

# Development Control Committee Minutes

**Minutes of the Meeting held on  
Monday 3 December 2012 at 5.30pm**

**Present:** His Worship the Mayor, Councillor Andrew Petrie ex-officio (D1-D6, D8 & D11)  
Councillors Anthony Boskovitz (Chair)  
Luise Elsing  
Elena Kirillova  
Greg Levenston  
Anthony Marano  
Matthew Robertson  
Toni Zeltzer (Item D2-R1 (not D10))

**Staff:** Allan Coker (Director – Planning & Development)  
Nick Economou (Team Leader)  
George Fotis (Team Leader)  
Sue O'Connor (Secretarial Support - Governance)  
David Waghorn (Team Leader)

Session One: 5.30pm to 7.56pm  
Session Two: 8.25pm to 11.12pm

**Also in Attendance:** Nil

---

**Note:** Item D10 (15 Burrabirra Avenue, Vaucluse) was brought forward and heard 1<sup>st</sup> in the 2<sup>nd</sup> session.

**Note:** Item R1 (Kiaora Lands, Double Bay) was brought forward and heard before Item D12.

---

## Leave of Absence

Leave of Absence previously granted by Council: Nil

Apologies: Nil

---

## Late Correspondence

Late correspondence was submitted to the committee in relation to Items: D2, D3, D4, D5, D6, D7, D8, D10, D11 & R1

---

## Declarations of Interest

- Note:** The Mayor Councillor Petrie declared a Non-Significant, Non-Pecuniary Interest in Item D4 (7 Sutherland Street, Paddington), as Keri Huxley is an ex Woollahra Liberal Councillor and objector to this matter. Councillor Petrie does not believe it would affect his vote.
- Note:** Councillor Boskovitz declared a Non-Significant, Non-Pecuniary Interest in Item D4 (7 Sutherland Street, Paddington), as Keri Huxley is an ex Woollahra Liberal Councillor and objector to this matter. Councillor Boskovitz does not believe it would affect his vote.
- Note:** The Mayor Councillor Petrie declared a Non-Significant, Non-Pecuniary Interest in Item D10 (15 Burrabirra Avenue, Vacluse), as Chris Howe is an ex Woollahra Liberal Councillor and the Applicant to this matter. Councillor Petrie does not believe it would affect his vote.
- Note:** Councillor Boskovitz declared a Non-Significant, Non-Pecuniary Interest in Item D10 (15 Burrabirra Avenue, Vacluse), as Chris Howe is an ex Woollahra Liberal Councillor and the Applicant to this matter. Councillor Boskovitz does not believe it would affect his vote.
-

**D12 Register of Current Land and Environment Court Matters and Register of Court Proceedings for Building Control, Environmental Control & Health Control****(Petrie/Zeltzer)****Resolved:**

- A. THAT the attached register of current Land and Environment Court Matters for Development Applications be received and noted.
- B. THAT the attached register of Court Proceedings for Building Control, Environmental Control and Health Control be received and noted.

---

**Items with Recommendations from this Committee  
Submitted to the Council for Decision (Items R1 to R4)**

---

**R1 DA531/2011 part 2 - Kiaora Lands, Double Bay - Section 96 Application – Proposed modification to modify and/or delete a number of consent conditions & changes to carparking circulation, weather protection, roof level travelator/lift lobby, supermarket layout, additional trolley bays, ESD measures, relocation of sub-stations, amended landscaping & security – 3/10/2012**

**Note:** Late correspondence was tabled by Council's Executive Planner, Peter Kauter, Malcolm Young & Bruce Forster.

**Note:** Malcolm Young, Anthony Tregoning, Bruce Forster, Tony Gregory, Alexandra Joel, Michele Wearn & Mark Easton, objectors, addressed the Committee.

