAIL LEASE - COUNCIL'S RIGHT OF FIRST REFUSAL</b>
<b>Author:</b>	Zubin Marolia, Manager - Property & Projects
<b>Approver:</b>	Tom O'Hanlon, Director - Technical Services
<b>File No:</b>	17/170975
<b>Reason for Report:</b>	To advise Council of the offer by Gloxinia Investments Limited (ARBN 127 742 401), for Council to acquire the Lease of the Cosmopolitan Centre's retail stratum and make a recommendation.
<b>Note:</b>	Confidential late correspondence was tabled by Manager Governance & Council Support.

(Shields/Zeltzer)

#### **216/17 Resolved without debate:**

- A. THAT Council notes the Letter of Offer from Gloxinia Investments Ltd dated 20 September 2017 for Council to acquire the Lease of the Cosmopolitan Centre's Retail Stratum.
- B. THAT Council decline the offer from Gloxinia Investments Ltd (ABN 127 742 401) and advise Gloxinia that Council does not wish to exercise its Rights of First Refusal for the Cosmopolitan Centre Lease of the Retail Stratum.
- C. THAT the Confidential Report and Annexures remain confidential until any assignment of the retail lease for the Cosmopolitan Centre has been fully executed by all parties and registered.

## Development Control Committee

### Items with Recommendations from the Committee Meeting of Monday 9 October 2017 Submitted to the Council for Determination

<b>ITEM No.</b>	R1 Recommendation to Council
<b>FILE No.</b>	DA216/2016/1
<b>ADDRESS</b>	33 Elizabeth Street Paddington
<b>PROPOSAL</b>	Alterations and additions to the existing Grand National Hotel including restoration and reconfiguration of the existing hotel rooms to level 1 and 2, alterations to the ground level Underwood St façade and the addition of a new third level (level 3) with a new lift
<b>REASONS FOR REPORT</b>	<p>Note: In accordance with Council's meeting procedures and policy this matter has been called to full Council by Councillor Zeltzer for the following reasons:</p> <p>This matter has been quite protracted and the applicant has made a number of amendments to ameliorate the visual impact of the third storey including lowering and drawing it back from the parapet and proposing a recessive colouring.</p> <p>The heritage staff are supportive of the current application with the amendments proposed by the applicant to the third storey.</p> <p>The proposal is consistent with the principles of heritage conservation and the Burra Charter.</p> <p>The current proposal is an improvement on what is visible in the roof top area as existing.</p> <p>The proposal for the third storey is very modest when compared with similar building works on the Imperial Hotel in Paddington, which is in a most commanding position and thus there is precedence with building works on top of contributory items in a heritage conservation area.</p> <p>The existing residential intensity has been much reduced (less rooms, thus less clients) and the hotel will be better managed with an live in on-site manager who can overview any noise and other amenity impacts of this business on the surrounding residential/ heritage precinct.</p> <p>The availability of an onsite manager translates to a better experience for those who visit this world class heritage conservation area.</p>
<b>Note:</b>	Councillors Jarvis, Wynne, Zeltzer, Shapiro, Shields, Marano, Maxwell & The Mayor Councillor Cavanagh declared a non-significant, non-pecuniary interested in this Item, as former Councillor Comino has been retained to act for the applicant and was the director of the Liberal's campaign in the Local Government Election. All Councillors above remained in the meeting, participated in the debate and voted on this matter.
<b>Note:</b>	Late correspondence was tabled by Gary Shiels (2 pieces) & The Paddington Society.

**Motion moved by Councillor Zeltzer  
Seconded by Councillor Wynne**

That DCC recommendation be adopted, subject to Condition No. C.1(c) being amended as follows:

C.1(c) The proposed lift overrun to level 3 is to be deleted.

**Amendment moved by Councillor Robertson  
Seconded by Councillor Marano**

That the DCC recommendation as printed be adopted.

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

**(Robertson/Marano)**

**217/17 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. 216/2016/1 for alterations and additions to the existing Grand National Hotel including restoration and reconfiguration of the existing hotel rooms to level 1 and 2, alterations to the ground level Underwood St façade on land at 33 Elizabeth Street Paddington, subject to the following conditions:

**A. General Conditions**

**A.1 Conditions**

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

Standard Condition: A1 (Autotext AA1)

**A.2 Approved Plans and supporting documents**

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

Reference	Description	Author/Drawn	Date(s)
15_078 DA-A-100 (Rev C)	Ground Level	All by Smith & Tzannes	7/3/2017
15_078 DA-A-101 (Rev B)	Level 1		11/7/2017
15_078 DA-A-102 (Rev B)	Level 2		11/7/2017
15_078 DA-A-103 (Rev B)	Level 3		11/7/2017
15_078 DA-A-104 (Rev B)	Roof/Site Plan		11/7/2017
15_078 DA-A-200 (Rev C)	SW Elevation		11/7/2017
15_078 DA-A-201 (Rev B)	NW & SE Elevations		11/7/2017
15_078 DA-A-202 (Rev B)	NE Elevation		11/7/2017
15_078 DA-A-203 (Rev A)	Section 01		11/7/2017
15_078 DA-A-204 (Rev B)	Section 02 & 03		11/7/2017
15_078 DA-A-205 (Rev A)	Entry		24/2/2017
15_078 DA-A-900 (Rev B)	Finishes Board		11/7/2017
No reference (Council Trim: 16/114402)	General Operation and Transport Management Plan for Hotel Accommodation – Grand National Hotel No. 33 Elizabeth Street, Paddington	Not provided	Undated
Attachment 1	Site Waste Minimisation and Management Plan	Andrew Tzannes	23/5/2016

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

**Note:** These plans and supporting documentation may be subject to conditions imposed under section 80A(1)(g) of the *Act* modifying or amending the development (refer to conditions which must be satisfied prior to the issue of any *Construction Certificate*.)  
Standard Condition: A5 (Autotext AA5)

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

### **B.1 Construction Certificate required prior to any demolition**

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

**Note:** See *Over our Dead Body Society Inc v Byron Bay Community Association Inc* [2001] NSWLEC 125.  
Standard Condition: B1 (Autotext BB1)

### **B.2 Identification of Hazardous Material**

In accordance with Australian Standard AS2601- 'The Demolition of Structures' the owner shall identify all hazardous substances located on the site including asbestos, Polychlorinated biphenyls (PCBs), lead paint, underground storage tanks, chemicals, etc. per Clause 1.6.1 of the Standard. In this regard, **prior to the commencement of any work**, Council shall be provided with a written report prepared by a suitably qualified competent person detailing;

- all hazardous materials identified on the site;
- the specific location of all hazardous materials identified;

- whether the hazardous materials are to be removed from the site as part of the works to be undertaken; and
- safety measures to be put in place.

**Note:** This condition is imposed to protect the health and safety of all persons while works are being undertaken and to ensure all safety measures have been identified and are in place to protect all parties in the immediate vicinity of the site.

Standard Condition: B6

### **B.3 Public Road Assets prior to any work/demolition**

To clarify the condition of the existing public infrastructure prior to the commencement of any development (including prior to any demolition), the *Applicant* or *Owner* must submit to Council a full record of the condition of the Public Road infrastructure adjacent to the development site.

The report must be submitted to Council prior to the commencement of any work and include photographs showing current condition and any existing damage fronting and adjoining the site to the:

- road pavement,
- kerb and gutter,
- footway including footpath pavement and driveways,
- retaining walls within the footway or road, and
- drainage structures/pits.

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

If the required report is not submitted then Council will assume there was no damage to any infrastructure in the immediate vicinity of the site prior to the commencement of any work under this consent.

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

Standard Condition: B7

### **B.4 Recording of significant or contributory buildings prior to any alteration**

A full archival record of the building and landscape elements to be altered is to be submitted, to the satisfaction of Council's heritage officer, prior to the commencement of any work and prior to the issue of a Construction Certificate.

