

**MINUTES OF THE HEALTH, BUILDING AND PLANNING COMMITTEE
MEETING OF THE COUNCIL OF THE CITY OF RANDWICK
HELD ON TUESDAY, 12TH FEBRUARY, 2002 AT 6:50 P.M.**

PRESENT:

His Worship the Mayor, Cr D. Sullivan (North Ward)

Councillor M. Daley (South Ward) (Chairperson)

North Ward	-	Crs J. Greenwood and P. Tracey
South Ward	-	Cr A. White
East Ward	-	Crs F. Backes, B. Notley-Smith and M. Matson
West Ward	-	Crs P. Schick, M. Whitehead and J. Procopiadis
Central Ward	-	Crs C. Bastic, T. Seng and A. Andrews (Deputy Chairperson)

OFFICERS PRESENT:

General Manager	Mr. G. Messiter.
Director Assets & Infrastructure Services	Mr. M. Savage.
Director Governance Management & Information Services	Mr. M. Hummerston.
Manager Environmental Planning	Ms. S. Truuvert.
Assistant Public Officer	Mr. D. Kelly.
Communications Manager	Ms. S. Malouf.
Team Leader, Major Developments and Assessments	Mr. K. Kyriacou.

1. APOLOGY.

An apology was received from Cr Matthews.

RESOLVED: (His Worship the Mayor, Cr D. Sullivan/Andrews) that the apology be received and accepted and leave of absence be granted to Cr Matthews from the Health, Building and Planning Committee Meeting of the Council held on Tuesday, 12th February, 2002.

The Meeting was adjourned at 6.51 p.m. and reconvened at 7.31 p.m.

2. MINUTES.

CONFIRMATION OF THE MINUTES OF THE HEALTH, BUILDING AND PLANNING COMMITTEE MEETING HELD ON TUESDAY, 4TH DECEMBER, 2001.

H1 **RESOLUTION:** (*Procopiadis/Schick*) that the Minutes of the Meeting of the Health, Building and Planning Committee held on Tuesday, 4th December, 2001 (copies of which were circulated to all Councillors) be and are hereby confirmed as a correct record of the proceedings of that meeting.

RESOLVED: (White/Tracey) that the meeting be adjourned at 7.32 p.m. and be further adjourned at 8.43 p.m.

3. ADDRESSES TO THE COMMITTEE BY THE PUBLIC.

Prior to consideration of the Agenda by the Committee, the following deputations were received in respect of the following matters:

5.1 12 POWELL STREET, COOGEE.

The Applicant Mr Brett McKechnie 12 Powell Street, Coogee.

5.2 16 BARRY STREET, CLOVELLY.

The Applicant Mr Tony Moody Ground Floor, 86 Bay Street, Broadway.

5.3 72A BEACH STREET, COOGEE.

The Applicant Mr Gordon Cumming 519 Gardeners Road, Mascot.

5.4 24 INMAN STREET, MAROUBRA.

The Objector Mr Richard Bobbitt 26 Inman Street, Maroubra.

5.5 15 WILLIS STREET, KINGSFORD.

The Objector Mr Tony Hall 5 Norton Street, Kingsford.

The Applicant Mr Mark Gerstl 15 Willis Street, Kingsford.

5.6 6-8 ADDISON ST, KENSINGTON.

The Applicant Mr Stuart Gelder 19-23 Bridge Street, Pymble.

5.7 7 LEONARD AVENUE, KINGSFORD.

The Applicant Mr Anthony Mindick 7 Leonard Avenue, Kingsford.

5.9 8-10 GROSVENOR STREET, KENSINGTON.

The Objector Mr Sean Gillen 6 Grosvenor Street, Kensington.

The Applicant Mr Anthony Betros Suite 8, 97-103 Anzac Parade,
Kensington.

The meeting was resumed at 9.17 p.m.

4. MAYORAL MINUTES.

4.1 MAYORAL MINUTE 3/2002 - COMMISSION OF INQUIRY PROPOSED HEXACHLOROBENZENE WASTE DESTRUCTION FACILITY, ORICA, BOTANY. (98/S/0697)

H2 **RESOLUTION:** *(His Worship the Mayor, Cr D. Sullivan)* that Council's submission to the Commission of Inquiry for the proposed Hexachlorobenzene waste destruction facility at Orica, Botany, be endorsed.

MOTION: *(His Worship the Mayor, Cr D. Sullivan)* SEE RESOLUTION.