**(Boskovitz/Zeltzer)****Recommendation:**

That Council advise the Regional Panel that it raises no objection to the recommendation of the assessment report on the application under s.96(2) of the Act, our reference Development Application No. 531/2011 part 2, to modify the consent granted in respect of DA NO. 531/2011 for the Kiaora Lands redevelopment at Double Bay consisting of:

- demolition of existing buildings and structures
- a new 4 storey commercial/retail building fronting New South Head Road and including a new public library
- a new 3 level commercial/retail building fronting Kiaora Lane, including a supermarket
- public parking and public domain improvements
- site remediation.

subject to the conditions recommended in the annexed report by Council's Executive Planner, Peter Kauter:

Further, that the Regional Panel be advised that the Council noted as follows as a consequence of submissions made by members of the public at the meeting of its Development Control Committee on 3/12/12

- Anderson Street is only to be used as an exit for vehicles and this should be noted on the relevant documentation
- No delivery vehicles or compactors to be used in the loading docks until the roller door is shut
- Further sound mitigation measures be taken regarding the ramp in accordance with the diagram tabled as late correspondence at the Development Control Committee meeting on 3/12/12
- Condition F.22 be amended to have dynamic signs provided at each entry to the carpark
- Condition F.37 empathises the need for dynamic/live smart signage
- The endorsement of any sound proofing
- Our position in relation to condition F.33 is endorsed and the applicant needs to confer with Council's Traffic Engineer
- The implementation of the 2 boom gates is endorsed
- Drainage not to be changed without approval by Council

**The recommendation to be submitted to Council is as follows:**

THAT the development consent granted in respect to Development Application No. DA 531/2011/1 for a retail, commercial, public library and public parking development on land at 433-451 New South Head Road, 1, 2, 3, 4, 5, 6 & 7 Kiaora Road, 1, 2, 3-7 & 4 Anderson Street, 1-9 & 2 Patterson Street and parts of Anderson Street, Kiaora Lane and Patterson Street, DOUBLE BAY, be modified in the following manner:

**Include the following additional conditions:**

**A.10 Development Consent is not granted in relation to these matters**

The modification of development consent vide DA531/2011/2 does not approve the relocation of the electricity substations from the locations shown on the plans in respect of which development consent was originally granted.

Standard Condition: A9 (Autotext AA9)

**C1o) Kiaora Road carpark entrance**

The Kiaora Road carpark entrance must have the operating capacity to admit a minimum of 600 vehicles per hour. The applicant may be able to meet this condition through the *installation of one or two boom gates, subject to the equipment specifications. The applicant must demonstrate to the satisfaction of Council's Technical Services Division, that the specifications for the boom gate/s and associated equipment meet this requirement prior to the issue of the Construction Certificate.*

This condition is imposed to prevent inbound vehicles to the car park queuing across the Kiaora Road footpath and to ensure that vehicles queuing in Kiaora Road do not adversely impact on the efficient operation of the Kiaora Road/ New South Head Road intersection.

**E.33 Landscape treatment of roof garden**

Specific details of the proposed landscape treatment of the roof garden on the southern side of the Kiaora Lane building being submitted to Council for approval prior to the area being planted.

**F.43 Noise from electricity substations**

Any noise from the electricity substations being attenuated as may be necessary to prevent the emission of noise that would exceed the nocturnal background noise level when measured at the nearest, or any other, residential property façade at any time of the day or night in accordance with the Double Bay Centre Development Control Plan 2002, A2.5.3, C10.

**I.33 Kiaora Road carpark entrance – operating capacity**

The Kiaora Road carpark entrance must have the operating capacity to admit a minimum of 600 vehicles per hour.

This condition is imposed to prevent inbound vehicles to the carpark queuing across the Kiaora Road footpath and to ensure that vehicles queuing in Kiaora Road do not adversely impact on the efficient operation of the Kiaora Road/ New South Head Road intersection.

**I.34 Configuration of carparking control system**

The carpark control system installed in the carpark shall be configured in a way that could readily transmit carpark occupancy survey information to a centralised Double Bay car parking information system at such time as such a system is installed.

This condition is imposed with regard to the traffic impacts of the development.