The archival record is to be completed by a heritage consultant listed on the Consultants Directory by the NSW Department of Planning Heritage Branch or by a suitably qualified consultant who must demonstrate a working knowledge of archival principles.

Photographic archival records must be taken of the building, landscape or item in accordance with 'The Heritage Information Series, Photographic Recording of Heritage Items Using Film or Digital Capture 2006' published by the NSW Department of Planning Heritage Branch.

There should be one set of the photographic report and film materials or digital materials.

The following table summarises the lodgement details for photographic records, depending on which material is selected. It is satisfactory to supply one material only and digital material is recommended.

Material	Minimum Requirement	Repository
Digital Materials	1 copy of photographic report – paper copy 1 CD-Rs or DVD 1 set of 10.5x14.8cm prints	<u>Woollahra Council</u> Report (paper) + CD-R or DVD + prints
Black & White Film (plus any supplementary colour film)	1 copy of photographic report 1 set of negatives 1 set of proof sheets and catalogue	<u>Woollahra Council</u> Report + negatives + 1st set of proof sheets
Colour Transparencies or Slides	1 copy of photographic report 1 set of original transparencies OR 1 set of original images taken concurrently	<u>Woollahra Council</u> Report + original transparencies

**Note:** Refer to the NSW Heritage Branch free publication ‘Photographic Recording of Heritage Items using Film or Digital Capture’ available at:  
<http://www.environment.nsw.gov.au/resources/heritagebranch/heritage/infophotographicrecording2006.pdf>

Standard Condition: B3

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

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

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

#### a) Retention of Significant Interior features

Significant interior features including all fireplaces, decorated ceilings, moulded cornices, timber skirtings and ceiling roses located on the first and second floor level in Room 05, 06, 07, 14, 15, 16 and 17 are to be conserved ‘in situ’, reinstated and maintained in the new hotel layout. The existing fireplace, including marble mantelpieces and steel firebox from Stair 01 shall be removed and relocated centrally on the north-western wall in Room 08 on Level 1.

#### b) Clear glazing to the Underwood Street elevation

The proposed glazing to the south western ground floor elevation (Underwood Street) is to incorporate clear glazing.

#### c) Deletion of Level 3 (Room18)

The proposed Level 3 (Room 18) including the stair and lift are to be deleted and the caretaker’s (managers) accommodation is to be incorporated within either level 1 or 2 of the building.

**d) Acoustic treatment**

The boundary wall between No 37 Elizabeth Street and No 33 Elizabeth Street, must be acoustically insulated in order to improve sound transmission between the buildings.

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

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

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

Standard Condition: C4 (Autotext CC4)

**C.2 Building upgrade (Clause 94 of the Regulation)**

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

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

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

- a) That smoke alarms shall be installed throughout the building in accordance with the requirements of Specification E2.2a Clause four (4) of the *BCA*.
- b) That an intumescent fire rated paint shall be applied to the ornate ceilings to achieve a fire resistance level for the floors of 90/90/90 as required by Specification C1.1 of the *BCA* or if the fire rated paint cannot achieve the *deemed-to-satisfy* provisions of the *BCA* a performance solution shall be obtained for the use of intumescent fire rated paint to the ornate ceilings by an accredited C10 fire engineer meeting performance requirements CP1, CP2 & EP2.2 of the *BCA*.
- c) That the exterior of the building shall be kept as original on the ground floor southern elevation and that an automatic sliding door shall be installed to the existing opening entry/exit to the Hotel accommodation in accordance with the requirements of Clause D2.19 of the *BCA*.
- d) That a system of emergency lighting shall be installed throughout the building to provide sufficient light in an emergency in accordance with the requirements of Part E4 of the *BCA*.
- e) That exit signs shall be installed above all required exit doors. Signs shall be illuminated at all times and generally be of sufficient number that direction of travel to all exits is clearly visible from any part of the major egress routes. Exit signs shall be installed to the standard expressed in Clauses E4.5, E4.6 and E4.8 of the *BCA*.
- f) That the doorways of the sole occupancy units shall have a fire resistance level of - /60/30 and be fitted with an approved self-closing device designed to bring the doors to the fully closed and latched position after each manual operation.
- g) That the sole occupancy units shall be separated from each other and common areas in accordance with the requirements of Specification C1.1 of the *BCA* or a performance solution shall be proposed by an accredited C10 fire engineer meeting performance requirements CP2 & EP2.2 of the *BCA*.

- h) That portable fire extinguishers shall be provided throughout the building to the requirements of Clause E1.6 of the BCA and the relevant requirements of AS 2444
- i) That fire hydrants shall be installed throughout the building in accordance with the requirements of Clause E1.3 of the BCA, or if street hydrants are intended to be used instead of required internal hydrants a certificate shall be provided to the Principal Certifying Authority that the location and coverage comply with AS 2419.1 – 2005 and the flows and pressures (evidenced by a Water Authority enquiry form) comply with AS 2419.1 – 2005.
- j) That the airborne and impact sound installation ratings throughout the building shall be in accordance with the requirements of Part F5 of the BCA or a performance solution shall be provided to the Principal Certifying Authority by a suitably qualified sound engineer meeting performance requirements FP5.1 & FP5.2 of the BCA.

**Note:** The *Certifying Authority* issuing the *Construction Certificate* has no power to remove the requirement to upgrade the existing building as required by this condition. Where this conditions specifies compliance with performance requirements of the *BCA* the *Certifying Authority*, subject to their level of accreditation, may be satisfied as to such matters. Where this condition specifies compliance with prescriptive (deemed-to-satisfy) provisions of the *BCA* these prescriptive requirements must be satisfied and cannot be varied unless this condition is reviewed under section 82A or amended under section 96 of the *Act*.

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

**Note:** AS 4655 *Guidelines for fire safety audits for buildings* (or any succeeding AS) should form the basis of any fire upgrade report. Standard Condition: C10

### C.3 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> -making good any damage caused to any property of the <i>Council</i>	\$36,122.56	No	T115
<b>DEVELOPMENT LEVY</b>			
under Woollahra Section 94A Development Contributions Plan 2011 This plan may be inspected at Woollahra Council or downloaded at <a href="http://www.woollahra.nsw.gov.au">www.woollahra.nsw.gov.au</a>			
<b>Development Levy</b> (Section 94A)	14,474.17 + Index Amount	Yes, quarterly	T96
Security Administration Fee	\$189	No	T16
<b>TOTAL SECURITY, CONTRIBUTIONS, LEVIES AND FEES</b>	\$50,785.73 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.

**How will the section 94A levy be indexed?**

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

**Do you need HELP indexing the levy?**

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

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

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

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

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

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

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

Standard Condition: C5

#### C.4 Structural Adequacy of Existing Supporting Structures

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

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

Standard Condition: C35 (Autotext CC35)

#### C.5 Professional Engineering Details

The *Construction Certificate* plans and specifications, required by clause 139 of the Regulation, must include detailed *professional engineering* plans and/or specifications for all structural, electrical, hydraulic, hydro-geological, geotechnical, mechanical and civil work complying with this consent, approved plans, the statement of environmental effects and supporting documentation.

Detailed professional engineering plans and/or specifications must be submitted to the *Certifying Authority* with the application for any *Construction Certificate*.