4.2 MAYORAL MINUTE 4/2002 - CLOVELLY BAY - BLUE GROPER INCIDENT. (98/S/1385)

H3 **RESOLUTION:** *(His Worship the Mayor, Cr D. Sullivan/Notley-Smith)* that:

- a) *The actions outlined in the Mayor's Minute No. 4/2002 arising from the Blue Groper incident in Clovelly Bay be endorsed by Council; and*
- b) *Council write to the Minister for the Department of Land and Water Conversation requesting that the assessment of Clovelly Bay Plan of Management be expedited.*

MOTION: *(His Worship the Mayor, Cr D. Sullivan/Notley-Smith)* SEE RESOLUTION.

5. DEVELOPMENT APPLICATIONS.

5.1 DEVELOPMENT APPLICATION REPORT - 12 POWELL STREET, COOGEE. (D/0109/2001)

H4 **RESOLUTION:** *(Backes/White)* that Council as the responsible authority grant its consent under Section 80 and 80A of the Environmental Planning and Assessment Act 1979 (as amended) to Development Application No. D/0109/2001 "A" for Section 96 modification to amend Condition No. 22 requiring the rear garage to be setback 1m from laneway at No. 12 Powell Street, Coogee as follows:-

- ! *Condition No. 22 – "Prior to the issuing of a construction certificate, the submitted plans are to be amended to show the garage setback a minimum of 500mm from the rear property boundary.*

MOTION: *(Backes/White)* SEE RESOLUTION.

5.2 DEVELOPMENT APPLICATION REPORT - 16 BARRY STREET, CLOVELLY. (D/0873/2001)

H5 **RESOLUTION:** *(His Worship the Mayor, Cr D. Sullivan/Bastic)* that:

A. *Council as the responsible authority grant its development consent under Section 80 and 80A of the Environmental Planning and Assessment Act 1979 (as amended) to Development Application No 873/2001 for Alterations, ground and first floor additions to the existing dwelling house - Heritage Item at 16 Barry Street, Clovelly subject to the following conditions:-*

1. *The development must be implemented substantially in accordance with the*

plans with Drawing Nos.DA08A to DA11A dated 20 December 2001 and received by Council on 28 December 2001, the application form and on any supporting information received with the application, except as may be amended by the following conditions:

The following conditions are applied to satisfy the provisions of section 79C of the Environmental Planning and Assessment Act 1979 and to maintain reasonable levels of environmental amenity:

- 2. The wall height of the proposed rear ground floor extension on the northern boundary with No. 14 Barry Street shall not exceed an average of 2.1m above the adjacent ground level of No. 14 for the length of the construction along that boundary. Details of compliance are to be provided in the construction certificate plans.*
- 3. The north facing windows to the first floor attic study room are to be of a hopper type, with a maximum outward deflection angle of 45 degrees. Details of compliance are to be provided in the construction certificate plans.*
- 4. Existing internal woodwork to the front section of the dwelling, including skirtings, architraves and picture rails, should be reused as much as possible, and only replaced as necessary.*
- 5. The proposed living area is to incorporate either a beam or nib walls as evidence of the original layout of the dwelling, and to assist in retaining clear distinctions between existing ceilings.*
- 6. The existing front verandah should if possible, be reduced in size by modifying existing fabric, rather than being totally rebuilt in new materials. Original materials are to be reused where possible and the Construction Certificate drawings are to indicate the extent to which original materials are to be reused.*
- 7. The colours, materials and finishes of the external surfaces to the building are to be compatible with the existing building/existing buildings in the heritage conservation area. Details of the proposed colours, materials and textures (ie- a schedule and brochure/s or sample board) are to be submitted to and approved by Council's Director of Planning and Environment, in accordance with Section 80A (2) of the Environmental Planning and Assessment Act 1979 prior to a construction certificate being issued for the development.*
- 8. Details of the proposed paint scheme are to be submitted to and approved by Council's Director of Planning and Environment, in accordance with Section 80A (2) of the Environmental Planning and Assessment Act 1979 prior to a construction certificate being issued for the development. Unpainted surfaces, eg- brickwork/stonework are to remain unpainted.*
- 9. The consumption of water within the building shall be minimised by the use of triple A rated water efficient plumbing fixtures (taps and shower roses) and water efficient dual flush toilets. Details of compliance are to be provided in the construction certificate plans or specifications.*

10. *All plumbing and drainage pipes, other than rain water heads, gutters and downpipes, must be concealed within the building.*
11. *Street numbering must be provided to the premises in a prominent position, to the satisfaction of Council.*
12. *There must be no encroachment of any part of the structure/s onto the adjoining premises or onto Council's road reserve, footway or public place.*
13. *Where access is required to adjoining premises for construction purposes, the written consent of the owner/s of the subject adjoining premises must be provided to the satisfaction of the Principal Certifying Authority, prior to carrying out any construction works from or upon the adjoining premises.*

The following group of conditions have been applied to ensure that adequate drainage is provided from the premises and to maintain adequate levels of health and amenity in the locality:

14. *Surface water/stormwater must be drained and discharged to the street gutter or suitably designed absorption pit and details are to be included in the **construction certificate details** for the development.*

Absorption pits or soaker wells must be located not less than 3m from any adjoining premises and the stormwater must not be directed to any adjoining premises or cause a nuisance.