**I.35 Operation of loading dock doors**

Loading docks are to be operated so as to satisfy the Double Bay Centre Development Control Plan, A2.5.3, C11. For this purpose the following measures are, as a minimum, to apply in relation to the operation of the loading dock doors referred to in condition C.11)iii:

- delivery vehicles are not to begin reversing until loading dock doors are shut
- unloading and loading of delivery vehicles and use of compactors are not to commence until loading dock doors are shut

Staff assigned to the loading dock areas are to be made aware of these noise control measures.

**The heading to conditions in Section C of the development consent notice being changed to read as follows:**

*C. Conditions which must be satisfied prior to the issue of the relevant construction certificate or, as may be stipulated, prior to the issue of any construction certificate*

**Deletion of the following conditions:**

**C.11)v**

**C.1n)**

**I.14**

**The following conditions being amended to read:****A.3 Approved Plans and supporting documents**

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

Reference	Description	Author/Drawn	Date(s)
Project 36280.02-3	Updated report on acid sulphate soil management plan	Douglas Partners	18/2/10
Acoustics			
Report No. 11-1605-R1	Noise Impact Assessment	Reverb Acoustics	Nov 2011
11-1605-L2	Addendum to Reverb Acoustics Report 11-1605-R1	Reverb Acoustics	1/3/12
3109_SK_563	Acoustic control plan	nettleontribe	Feb 2012
3109_SK_564	Acoustic control-sections	nettleontribe	Feb 2012
Architectural Plans			
3109_DA_002-E	Site Plan/Roof Plan	nettleontribe	6/2/12
3109_DA_003-D	Ground Floor Plan	nettleontribe	10/11/11
3109_DA_004-C	First Floor Plan	nettleontribe	10/11/11
3109_DA_005-D	Second Floor Plan	nettleontribe	6/2/12
3109_DA_006-E	Third Floor Plan	nettleontribe	6/2/12
3109_DA_011-D	Ground Floor Plan	nettleontribe	10/11/11
3109_DA_012-D	First Floor Plan	nettleontribe	10/11/11
3109_DA_013-D	Second Floor Plan	nettleontribe	6/2/12
3109_DA_014-F	Roof Plan	nettleontribe	27/2/12
3109_DA_015-B	Library & Mixed Use Ground Floor Plan	nettleontribe	12/10/11
3109_DA_016-B	Library & Mixed Use First Floor Plan	nettleontribe	12/10/11
3109_DA_017-B	Library & Mixed Use Second Floor Plan	nettleontribe	12/10/11
3109_DA_018-C	Library & Mixed Use Third Floor Plan	nettleontribe	26/10/11
3109_DA_019-C	Library & Mixed Use Roof Plan	nettleontribe	26/10/11
3109_DA_021-D	Streetscape Elevations	nettleontribe	6/2/12
3109_DA_022-C	Streetscape Elevations	nettleontribe	10/11/11
3109_DA_023-B	Library & Mixed Use Streetscape Elevations	nettleontribe	12/10/11
3109_DA_024-D	Elevations	nettleontribe	6/2/12
3109_DA_025-C	Library & Mixed Use Elevations	nettleontribe	26/10/11
3109_DA_031-E	Sections	nettleontribe	27/2/12
3109_DA_032-B	Library & Mixed Use Library Sections	nettleontribe	12/10/11
3109_DA_035-A	Rooftop shade structure details	nettleontribe	27/2/12
3109_DA_041-D	Finishes Schedule	nettleontribe	6/2/12
3109_DA_042-B	Library & Mixed Use Finishes Schedule	nettleontribe	12/10/11
3109_DA_054-D	Signage	nettleontribe	6/2/12
3109_DA_055-A	Library & Mixed Use Signage	nettleontribe	12/10/11
3109_DA_071-B	Demolition Plan	nettleontribe	12/10/11
3109_SK551	Ramp Layout - Plans	nettleontribe	January 2012
3109_SK552	Ramp Layout - Sections	nettleontribe	January 2012
	Construction Management Plan	Caverstock Group	15/11/11
Project 36280.05	Report on Supplementary Contamination Assessment	Douglas Partners	13/4/12
Project 36280.04-2-rev 01	Contaminated Land - Remedial Action Plan (Stage 3)	Douglas Partners	April 2012