**Note:** This does not affect the right of the developer to seek staged Construction Certificates.

Standard Condition: C36

#### C.6 Stormwater discharge to existing *Stormwater Drainage System*

The *Construction Certificate* plans and specifications required by clause 139 of the Regulation, must detail:

- a) The location of the existing *Stormwater Drainage System* including all pipes, inspection openings, surface drains, pits and their discharge location,
- b) The state of repair of the existing *Stormwater Drainage System*,
- c) Any remedial works required to upgrade the existing *Stormwater Drainage System* to comply with the BCA,
- d) Any remedial works required to upgrade the existing *Stormwater Drainage System* crossing the footpath and any new kerb outlets,
- e) Any new *Stormwater Drainage System* complying with the BCA,
- f) Interceptor drain(s) at the site boundary to prevent stormwater flows from the site crossing the footpath,
- g) Any rainwater tank (See Note Below) required by BASIX commitments including their overflow connection to the *Stormwater Drainage System*, and
- h) General compliance with the Council's Woollahra DCP 2015 Chapter E2 – Stormwater and Flood Risk Management

Where any new *Stormwater Drainage System* crosses the footpath area within any road, separate approval under section 138 of the *Roads Act 1993* must be obtained from Council for those works prior to the issue of any *Construction Certificate*.

All *Stormwater Drainage System* work within any road or public place must comply with Woollahra Municipal Council's *Specification for Roadworks, Drainage and Miscellaneous Works* dated February 2012.

**Note:** Clause F1.1 of Volume 1 and Part 3.1.2 of Volume 2 of the BCA provide that stormwater drainage complying with AS/NZS 3500.3 Plumbing and drainage - Part 3: Stormwater drainage is deemed-to-satisfy the BCA. Council's specifications apply in relation to any works with any road or public place.

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

**Note:** Stormwater Drainage Systems must not discharge to any Sewer System. It is illegal to connect stormwater pipes and drains to the sewerage system as this can overload the system and cause sewage overflows. See:

<http://www.sydneywater.com.au/Publications/Factsheets/SewerfixLookingAfterYourSewerPipes>

**Note:** Woollahra Municipal Council's *Specification for Roadworks, Drainage and Miscellaneous Works* dated January 2003 and Council's Woollahra DCP 2015 Chapter E2 – Stormwater and Flood Risk Management can be downloaded from Council's website: [www.woollahra.nsw.gov.au](http://www.woollahra.nsw.gov.au)  
Standard Condition: C49

## **C.7 Acoustic Certification of Mechanical Plant & Equipment (Lift and A/C Units)**

The *Construction Certificate* plans and specification required to be submitted pursuant to clause 139 of the *Regulation* must be accompanied by a certificate from a *professional engineer* (acoustic engineer) certifying that the noise level measured at any boundary of the site at any time while the proposed mechanical plant and equipment is operating will not exceed the *background noise level*. Where noise sensitive receivers are located within the site, the noise level is measured from the nearest strata, stratum or community title land and must not exceed *background noise level*, at any time.

The *background noise level* is the underlying level present in the ambient noise, excluding the subject noise source, when extraneous noise is removed. For assessment purposes the background noise level is the L<sub>A90</sub>, 15 minute level measured by a sound level meter.

Where sound attenuation is required this must be detailed.

**Note:** Further information including lists of Acoustic Engineers can be obtained from:

1. **Australian Acoustical Society**—professional society of noise-related professionals ([www.acoustics.asn.au /index.php](http://www.acoustics.asn.au/index.php)).

2. **Association of Australian Acoustical Consultants**—professional society of noise related professionals ([www.aaac.org.au](http://www.aaac.org.au)). Standard Condition: C62 (Autotext CC62)

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

### **D.1 Compliance with Building Code of Australia and insurance requirements under the [Home Building Act 1989](#)**

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

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

This condition does not apply:

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

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

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

**Note:** All new guttering is to comply with the provisions of Part 3.5.2 of the Building Code of Australia.  
Standard Condition: D1 (Autotext DD1)

## D.2 Dilapidation Reports for existing buildings

Dilapidation surveys must be conducted and dilapidation reports prepared by a *professional engineer* (structural) of all buildings on land whose title boundary abuts the site and of such further buildings located within the likely “zone of influence” of any excavation, dewatering and/or construction induced vibration.

These properties must include (but is not be limited to):

- a. 37 Elizabeth Street
- b. 163 Underwood Street

The dilapidation reports must be completed and submitted to *Council* with the *Notice of Commencement* prior to the commencement of any *development work*.

Where excavation of the site will extend below the level of any immediately adjoining building the *principal contractor* or *owner builder* must give the adjoining building owner(s) a copy of the dilapidation report for their building(s) and a copy of the *notice of commencement* required by s81A(2) of the *Act* not less than two (2) days prior to the commencement of any work.

Standard Condition: D4

## D.3 Construction Management Plan

As a result of the site constraints, limited space and access a Construction Management Plan (CMP) is to be submitted to Council. Also, due to lack of on-street parking a Work Zone may be required during construction.

The principal contractor or owner must submit an application for approval of the Construction Management Plan by Council’s Traffic Engineer and pay all fees associated with the application. The plan must be submitted as a self-contained document that outlines the nature of the construction project and as applicable, include the following information:-

- a) Detail the scope of the works to be completed including details of the various stages, e.g. Demolition, Excavation, Construction etc. and the duration of each stage.
- b) Identify local traffic routes to be used by construction vehicles.
- c) Identify ways to manage construction works to address impacts on local traffic routes.

- d) Identify other developments that may be occurring in the area and identify ways to minimise the cumulative traffic impact of these developments. Should other developments be occurring in close proximity (500m or in the same street) to the subject site, the developer/builder is to liaise fortnightly with the other developers/builders undertaking work in the area in order to minimise the cumulative traffic and parking impacts of the developments.
- e) Detail how construction workers will travel to and from the site and parking arrangements for those that drive.
- f) Identify any proposed road closures, temporary traffic routes, loss of pedestrian or cyclist access or reversing manoeuvres onto a public road and provide Traffic Control Plans (TCPs) prepared by an accredited RMS Red or Orange card holder to manage these temporary changes.
- g) Detail the size (including dimensions), numbers and frequency of arrival of the construction vehicles that will service the site for each stage of works.
- h) Provide for the standing of vehicles during construction.
- i) If construction vehicles are to be accommodated on the site, provide a scaled drawing showing where these vehicles will stand and the vehicle swept path to show that these vehicles can access and egress the site in a forward direction (including dimensions and all adjacent traffic control devices, such as parking restrictions, pedestrian facilities, kerb extensions, etc.).
- j) If trucks are to be accommodated on Council property, provide a scaled drawing showing the location of any proposed Works Zone (including dimensions and all adjacent traffic control devices, such as parking restrictions, pedestrian facilities, kerb extensions, etc.).
- k) Show the location of any site sheds and any anticipated use of cranes and concrete pumps and identify the relevant permits that will be required.
- l) If a crane/s are to be accommodated on site, detail how the crane/s will be erected and removed, including the location, number and size of vehicles involved in the erection/removal of the crane/s, the duration of the operation and the proposed day and times, any full or partial road closures required to erect or remove the crane/s and appropriate Traffic Control Plans (TCPs) prepared by an approved RMS Red or Orange Card holder.
- m) Make provision for all materials, plant, etc. to be stored within the development site at all times during construction.
- n) State that any oversized vehicles proposed to operate on Council property (including Council approved Works Zones) will attain a Permit to Stand Plant on each occasion (Note: Oversized vehicles are vehicles longer than 7.5m or heavier than 4.5T).
- o) Show the location of any proposed excavation and estimated volumes.
- p) When excavation works are to be undertaken on school days, all vehicular movements associated with this work shall only be undertaken between the hours of 9.30am and 2.30pm, in order to minimise disruption to the traffic network during school pick up and drop off times.
- q) Show the location of all Tree Protection (Exclusion) zones (Note: storage of building materials or access through Reserve will not be permitted without prior approval by Council).