301015-12277 – 301015-02277-EN- REP-0001 Kiaora Lands.doc	DA Flooding, Stormwater and Pavement Design Report	Worley Parsons	27/10/11
301015-02277-EN- REP-002[0]- FIA.doc	Flood Impact Assessment Report	Worley Parsons	27/10/11
Project 30422.02	Report on geotechnical investigation	Douglas Partners	March 2010
E12616/1-BY	Hydrogeological Report	Coffey	16/10/03
Landscape Plans			
09582_LSK_000 E	Cover Sheet & Schedules	context	Nov 2011
09582_LSK_001 E	Tree Retention/Removal Plan	context	Nov 2011
09582_LSK_002 E	Landscape Concept Plan	context	Nov 2011
09582_LSK_003 E	Plaza Landscape Concept Plan	context	Nov 2011
09582_LSK_004 E	Kiaora Lane and Patterson Street Connection	context	Nov 2011
09582_LSK_005 E	Section A-A	context	Nov 2011
09582_LSK_006 E	Section B-B	context	Nov 2011
09582_LSK_007 E	Section C-C	context	Nov 2011
09582_LSK_008 E	Section D-D	context	Nov 2011
09582_LSK_009 E	Section E-E & I-I	context	Nov 2011
09582_LSK_010 E	Typical Landscape Details	context	Nov 2011
09582_LSK_011 E	Planting Palette + Schedule	context	Nov 2011
473AIA	Arboricultural Impact Assessment	Tree Wise Men Australia Pty Ltd	May 2011
Sample Boards			
3109_DA	Finishes Board - Supermarket	nettletontribe	
3109_DA	Finishes Board – Library	nettletontribe	
3109_DA	Finishes Board – Carpark	nettletontribe	
3109_DA	Finishes Board – Office	nettletontribe	
Stormwater drainage concept design			
3577 H-01 03	Cover sheet, legend, notes and drawing list	Warren Smith & Partners Pty Ltd	June 2012
3577 H-02 03	Ground floor plan	Warren Smith & Partners Pty Ltd	18/10/11
3577 H-03 03	Level 1 floor plan	Warren Smith & Partners Pty Ltd	18/10/11
3577 H-04 03	Level 2 floor plan	Warren Smith & Partners Pty Ltd	18/10/11
3577 H-05 03	Level 3 floor plan	Warren Smith & Partners Pty Ltd	18/10/11
3577 H-06 03	Level 4 roof floor plan	Warren Smith & Partners Pty Ltd	18/10/11
3577 H-07 03	Rectification and connection of existing stormwater discharge into Kiaora Lane	Warren Smith & Partners Pty Ltd	18/10/11
Civil works			
SKC01 rev. B	Kiaora Lane concept siteworks plan and longitudinal section	BG&E	24/10/11
SKC02 rev. B	Kiaora Lane cross section sheet 1	BG&E	24/10/11
SKC03 rev. C	Stormwater concept plan	BG&E	16/11/11
SKC04 rev. C	Carpark levels plan	BG&E	16/11/11
SKC05 rev. A	Cut and fill plan	BG&E	24/10/11
SKC06 rev. A	Culvert longitudinal section	BG&E	24/10/11
CSK001 rev. A	Sydney Water culvert barrier fence	BG&E	25/1/12
Project No: 209/058/47 RPT – Final	Statement of Environmental Effects	TPG	Nov 2011
Issue B Final issue	Heritage Assessment & Heritage Impact Assessment	GB&A	02/09/11

(letter)	(referral response – pre DA lodgement heritage, clause A2.3.2.4 New South Head Road)	(GB&A)	(18/10/11)
Traffic Report			
Revision 5	Traffic report	Halcrow	19/10/11
Letter	Council’s request for additional information	Halcrow	10/2/12
Waste Management Plan			
	Waste Management Plan	JD MacDonald	Feb 2012
Ecologically Sustainable Development Reports			
	Woolworths Sustainable Design	Fabcot Pty Ltd	May 2011
6018326	ESD Review	AECOM	5/4/11
Hazardous materials survey report			
SM0084:29650 R01	Hazardous materials survey report	McNally Management Pty Ltd	Revision 1 – Dec 2010
Final v2	Accessibility review	Morris-Goding Accessibility Consulting	29/9/11
Project No: 209.058.47 CPTED FH	Crime prevention through environmental design assessment report	TPG	Oct 2011
(SEE appendix Z)	Trolley management plan		
	Letter	Sydney Water	10/2/12

And as amended by the works shown by clouding on following plans:

Reference	Description	Author/Drawn	Date(s)
Architectural Plans			
3109 DA 002-F	Site Plan/Roof Plan	nettleontribe	26/9/12
3109 DA 003-E	Ground Floor Plan	nettleontribe	26/9/12
3109 DA 004-D	First Floor Plan	nettleontribe	26/9/12
3109 DA 005-E	Second Floor Plan	nettleontribe	26/9/12
3109 DA 006-F	Third Floor Plan	nettleontribe	26/9/12
3109 DA 011-E	Ground Floor Plan	nettleontribe	26/9/12
3109 DA 012-E	First Floor Plan	nettleontribe	26/9/12
3109 DA 013-E	Second Floor Plan	nettleontribe	26/9/12
3109 DA 014-G	Roof Plan	nettleontribe	26/9/12
3109 DA 015-C	Library & Mixed Use Ground Floor Plan	nettleontribe	26/9/12
3109 DA 021-E	Streetscape Elevations	nettleontribe	26/9/12
3109 DA 023- C	Library & Mixed Use Streetscape Elevations	nettleontribe	26/9/12
3109 DA 024-E	Elevations	nettleontribe	26/9/12
3109 DA 025-D	Library & Mixed Use Elevations	nettleontribe	26/9/12
3109 DA 041-E	Finishes Schedule	nettleontribe	26/9/12
3109 DA 042-C	Library & Mixed Use Finishes Schedule	nettleontribe	26/9/12
3109 DA 054-E	Signage	nettleontribe	26/9/12
3109 DA 055-B	Library & Mixed Use Signage	nettleontribe	26/9/12

**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

**C.1)iii** Automated solid acoustic roller shutter doors are to be provided to all loading dock areas to ensure that there is no break-out noise from the delivery vehicle activities and compactor use.



**C.1)iv** That acoustic treatment shall be provided to the underside of the ceilings in the entry and exit areas of the ground level carpark to control noise leakage paths by providing an effective reduction of the reverberant characteristics resulting from vehicular movements.

**C.1)vii** The ceiling of the entry and exit structure to Kiaora Road are to be provided with an appropriately selected and effective fire resistant, sound absorbing facing (an approved acoustical spray, or modular acoustical panels/tiles) to provide an effective reduction of the reverberant characteristics of that area.

#### **C.4 Road and Public Domain Works**

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

a) Road and Drainage Works

Kiaora Lane

- Roadworks – Full width road reconstruction, kerb & gutter and/or dish footpath and level adjustment for the length of the development from about the eastern boundary of No 11 Patterson Street to Kiaora Road.  
Full width road reconstruction, replacement kerb & gutter and footpath pavers from the development to Manning Road.
- Plaza – construction of all public domain assets.
- Drainage- Construction of drainage and pits and connections to the existing drainage line. Box culvert construction for the full length of the development.

Kiaora Road

- Roadworks - road shoulder reconstruction, Replacement of kerb & gutter and footpath for the length of the development, long section for driveways.
- Drainage – new pipe connections and pipeline upgrades across Kiaora Road.

Patterson Street

- Roadworks - road pavement, kerb & gutter, driveways and new footpath.
- Drainage – new 375mm diameter Reinforced Concrete Pipe and pits.

Anderson Street

- Roadworks -Kerb & gutter and driveways and road pavement.
- Drainage – new 375mm diameter Reinforced Concrete Pipe and pits. Drainage impacts on the existing system in Court Road to be detailed.