**Note:** A minimum of eight weeks will be required for assessment. Work must not commence until the Construction Management Plan is approved. Failure to comply with this condition may result in fines and proceedings to stop work.  
Standard Condition: D9 (Autotext: DD9)

#### D.4 Works (Construction) Zone – Approval & Implementation

A works zone is required for this development. The *principal contractor* or *owner* must apply for a works zone. If the works zone is approved the *principal contractor* or *owner* must pay all fees for and implement the required works zone before commencement of any work.

The *principal contractor* must pay all fees associated with the application and occupation and use of the road as a works zone. All works zone signs must have been erected by Council to permit enforcement of the works zone by Rangers and Police before commencement of any work. Signs are not erected until full payment of works zone fees.

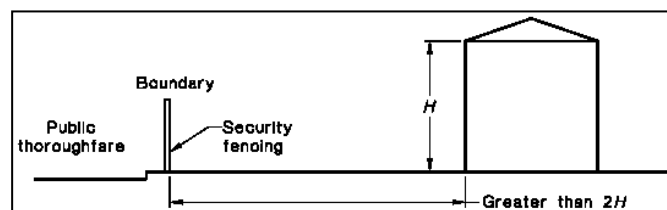
**Note:** The *principal contractor* or *owner* must allow not less than four to six weeks (for routine applications) from the date of making an application to the Traffic Committee (Woollahra Local Traffic Committee) constituted under the Clause 22 of the *Transport Administration (General) Regulation 2000* to exercise those functions delegated by the Roads and Traffic Authority under Section 50 of the *Transport Administration Act 1988*.

**Note:** The enforcement of the works zone is at the discretion of Council's Rangers and the NSW Police Service. The principal contractor must report any breach of the works zone to either Council or the NSW Police Service.

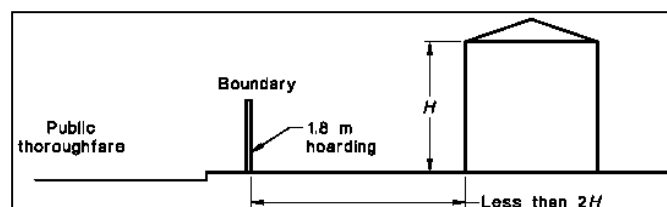
Standard Condition: D10 (Autotext DD10)

#### D.5 Security Fencing, Hoarding and Overhead Protection

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



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

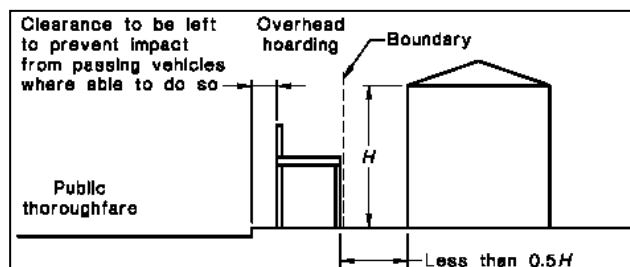


Where a development site adjoins a public thoroughfare with a footpath alongside the common boundary then, in addition to the hoarding required above, the footpath must be covered by an *overhead protective structure* and the facing facade protected by heavy-duty scaffolding, unless either:

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

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

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



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

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

This can be downloaded from:

[http://www.workcover.nsw.gov.au/formspublications/publications/Pages/WC00017\\_OverheadProtectiveStructuresCodeofPracti\\_.aspx](http://www.workcover.nsw.gov.au/formspublications/publications/Pages/WC00017_OverheadProtectiveStructuresCodeofPracti_.aspx)

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

**Note:** The *principal contractor* or *owner* must allow not less than two (2) weeks from the date of making a hoarding application for determination. Any approval for a hoarding or overhead protection under the *Roads Act 1993* will be subject to its own conditions and fees.  
Standard Condition: D11 (Autotext DD11)

## D.6 Site Signs

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

Clause 98A of the *Regulation* provides:

***Erection of signs***

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

Clause 227A of the Regulation provides:

***Signs on development sites***

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

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

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

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

Standard Condition: D12 (Autotext DD12)

## **D.7 Toilet Facilities**

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

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

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



In this condition:

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

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

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

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

**Note:** This condition does not set aside the requirement to comply with Workcover NSW requirements.  
Standard Condition: D13 (Autotext DD13)

## D.8 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 down loaded 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.

Standard Condition: D14 (Autotext DD14)

**D.9 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*.

Standard Condition: D15 (Autotext DD15)

## **E. Conditions which must be satisfied during any development work**

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

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

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

This condition does not apply:

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

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

**Note:** All new guttering is to comply with the provisions of Part 3.5.2 of the Building Code of Australia.  
Standard Condition: E1 (Autotext EE1)

### **E.2 Compliance with Australian Standard for Demolition**

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

Standard Condition: E2 (Autotext EE2)

### **E.3 Compliance with Construction Management Plan**

All development activities and traffic movements must be carried out in accordance with the approved construction management plan. All controls in the Plan must be maintained at all times. A copy of the Plan must be kept on-site at all times and made available to the *PCA* or *Council* on request.

**Note:** Irrespective of the provisions of the Construction Management Plan the provisions of traffic and parking legislation prevails.  
Standard Condition: E3 (Autotext EE3)

### **E.4 Requirement to notify about new evidence**

Any new information which comes to light during remediation, demolition or construction works which has the potential to alter previous conclusions about site contamination, heritage significance, threatened species or other relevant matters must be immediately notified to Council and the Principal Certifying Authority.

Standard Condition: E4 (Autotext EE4)

## E.5 Critical Stage Inspections

Critical stage inspections must be called for by the *principal contractor* or *owner builder* as required by the PCA, any PCA service agreement, the *Act* and the *Regulation*.

Work must not proceed beyond each critical stage until the PCA is satisfied that work is proceeding in accordance with this consent, the Construction Certificate(s) and the *Act*.

*Critical stage inspections* means the inspections prescribed by the *Regulations* for the purposes of section 109E(3)(d) of the *Act* or as required by the PCA and any PCA Service Agreement.

**Note:** The PCA may require inspections beyond mandatory critical stage inspections in order that the PCA be satisfied that work is proceeding in accordance with this consent.

**Note:** The PCA may, in addition to inspections, require the submission of *Compliance Certificates*, survey reports or evidence of suitability in accordance with Part A2.2 of the BCA in relation to any matter relevant to the development.

Standard Condition: E5 (Autotext EE5)

## E.6 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 outside the approved hours of work will be considered on a case by case basis.

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

**Note:** EPA Guidelines can be down loaded from <http://www.epa.nsw.gov.au/noise/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)  
Standard Condition: E6 (Autotext EE6)

## **E.7 Public Footpaths – Safety, Access and Maintenance**

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

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

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

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

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

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

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

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

- Part C Management of Waste:
  - a. For fee or reward, transport waste over or under a public place
  - b. Place waste in a public place
  - c. Place a waste storage container in a public place.”
- Part E Public roads:
  - a. Swing or hoist goods across or over any part of a public road by means of a lift, hoist or tackle projecting over the footway
  - b. Expose or allow to be exposed (whether for sale or otherwise) any article in or on or so as to overhang any part of the road or outside a shop window or doorway abutting the road, or hang an article beneath an awning over the road.”

- c. Any work in, on or over the Road or Footway requires *Council* Approval and in the case of classified roads the NSW Roads and Traffic Authority. Road includes that portion of the road uses as a footway.  
Standard Condition: E7 (Autotext EE7)

## E.8 Maintenance of Environmental Controls

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

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

**Note:** See [http://www.epa.nsw.gov.au/small\\_business/builders.htm](http://www.epa.nsw.gov.au/small_business/builders.htm) for additional information.  
Standard Condition: E11

## E.9 Support of adjoining land and buildings

A person must not to do anything on or in relation to the *site* (the supporting land) that removes the support provided by the supporting land to any other land (the supported land) or building (the supported building).