Manning Road

Omitted

Other

- There is conflict between the Flooding, Stormwater Report by Worley Parson, the Stormwater Drainage Concept Design by Warren Smith & Partners and the Kiaora Lane Concept Plan (Civil) by BG&E. Revised plans prepared by Brown Consulting Dwg No's C4-00, C4-01, C4-30, C4-40, C4-41, C4-60, C4-80, C4-90, C4-91 Rev B dated 28.09.2012 have been submitted to Council.

- The amended plans are to be certified by the authors of the flood report that they satisfy their requirements for flood management.
- Dilapidation reports will be required on the adjoining road network that will be affected by construction equipment.
- All the above works will be subject to the submission and approval by Council of a S138 Roads Act application.
- All new footpaths and kerb returns are to incorporate pram ramps which comply with Council's Specification for Roadworks, Drainage and Miscellaneous Works.

b) General

Detailed engineering plans (plan, sections and elevation views) and specifications of all works for the footpath, driveways, kerb & gutter, drainage long sections new gully pit showing clearly the connection point of site outlet pipe(s) of the works required by this Condition must accompany the S138 Application form. The plans must also clearly show the following:

- Full width vehicular crossings to be constructed in accordance with Council's standard driveway drawing RF2C
- A design longitudinal surface profile for the proposed driveway must be submitted for assessment.
- Removal and replacement of the existing footpath for the full width of the property in accordance with Council's standard drawing RF3.
- Removal of all driveway crossings and kerb laybacks which will be no longer required.
- Full footpath, kerb and gutter details.
- Full new pavement details.
- Where a grass verge exists, the balance of the area between the footpath and the kerb over the full frontage of the proposed development must be turfed. The grass verge must be constructed to contain a uniform minimum 75mm of friable growing medium and have a total cover of Couch turf.
- Engineering drawings of the new drainage line to be constructed joining the new and existing drainage pits including services.

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

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

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

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

## C.6 Utility Services Generally

The Construction Certificate plans and specifications, required by clause 139 of the Regulation, must demonstrate that all utility services (telecommunications, electricity, gas, water and waste water) will be provided underground. All service ducts, pipes and conduits must be provided within the fabric of the building (excluding stormwater down pipes).

Where telecommunications and electricity are provided from existing poles in the road they must, in accordance with the relevant suppliers' requirements, be carried to the site underground directly to the main switch board within the fabric of the building.

**Note:** Where adequate provision has not been made for an electrical sub-station within the building, this may necessitate the lodgement of an application to amend this consent under section 96 of the Act to detail the location, landscape/streetscape impacts and compliance with AS2890 as applicable.

The location of service poles and substations required by the relevant suppliers must be shown upon the plans submitted with the relevant Construction Certificate application together with a letter from each relevant supplier setting out their requirements.

Proposed water pipes, waste pipes, stack work, duct work, mechanical ventilation plant and the like must be located within the building unless expressly shown upon the approved DA plans. Details confirming compliance with this condition must be shown on the Construction Certificate plans and/or detailed within the Construction Certificate specifications. Required external vents or vent pipes on the roof or above the eaves must be shown on the Construction Certificate plans.

**Note:** The intent of this condition is that the design quality of the development must not be compromised by cables, pipes, conduits, ducts, plant, equipment, electricity substations or the like placed such that they are visible from any adjoining public place. They must be contained within the building unless shown otherwise by the approved development consent plans.

The Construction Certificate plans and specifications, required to be submitted to the Certifying Authority pursuant to clause 139 of the Regulation, must detail the replacement of all private sewer pipes between all sanitary fixtures and Sydney Waters sewer main where they are not found by inspection to be UPVC or copper with continuously welded joints.

**Note:** This condition has been imposed to ensure that where private sewer pipes are old, may leak or may be subject to root invasion (whether from existing or proposed private or public landscaping) that existing cast iron, concrete, earthenware or terracotta pipes be replaced with new UPVC or copper continuously welded pipes between all sanitary fixtures and Sydney Waters sewer main, such that clause 25(1) of WLEP 1995 be satisfied. Further, leaking sewer pipes are a potential source of water pollution, unsafe and unhealthy conditions which must be remedied in the public interest  
Standard Condition: C20

### **C.17 Parking Facilities**

The Construction Certificate plans and specifications required by clause 139 of the Regulation, must include detailed plans and specifications for any bicycle, car and commercial vehicle parking demonstrating compliance with AS2890.3: 1993 Parking Facilities - Bicycle Parking Facilities, ASINZS 2890.1 :2004 : Parking Facilities – Off Street Car Parking and AS 2890.2:2002 - Off-Street Parking: Commercial Vehicle Facilities respectively.

Access levels and grades must comply with access levels and grade required by Council under the Roads Act 1993.

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

Standard Condition: C45

### E.7 Hours of Work –Amenity of the neighbourhood

- a) No *work* must take place on any Sunday or public holiday,
- b) No *work* must take place before 7am or after 5pm any weekday,
- c) No *work* must take place before 7am or after 1pm any Saturday,
- d) The following *work* **must not** take place before 9am or after 4pm any weekday, or before 9am or after 1pm any Saturday or at any time on a Sunday or public holiday;
  - i) Piling;
  - ii) Piering;
  - iii) Rock or concrete cutting, boring or drilling;
  - iv) Rock breaking;
  - v) Rock sawing; or
  - vi) Jack hammering;
- 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.

Item d) of this condition does not prevent the works referred to in that item from commencing from 8am in respect to the construction of the New South Head Road building.

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

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

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

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

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

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

### E.25 Filling of site

To the extent that this consent permits filling of the site such fill is to consist of either virgin excavated natural material (“VENM”) or soil redistributed from the subject site which is of a suitable standard as required by the site auditor.

VENM means “Virgin excavated natural material (such as clay, gravel, sand, soil and rock) that is not mixed with any other type of waste and which has been excavated from areas of land that are not contaminated with human-made chemicals as a result of industrial, commercial, mining or agricultural activities and which do not contain sulphidic ores or soils.”

**Note:** This definition is the same as in Schedule 1 of the Protection of the Environment Operations Act 1997, Appendix IX: Types of waste.

**Note:** Sulphidic ores and soils are commonly known as Acid Sulphate Soils.

**Note:** If a person transports waste to a place (the site) that cannot lawfully be used as a waste facility for that waste: (a) the person, and, (b) if the person is not the owner of the waste, the owner, are each guilty of an offence under section 143 of the Protection of the Environment Operations Act 1997.

**Note:** A person who is the owner or occupier (principal contractor) of any land that cannot lawfully be used as a waste facility and who permits the land to be used as a waste facility is guilty of an offence under section 144 of the Protection of the Environment Operations Act 1997.

**Note:** Additional information is available from the following websites:

Illegal waste dumping - <http://www.epa.nsw.gov.au/waste/dumping.htm>

Is that fill legal? <http://www.epa.nsw.gov.au/resources/012648web.epa%20fill.dl%20bro.pdf>

Standard Condition: E18

## **F.20 Acoustic treatment – vehicle ramp between carparking levels**

The ramp between the carparking levels being designed to satisfy the Double Bay Centre Development Control Plan, A2.5.3, C11. For this purpose the ceiling adjacent to the opening of the upper car park deck area is to be provided with an appropriately selected and effective fire resistant, sound absorbing facing (an approved acoustical spray, or modular acoustical panels/tiles) to provide an effective reduction of the reverberant characteristics of that area.

## **F.22 Electronic vacant car parking space identification**

The carpark is to be equipped with an effective electronic vacant car space identification system through which a driver may more rapidly find an empty car space to minimise the need to circle around the carpark to find where they can park. Such a system may consist of:

A car space counting system that captures the following information:

- Cars entering and exiting at each external access point
- Cars entering and exiting the secured long stay parking on the roof top level, and
- Cars travelling up and down the ramp

Dynamic signage being provided at each entry to advise the driver of an entering vehicle the number of spaces available on each parking level. Static signage indicating the route from the entry to the roof top level parking is to supplement this signage.