For the purposes of this condition, supporting land includes the natural surface of the site, the subsoil of the site, any water beneath the site, and any part of the site that has been reclaimed.

**Note:** This condition does not authorise any trespass or encroachment upon any adjoining or supported land or building whether private or public. Where any underpinning, shoring, soil anchoring (temporary or permanent) or the like is considered necessary upon any adjoining or supported land by any person the *principal contractor* or *owner builder* must obtain:

- a. the consent of the owners of such adjoining or supported land to trespass or encroach, or
- b. an access order under the Access to Neighbouring Land Act 2000, or
- c. an easement under section 88K of the *Conveyancing Act 1919*, or
- d. an easement under section 40 of the *Land & Environment Court Act 1979* as appropriate.

**Note:** Section 177 of the *Conveyancing Act 1919* creates a statutory duty of care in relation to support of land. Accordingly, a person has a duty of care not to do anything on or in relation to land being developed (the supporting land) that removes the support provided by the supporting land to any other adjoining land (the supported land).

**Note:** Clause 20 of the *Roads (General) Regulation 2000* prohibits excavation in the vicinity of roads as follows: “**Excavations adjacent to road** - A person must not excavate land in the vicinity of a road if the excavation is capable of causing damage to the road (such as by way of subsidence) or to any work or structure on the road.” Separate approval is required under the Roads Act 1993 for any underpinning, shoring, soil anchoring (temporary) or the like within or under any road. Council will not give approval to permanent underpinning, shoring, soil anchoring within or under any road.

**Note:** The encroachment of work or the like is a civil matter of trespass or encroachment and Council does not adjudicate or regulate such trespasses or encroachments except in relation to encroachments upon any road, public place, crown land under Council’s care control or management, or any community or operational land as defined by the *Local Government Act 1993*.

Standard Condition: E13 (Autotext EE13)

## E.10 Erosion and Sediment Controls – Maintenance

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

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

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



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

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

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

Standard Condition: E15 (Autotext EE15)

## E.11 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.

Standard Condition: E17 (Autotext EE17)

### **E.12 Check Surveys - boundary location, building location, building height, stormwater drainage system and flood protection measures relative to Australian Height Datum**

The *Principal Contractor* or *Owner Builder* must ensure that a surveyor registered under the *Surveying Act 2002* carries out check surveys and provides survey certificates confirming the location of the building(s), ancillary works, flood protection works and the stormwater drainage system relative to the boundaries of the *site* and that the height of buildings, ancillary works, flood protection works and the stormwater drainage system relative to Australian Height Datum complies with this consent at the following critical stages.

The *Principal Contractor* or *Owner Builder* must ensure that work must not proceed beyond each of the following critical stages until compliance has been demonstrated to the *PCA*'s satisfaction:

- a) Upon the completion of foundation walls prior to the laying of any floor or the pouring of any floor slab and generally at damp proof course level;
- b) Upon the completion of formwork for floor slabs prior to the laying of any floor or the pouring of any concrete and generally at each storey;
- c) Upon the completion of formwork or framework for the roof(s) prior to the laying of any roofing or the pouring of any concrete roof;
- d) Upon the completion of formwork and steel fixing prior to pouring of any concrete for any ancillary structure, flood protection work, swimming pool or spa pool or the like;
- e) Upon the completion of formwork and steel fixing prior to pouring of any concrete for driveways showing transitions and crest thresholds confirming that driveway levels match Council approved driveway crossing levels and minimum flood levels.;
- f) Stormwater Drainage Systems prior to back filling over pipes confirming location, height and capacity of works.
- g) Flood protection measures are in place confirming location, height and capacity.

**Note:** This condition has been imposed to ensure that development occurs in the location and at the height approved under this consent. This is critical to ensure that building are constructed to minimum heights for flood protection and maximum heights to protect views and the amenity of neighbours.  
Standard Condition: E20 (Autotext EE20)

### **E.13 Placement and use of Skip Bins**

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

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

**Note:** Waste storage containers must not be located on the footpath without a site specific activity approval. Where such site specific activity approval is granted a 1.5m wide clear path of travel is maintained free of any trip hazards.  
Standard Condition: E21 (Autotext EE21)



### **E.14 Prohibition of burning**

There must be no burning of any waste or other materials. The burning of CCA (copper chrome arsenate) or PCP (pentachlorophenol) treated timber is prohibited in all parts of NSW.

All burning is prohibited in the Woollahra local government area.

**Note:** Pursuant to the *Protection of the Environment Operations (Control of Burning) Regulation 2000* all burning (including burning of vegetation and domestic waste) is prohibited except with approval. No approval is granted under this consent for any burning.  
Standard Condition: E22 (Autotext EE22)

### **E.15 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.  
Standard Condition: E23 (Autotext EE23)

### **E.16 Site waste minimisation and management – Demolition**

In order to maximise resource recovery and minimise residual waste from demolition activities:

- a) The provisions of the Site Waste Minimisation and Management Plan (SWMMP) are to be implemented at all times during the course of the work
- b) An area is to be allocated for the storage of materials for use, recycling and disposal (giving consideration to slope, drainage, location of waterways, stormwater outlets, vegetation and access and handling requirements)
- c) Provide separate collection bins and/or areas for the storage of residual waste
- d) Clearly ‘signpost’ the purpose and content of the bins and/or storage areas
- e) Implement measures to prevent damage by the elements, odour, health risks and windborne litter
- f) Minimise site disturbance, limiting unnecessary excavation

When implementing the SWMMP the applicant must ensure:

- a) Footpaths, public reserves and street gutters are not used as places to store demolition waste or materials of any kind without Council approval
- b) Any material moved offsite is transported in accordance with the requirements of the *Protection of the Environment Operations Act (1997)*
- c) Waste is only transported to a place that can lawfully be used as a waste facility
- d) Generation, storage, treatment and disposal of hazardous waste and special waste (including asbestos) is conducted in accordance with relevant waste legislation administered by the EPA and relevant Occupational Health and Safety legislation administered by Workcover NSW
- e) Evidence such as weighbridge dockets and invoices for waste disposal or recycling services are retained

**Note:** Materials that have an existing reuse or recycling market should not be disposed of in a land fill. Reuse and recycling opportunities are decreased when asbestos is not carefully removed and segregated from other waste streams.  
Standard Condition: E31 (Autotext EE31)

### **E.17 Site waste minimisation and management – Construction**

In order to maximise resource recovery and minimise residual waste from construction activities:

- a) The provisions of the Site Waste Minimisation and Management Plan (SWMMP) are to be implemented at all times during the course of the work
- b) Arrange for the delivery of materials so that materials are delivered ‘as needed’ to prevent the degradation of materials through weathering and moisture damage
- c) Consider organising to return excess materials to the supplier or manufacturer
- d) Allocate an area for the storage of materials for use, recycling and disposal (considering slope, drainage, location of waterways, stormwater outlets and vegetation)
- e) Clearly ‘signpost’ the purpose and content of the storage areas
- f) Arrange contractors for the transport, processing and disposal of waste and recycling. Ensure that all contractors are aware of the legal requirements for disposing of waste.
- g) Promote separate collection bins or areas for the storage of residual waste
- h) implement measures to prevent damage by the elements, odour and health risks, and windborne litter
- i) Minimise site disturbance and limit unnecessary excavation
- j) Ensure that all waste is transported to a place that can lawfully be used as a waste facility
- k) Retain all records demonstrating lawful disposal of waste and keep them readily accessible for inspection by regulatory authorities such as council, Department of Environment and Climate Change (DECC) or WorkCover NSW

Standard Condition: E32 (Autotext EE32)

### **E.18 Water Hammer**

All construction of the bathrooms to Room 07 and Room 16 shall be undertaken in accordance with the NSW Plumbing and Drainage Code of Practice and AS/NZS Standard 3500. Particular attention is to be taken to ensure that all pipes:

- a) Are installed to minimise noise;
- b) Secured and installed so that 'water hammer' does not occur; and
- c) The general operation of the bathrooms does not create noise nuisance to adjoining residents.