**F.34 Intersection treatment – Kiaora Road/ car park and loading dock entrances**

The applicant is to pay all costs associated with the design and installation of an “intersection” treatment on Kiaora Road, at the proposed car park and loading dock entrances utilising line marking in Kiaora Road. The treatment is to include a right turn lane for southbound vehicles on Kiaora Road to allow them to turn into the car park and to allow heavy vehicles to turn into the loading dock. The treatment is to include a marked pedestrian crossing across the car park and loading dock driveway, with concrete pedestrian refuges between the entrance to the car park/ exit to the car park and the exit to the car park/ entrance to the loading dock. Appropriate linemarking will need to be installed to accommodate the two left turning lanes from the Kiaora Road exit. This may require the removal of parking on the eastern side of Kiaora Road. The design of the intersection treatment is to be undertaken in consultation with the community and submitted and approved by the Woollahra Local Traffic Committee and Council. The installation of the intersection treatment is to be completed prior to the issue of the occupation certificate.

This condition is imposed with regard to traffic related impacts of the proposed development.

**F.37 Installation of dynamic/ live smart signage**

The applicant is to install dynamic/ live smart signage which indicates when the car park is full. These dynamic/ live smart signs are to be installed at the two proposed car park entrances. Details are to be submitted for approval by Council’s Technical Services Division.

This condition is imposed with regard to traffic related impacts of the proposed development.

**F.40 Street lighting**

The applicant is to upgrade the street lighting in Kiaora Lane, Kiaora Road, Patterson Street and Anderson Street, adjacent to the site, to the Australian Standard 1158. The lighting is to be upgraded prior to the issue of the occupation certificate. Details of lighting are to be submitted for approval by Council’s Technical Services Division.

**The following additional advisings****K.28 Details of ecologically sustainable measures**

Specific details of the ecologically sustainable development measures alluded to in the Statement of Environmental Effects prepared by TPG and dated September 2012, part 2.2.1 under the heading *Justification*, 6<sup>th</sup> dot point (e.g. photovoltaic cells on the roof of the travelator lobby) are to be submitted for approval prior to installation. This may require either the submission of a further modification application under section 96 of the Environmental Planning and Assessment Act 1979 or a new development application.

**K.29 Building design/road traffic noise**

The applicant is advised that durable materials should be incorporated into the design of the New South Head Road building to mitigate the impacts of road traffic noise from New South Head Road on future users of the development.

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

***For the Recommendation******Against the Recommendation***

Councillor Boskovitz  
 Councillor Elsing  
 Councillor Kirillova  
 Councillor Levenston  
 Councillor Marano  
 Councillor Robertson  
 Councillor Zeltzer

Nil

7/0

**R2 DA166/2012 part 2 - 15 Burrabirra Avenue, Vaucluse - Section 96 Application – Proposed modification deletion of Condition Nos. C.1(a) & (c) & modifications to the design of the pergola/privacy screen structure – 25/9/2012**

**Note:** The Mayor Councillor Petrie declared a Non-Significant, Non-Pecuniary Interest in this Item, as Chris Howe is an ex Woollahra Liberal Councillor and the Applicant to this matter. Councillor Petrie does not believe it would affect his vote.

**Note:** Councillor Boskovitz declared a Non-Significant, Non-Pecuniary Interest in this Item, as Chris Howe is an ex Woollahra Liberal Councillor and the Applicant to this matter. Councillor Boskovitz does not believe it would affect his vote.

**Note:** In accordance with Council's meeting procedures and policy this matter is called to full Council by Councillor Susan Wynne for the reason that the DA was only submitted to address privacy concerns following the removal of previous conditions to the neighbouring property through a section 96. The neighbouring DA had a long history and was part of a site visit with last Council due to the fact that councillors had concerns about privacy for the current application.

**Note:** Late correspondence was tabled by Chris Howe.

**(Levenston/Marano)**

THAT the Council, defer Development Application No. 166/2012 part 2 for the erection of a pergola/privacy screen ancillary structure on land at 15 Burrabirra Avenue, Vaucluse, at the Applicants request.