Standard Condition: E38

### **E.19 Asbestos Removal**

Where hazardous material, including bonded or friable asbestos has been identified in accordance with condition B2 above, and such material must be demolished, disturbed and subsequently removed, all such works must comply with the following criteria:

- a) Be undertaken by contractors who hold a current WorkCover Asbestos or "Demolition Licence" and a current WorkCover "Class 2 (restricted) Asbestos License,
- b) Be carried out in accordance with National Occupational Health and Safety Commission (NOHSC): "*Code of Practice for the Safe Removal of Asbestos*",
- c) No asbestos products may be reused on the site
- d) No asbestos laden skip or bins shall be left in any public place

**Note:** This condition is imposed to protect the health and safety of persons working on the site and the public  
Standard Condition: E39

### **E.20 Classification of Hazardous Waste**

Prior to the exportation of hazardous waste (including hazardous fill or soil) from the site, the waste materials must be classified in accordance with the provision of the *Protection of the Environment Operations Act 1997* and the NSW DECC *Waste Classification Guidelines, Part1: Classifying Waste* (April 2008).

**Note:** This condition is imposed to ensure that where hazardous waste will be removed from a site an Asbestos Licensed contractor can definitively determine where the waste may be legally taken for disposal.  
Standard Condition: E40

### **E.21 Disposal of Asbestos and Hazardous Waste**

Asbestos and hazardous waste, once classified in accordance with condition E 20 above must only be transported to waste facilities licensed to accept asbestos and appropriate classifications of hazardous waste.

**Note:** This condition is imposed to ensure that asbestos and other Hazardous waste is disposed of lawfully under the Protection of the Environment Operations Act 1997 and relevant EPA requirements.  
Standard Condition: E41

### **E.22 Asbestos Removal Signage**

Standard commercially manufactured signs containing the words "DANGER ASBESTOS REMOVAL IN PROGRESS" measuring not less than 400mm x 300mm are to be erected in prominent visible positions on the site when asbestos is being removed.

**Note:** This condition is imposed to ensure awareness of any hazard to the health and safety of persons working on the site and public.  
Standard Condition: E42

## **E.23 Notification of Asbestos Removal**

In addition to the requirements for licensed asbestos removalists to give written notice to WorkCover all adjoining properties and those opposite the development site must be notified in writing of the dates and times when asbestos removal is to be conducted. The notification is to identify the licensed asbestos removal contractor and include a contact person for the site together with telephone and facsimile numbers and email addresses.

**Note:** This condition has been imposed to ensure that local residents are informed and have adequate communication facilitated for incidents of asbestos removal.  
Standard Condition: E43

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

### **F.1 Occupation Certificate (section 109M of the Act)**

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

**Note:** New building includes an altered portion of, or an extension to, an existing building.  
Standard Condition: F1 (Autotext FF1)

### **F.2 Fire Safety Certificates**

In the case of a *final occupation certificate* to authorise a person:

- a) to commence occupation or use of a *new building*, or
- b) to commence a change of building use for an existing building,

a *certifying authority* must be satisfied that a final fire safety certificate has been issued for the building.

In the case of an *interim occupation certificate* to authorise a person:

- a) to commence occupation or use of a partially completed *new building*, or
- b) to commence a change of building use for part of an existing building,

a *certifying authority* must be satisfied that a final fire safety certificate or an interim fire safety certificate has been issued for the relevant part of the building.

**Note:** This condition does not apply to a class 1a or class 10 building within the meaning of clause 167 of the Regulation.

**Note:** In this condition:

*interim fire safety certificate* has the same meaning as it has in Part 9 of the Regulation.

*final fire safety certificate* has the same meaning as it has in Part 9 of the Regulation.

*new building* has the same meaning as it has in section 109H of the Act. Standard Condition: F4

### **F.3 Commissioning and Certification of Systems and Works**

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

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

- a) Certification from the supervising professional engineer that the requirement of the Geotechnical/Hydrogeological conditions and report recommendations were implemented and satisfied during development work.
- b) All flood protection measures.
- c) All garage/car park/basement car park, driveways and access ramps comply with Australian Standard AS 2890.1 – “Off-Street car parking.”
- d) All stormwater drainage and storage systems.
- e) All mechanical ventilation systems.
- f) All hydraulic systems.
- g) All structural work.
- h) All acoustic attenuation work.
- i) All waterproofing.
- j) Such further matters as the Principal Certifying Authority may require.

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

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

**Note:** The *PCA* must submit to Council, with any *Occupation Certificate*, copies of works-as-executed (“WAE”) plans, *Compliance Certificates* and evidence of suitability in accordance with Part A2.2 of the *BCA* upon which the *PCA* has relied in issuing any *Occupation Certificate*.  
Standard Condition: F7 (Autotext FF7)

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

No conditions

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

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

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

- a) The site sign;
- b) Ablutions;
- c) Hoarding;
- d) Scaffolding; and

- e) Waste materials, matter, article or thing.

**Note:** This condition has been imposed to ensure that all ancillary matter is removed prior to the issue of the *Final Occupation Certificate*.  
Standard Condition: H12 (Autotext HH12)

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

### **I.1 Annual Fire Safety Statements (Class 1b to 9c buildings inclusive)**

Each year, the owner of a building to which an *essential fire safety measure* is applicable must provide an *annual fire safety statement* to Council and the Commissioner of the NSW Fire Brigades. The *annual fire safety statement* must be prominently displayed in the building.

**Note:** *Essential fire safety measure* has the same meaning as in clause 165 of the *Regulation*. *Annual fire safety statement* has the same meaning as in clause 175 of the *Regulation*. Part 9 Division 5 of the *Regulation* applies in addition to this condition at the date of this consent. Visit Council's web site for additional information in relation to fire safety [www.woollahra.nsw.gov.au](http://www.woollahra.nsw.gov.au).  
Standard Condition: I22

### **I.2 Noise from mechanical plant and equipment (Lift and A/C Units)**

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

The *background noise level* is the underlying level present in the ambient noise, excluding the subject noise source, when extraneous noise is removed. For assessment purposes the background noise level is the  $L_{A90, 15 \text{ minute}}$  level measured by a sound level meter.

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

**Note:** Words in this condition have the same meaning as in the: *NSW Industrial Noise Policy* ([http://www.environment.nsw.gov.au/resources/ind\\_noise.pdf](http://www.environment.nsw.gov.au/resources/ind_noise.pdf)) ISBN 0 7313 2715 2, dated January 2000, and *Noise Guide for Local Government* (<http://www.environment.nsw.gov.au/noise/nglg.htm>) ISBN 1741370671, dated December 2004. Standard Condition: I59

### **I.3 Maximum Guest Capacity**

The total number of guest on the premises at any one time shall not exceed 54 guests.  
Standard Condition: I6

### **I.4 Copies of Consents, Registers and with General Operation and Transport Management Plan**

A full copy of all current development consents (including approved plans) for the operation of the premises, any Registers required and the with General Operation and Transport Management Plan must be kept on the premises and made available for inspection immediately upon request by Council Officers or Police Officers.

Standard Condition: I12

## **I.5 Operation in Accordance with General Operation and Transport Management Plan**

- a) The operation and management of the premises shall be in accordance with the General Operation and Transport Management Plan for Hotel Accommodation – Grand National Hotel No. 33 Elizabeth Street, Paddington specified in Condition A.2.
- b) The General Operation and Transport Management Plan for Hotel Accommodation cannot be altered without the written consent of Council.

Standard Condition: I15

## **J. Miscellaneous Conditions**

No conditions

## **K. Advisings**

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

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

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

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

#### Warnings as to potential maximum penalties

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

#### Warning as to enforcement and legal costs

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

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

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

<http://www.theshopfront.org/documents/ConvictionsCriminalRecords.pdf> and the

Attorney General's [www.agd.nsw.gov.au](http://www.agd.nsw.gov.au).

Standard Advising: K1 (Autotext KK1)

## 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.

Standard Advising: K2 (Autotext KK2)

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

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

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

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

- a) <http://www.hreoc.gov.au/index.html>
- b) [http://www.hreoc.gov.au/disability\\_rights/dda\\_guide/ins/ins.html](http://www.hreoc.gov.au/disability_rights/dda_guide/ins/ins.html)

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

Standard Advising: K3 (Autotext KK3)

## K.4 Builder’s Licences and Owner Builders Permits

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

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

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

Standard Condition: K5 (Autotext KK5)



## **K.5 Building Standards - Guide to Standards and Tolerances**

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

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

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

The Guide can be down loaded from:

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

Council, as the PCA or otherwise, does not adjudicate building contract disputes between the *principal contractor*, contractors and the owner. Standard Condition: K6 (Autotext KK6)

## **K.6 Workcover requirements**

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

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

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

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

Standard Condition: K7 (Autotext KK7)

## **K.7 Asbestos Removal, Repair or Disturbance**

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

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

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

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

**Note:** The Code of Practice and Guide referred to above are known collectively as the Worksafe Code of Practice and Guidance Notes on Asbestos. They are specifically referenced in the Occupational Health and Safety Regulation 2001 under Clause 259. Under the Occupational Health and Safety Regulation 2001, the Worksafe Code of Practice and Guidance Notes on Asbestos are the minimum standards for asbestos removal work. Council does not control or regulate the Worksafe Code of Practice and Guidance Notes on Asbestos. You should make yourself aware of the requirements by visiting [www.workcover.nsw.gov.au](http://www.workcover.nsw.gov.au) or one of Workcover NSW's offices for further advice.  
Standard Advising: K8 (Autotext KK8)

## **K.8 Lead Paint**

It is beyond the scope of this consent to provide detailed information about dealing with lead paint. Painters working in an area containing lead-based paint should refer to Australian Standard AS 4361.1–1995, Guide to Lead Paint Management—Industrial Applications, or AS 4361.2–1998, Guide to Lead Paint Management—Residential and Commercial Buildings.

Industrial paints may contain lead. Lead is used in some specialised sign-writing and artist paints, and road marking paints, and anti-corrosive paints. Lead was a major ingredient in commercial and residential paints from the late 1800s to 1970. Most Australian commercial buildings and residential homes built before 1970 contain lead paint. These paints were used both inside and outside buildings.

Lead particles are released when old lead paint flakes and peels and collects as dust in ceiling, wall and floor voids. If dust is generated it must be contained. If runoff contains lead particles it must be contained. Lead is extremely hazardous, and stripping of lead-based paint and the disposal of contaminated waste must be carried out with all care. Lead is a cumulative poison and even small levels in the body can have severe effects.

Standard Advising: K9 (Autotext KK9)

## **K.9 Appeal**

Council is always prepared to discuss its decisions and, in this regard, please do not hesitate to contact Mr T Wong, Senior Assessment Officer, on (02) 9391 7158

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

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

Standard Condition: K14 (Autotext KK14)

## **K.10 Release of Security**

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

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

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

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

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

**Note:** The Application for Refund of Security form can be downloaded from  
[http://www.woollahra.nsw.gov.au/data/assets/pdf\\_file/0004/76405/Refund\\_of\\_Security\\_Form.pdf](http://www.woollahra.nsw.gov.au/data/assets/pdf_file/0004/76405/Refund_of_Security_Form.pdf)  
Standard Condition: K15 (Autotext KK15)

### **K.11 Recycling of Demolition and Building Material**

It is estimated that building waste, including disposable materials, resulting from demolition, excavation, construction and renovation, accounts for almost 70% of landfill. Such waste is also a problem in the generation of dust and the pollution of stormwater. Council encourages the recycling of demolition and building materials.

Standard Condition: K17 (Autotext KK17)

### **K.12 Owner Builders**

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

Standard Condition: K18 (Autotext KK18)

### **K.13 Dilapidation Report**

Please note the following in relation to the condition for a dilapidation report:

- a) The dilapidation report will be made available to affected property owners on request and may be used by them in the event of a dispute relating to damage allegedly due to the carrying out of the development.
- b) This condition cannot prevent neighbouring buildings being damaged by the carrying out of the development.
- c) Council will not be held responsible for any damage which may be caused to adjoining buildings as a consequence of the development being carried out.
- d) Council will not become directly involved in disputes between the Developer, its contractors and the owners of neighbouring buildings.
- e) In the event that access for undertaking the dilapidation survey is denied the applicant is to demonstrate in writing to the satisfaction of the PCA that all reasonable steps were taken to obtain access to the adjoining property. The dilapidation report will need to be based on a survey of what can be observed externally.

Standard Advising: K23 (Autotext KK23)

*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 Cavanagh  
Councillor Cullen  
Councillor Elsing  
Councillor Jarvis  
Councillor Marano  
Councillor McEwin  
Councillor Price  
Councillor Regan  
Councillor Robertson  
Councillor Silcocks

***10/5***

***Against the Motion***

Councillor Maxwell  
Councillor Shapiro  
Councillor Shields  
Councillor Wynne  
Councillor Zeltzer

## Notices of Motion

**Item No:** 11.1  
**Subject:** NOTICE OF MOTION - YOUTH FACILITIES AT RUSHCUTTERS BAY  
**From:** Councillors Anthony Marano and Matthew Robertson  
**Date:** 4 October 2017  
**File No:** 17/174590

(Marano/Robertson)

**218/17 Resolved:**

THAT Council:

1. Notes its decision of 1 May 2017 regarding Youth Facilities at Rushcutters Bay and progress to date towards providing facilities through collaboration with Centennial Park.
2. Requests staff to prepare a report, based on the needs analysis and survey data contained in the CONVIC report presented to Community & Environment Committee on 10 April 2017, to provide options to council to progress the provision of facilities for Woollahra's young people aged 8-14 years old, with respect to the following:
  - a. Identify multiple further options within Rushcutters Bay Park, including the south-western portion of the park adjacent to New South Head Road, to locate youth facilities, including for scooters and skaters;
  - b. ensure all identified locations require the removal of no established trees nor the removal of excessive green open space;
  - c. ensure all identified locations have capacity for soft landscaping around the siting of youth facilities; and
  - d. provide options to council to progress a proposal once a suitable location is selected.

**Adopted**

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**Item No:** 11.2  
**Subject:** NOTICE OF MOTION - ANDREW PETRIE  
**From:** Councillors Isabelle Shapiro, Peter Cavanagh and Susan Wynne  
**Date:** 4/10/2017  
**File No:** 17/174824

(Shapiro/Wynne)

**219/1 Resolved without debate:**

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THAT in recognition of 26 years as a Councillor and 5 terms as Mayor, Woollahra Council express its thanks and appreciation to former Councillor Andrew Petrie for his service and contribution to the Council and to the community with an appropriate function to be hosted by the Mayor at a time and location early in 2018.

**Adopted**

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**Item No:** 11.3  
**Subject:** NOTICE OF MOTION - POSSIBILITY OF CLOSING A PORTION OF JAMES STREET WHERE JAMES STREET INTERSECTS WITH MONCUR STREET  
**From:** Councillors Luise Elsing, Anthony Marano and Megan McEwin  
**Date:** 9/10/2017  
**File No:** 17/176878

(McEwin/Elsing)

**220/17 Resolved:**

THAT staff prepare a report exploring the possibility of closing a portion of James Street where James Street intersects with Moncur Street (the one way direction would need to change so that the entry to James Street is from Victoria Avenue), including but not limited to consideration of the following:

1. Traffic impacts and traffic safety in all surrounding streets;
2. Any benefits to increasing public open space;
3. Options to survey local residents to ascertain support for any proposal for permanent closure; and
4. Any other relevant matters including increased parking and the provision of street trees.

**Adopted**

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**Item No:** 11.4  
**Subject:** NOTICE OF MOTION - FREE WI-FI IN COMMERCIAL HUBS  
**From:** Councillors Luise Elsing and Lucinda Regan  
**Date:** 11/10/2017  
**File No:** 17/178619

(Elsing/Regan)

**221/17 Resolved:**

THAT Council investigate introducing free Wi-Fi in commercial hubs in the Woollahra Municipality and prepares a report outlining the benefits and costs, priorities in relation to the unique circumstances and needs of each of the areas and consequential implementation strategy to be presented to a Community and Environment Committee meeting by the end of December 2017.

Areas for specific investigation include, but not limited to:

- a. Bellevue Hill shops between Riddell Street and Victoria Road, Bellevue Hill;
- b. Plumer Road, Rose Bay;
- c. Queen Street from Oxford Street to Kilminster Lane, Woollahra;
- d. Edgecliff Road between Bathurst Street and Adelaide Street, Woollahra; and
- e. Five Ways, Paddington.

**Adopted**

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**Item No:** 11.5  
**Subject:** **NOTICE OF MOTION - VAUCLUSE BOWLING CLUB GREENS AND ADJACENT AREAS**  
**From:** Councillors Claudia Cullen, Luise Elsing and Lucinda Regan  
**Date:** 11/10/2017  
**File No:** 17/178648

**Note:** Late correspondence was tabled by Suellen Basetti – Vacluse Bowling Club.

**(Regan/Elsing)**

**222/17 Resolved:**

THAT Woollahra Council investigate and report to the Corporate & Works Committee on the viability of Council making a submission to the NSW Government for Council to manage by way of long term lease or ownership the Vacluse Bowling Club greens and adjacent areas (including the tennis courts and gardens).

This report is to consider:

1. that Council recognises the importance in protecting Vacluse Bowling Club as a community asset;
2. the viability of long term leasing or accepting a transfer of ownership of this Crown Land to Woollahra Council;
3. the suitability of this Crown Land to provide economic, social and cultural benefits for the local community including the potential for an upgrade to make 4 to 6 multi-use courts (tennis/basketball/handball/netball courts) and an upgrade of the built structures for further community use, and
4. any short term and long term budgetary issues.

**Adopted**

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**Item No:** 11.6  
**Subject:** **NOTICE OF MOTION - REVIEW OF THE PERMISSIBILITY OF ROOF TERRACES**  
**From:** Councillors Toni Zeltzer, Anthony Marano and Isabelle Shapiro  
**Date:** 12/10/2017  
**File No:** 17/179415

**(Zeltzer/Wynne)**

**223/17 Resolved without debate:**

THAT Council requests that staff prepare and submit a report to Council's Urban Planning Committee which reviews the provision for roof terraces within Woollahra DCP 2015 in regards to their potential impacts on:

- a. The visual and acoustic privacy of adjoining and surrounding properties
- b. Their visual contribution to the streetscape and built environment, and
- c. Views and view corridors from private and public vantage points.

**Adopted**

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## Questions for Next Meeting

**Item No:** 12.1  
**Subject:** QUESTIONS FOR NEXT MEETING  
**Author:** Sue O'Connor, Secretarial Support - Governance  
**Approver:** Helen Tola, Manager - Governance & Council Support  
**File No:** 17/164552  
**Reason for Report:** To provide a response to Questions for Next Meeting from Council Meeting of 28 August 2017 and for Councillors to ask Questions for Next Meeting in accordance with Council's Code of Meeting Practice.

(Wynne/Robertson)

224/17 Resolved:

- A. That the responses to previous Questions for Next Meeting be noted.
- B. That Councillors ask Questions for Next Meeting in accordance with Council's Code of Meeting Practice.

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**Question No:** 12.2 Cutler Footway

**Councillor Robertson asking:**

Throughout the recent election period I heard concerns from many residents about the closure of the Culter footway, a vital pedestrian link, for some two years now.

Will staff please update Council and our Paddington residents about where the City of Sydney's efforts to repair the footway are up to, and the estimated time for completion of repairs.

I understand that Council staff have responded to recent resident concerns about poor signage around alternate routes and general information, as well as Sydney Buses refusing less-abled people one stop transit to avoid the considerable walk-around. Will staff please update Council on actions to date to remedy these specific impacts.

**Director Technical Services Response:**

On notice.

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**Question No:** 12.3 Cooks Paddock, Paddington

**Councillor Robertson asking:**

Are staff aware of the current state of Cooks Paddock in Paddington?

I am informed by local residents that this well-utilised area of open space is in poor repair including:

- Trees have pushed 2 walls out of place
- Asphalt surfacing of dunny lanes is in poor repair warranting replacement
- Playground equipment is dirty and requires replacement
- A number of trees are self-sown and all trees require maintenance
- Fencing requires replacement
- Grass is mostly dead and in need of refreshment

Will staff please indicate when this unique heritage open space and its facilities were last refreshed, and indicate how current concerns can be addressed.

**Director Technical Services Response:**

On notice.

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**Question No:** 12.4 Rose Bay Police Station

**Councillor Elsing asking:**

I note recent media reports regarding Rose Bay Police Station and would like to know the status of ownership of the site and Council's interest and intentions (if any) in relation to the site.

**Director Technical Services Response:**

On notice.

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**Question No:** 12.5 Business Papers

**Councillor Zeltzer asking:**

This is a question about our printed material, and I wanted to know, these are very attractive front covers, however being on the Council for many years, I love the printed material, however when I need to print this out in a hurry from my office to here, I have to work out which picture relates to whatever committee I am on. A lot of other people are actually starting to identify with that issue. Considering we are creatures of habit, imprinted on us is a certain colour for a certain committee, unless you can show some sort of environmental sustainability benefit for this, I would like to go back to our original colours.

**Councillor Robertson asking:**

Just on the same point Mr Mayor, I am thankful for Councillor Zeltzer's question, my study is awash with white paper. The images are brilliant on the iPads however when reproduced in hard copy the pixilation is rather poor. Could this please be progressed?

**General Manager in response:**

We will have a look at such Mr Mayor, we had hoped you would pick up your iPad rather than picking up the hard copy.

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**Question No:** 12.6 Rose Bay and Eastern Suburbs Local Area Command

**Councillor Shapiro asking:**

In the light of the proposed considerations of Rose Bay and Eastern Suburbs Local Area Command, I ask the Mayor to please write to the Minister for Police and our local member to request that adequate police presence remain at Rose Bay in order to response to any alarm or emergency call at Gap Park in the quickest possible time. A delay of even a minute can make a difference in saving of lives and Council asks the Minister to ensure there is no decrease in response times to an emergency at Gap Park.

**The Mayor, Councillor Cavanagh in response:**

I would be happy to do that.

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**Question No:** 12.7 Dockless Bikes

**Councillor Wynne asking:**

In light of your recent correspondence regarding the dockless bikes, where you are preparing a more formal response, is there any short term solution or comment we can provide to residents about this matter.

**Director Technical Services Response:**

On notice.

There being no further business the meeting concluded at 9.37pm.

**We certify that the pages numbered 2658 to 2708 inclusive are the Minutes of the Ordinary Meeting of Woollahra Municipal Council held on 16 October 2017 and confirmed by the Ordinary Meeting of Council on 30 October 2017 as correct.**

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**General Manager**

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**Mayor**