Details of any works proposed to be carried out in or on a public road/footway are to be submitted to and approved by Council's Director of Planning and Environment prior to commencement of works.

The following conditions are applied to ensure that the development satisfies the provisions of the Environmental Planning and Assessment Act 1979 and Regulations:

15. *All new building work must be carried out in accordance with the provisions of the Building Code of Australia (BCA), in accordance with Clause 98 of the Environmental Planning and Assessment Regulation 2000.*
16. *In accordance with clause 98 of the Environmental Planning and Assessment Regulation 2000, it is a prescribed condition, that in the case of residential building work, a contract of insurance must be obtained and in force, in accordance with the requirements of the Home Building Act 1989.*

Where the work is to be done by a licensed contractor, excavation or building work must not be carried out unless the Principal Certifying Authority (PCA):

- ! *has been informed in writing of the licensee's name and contractor number; and*
- ! *is satisfied that the licensee has complied with the insurance requirements of Part 6 of the Home Building Act 1989, or*

Where the work to be done by any other person (i.e. an owner builder), excavation or

building work must not be carried out unless the Principal Certifying Authority:

- ! has been informed of the person's name and owner-builder permit number, or*
- ! has been given a declaration, signed by the owner of the land that states that the market cost of the labour and materials involved in the work does not exceed \$3,000.*

Details of the builder and compliance with the provisions of the Home Building Act 1989 are to be submitted to Council prior to the commencement of works, on the notice of appointment of the PCA / Intention to commence building work.

The following group of conditions have been applied to ensure the structural adequacy and integrity of the proposed building and adjacent premises:

- 17. A Certificate of Adequacy supplied by a professional engineer shall be submitted to the certifying authority (and the Council, if the Council is not the certifying authority) **prior to a construction certificate being issued** for the development, certifying the structural adequacy of the existing structure to support the additional storey.*

The following conditions are applied to ensure that the development satisfies relevant standards of construction, and to maintain adequate levels of health, safety and amenity during construction:

- 18. All demolition work is to be carried out in accordance with the provisions of AS2601-1991. The Demolition of Structures, as in force at 1 July, 1993.*
- 19. Prior to the commencement of any building works, a construction certificate must be obtained from the Council or an accredited certifier, in accordance with the provisions of the Environmental Planning & Assessment Act 1979 and Environmental Planning & Assessment Regulation 2000.*
- 20. Prior to the commencement of any building work, a principal certifying authority must be appointed and Council is to be notified accordingly and, at least 2 days notice of the intention to commence building work must be given to Council, in accordance with the provisions of the Environmental Planning & Assessment Act 1979 and Environmental Planning & Assessment Regulation 2000.*
- 21. A copy of the construction certificate, the approved plans & specifications and envelopment consent conditions must be kept on the site at all times and be available to the Council officers upon request.*
- 22. The building works are to be inspected by the principal certifying authority (or other suitably qualified person on behalf of the applicant) to monitor compliance with Council's approval and the relevant standards of construction.*

Documentary evidence of compliance with Council's approval and relevant building inspections, is to be maintained by the principal certifying authority.

- 23. Retaining walls or shoring must be provided to support land which is*

excavated in association with the erection or demolition of a building, to prevent the movement of soil and to support the adjacent land, if the soil conditions require it, and adequate provisions are to be made for drainage.

Retaining walls and shoring are to be designed and installed in accordance with the relevant requirements of the Building Code of Australia and Australian Standards and details of any proposed retaining walls are to be submitted to the Principal Certifying Authority for consideration prior to installation.

24. *If an excavation associated with the erection or demolition of a building extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation must:*

- ! preserve and protect the building /s on the adjoining land from damage; and*
- ! if necessary, underpin and support the building in an approved manner; and*
- ! at least seven (7) days before excavating below the level of the base of the footings of a building on an adjoining allotment of land (including a public road or public place), give notice of the intention to do so to the owner of the adjoining land. Particulars of the excavation are to be provided to the owner of the adjoining land and also the owner of the land where the building is being erected or demolished.*

25. *A Registered Surveyor's check survey certificate or compliance certificate is to be forwarded to the principal certifying authority (and a copy is to be forwarded to the Council, if the Council is not the principal certifying authority), detailing compliance with Council's approval at the **following stage/s of construction:***

- (a) Prior to construction of the first completed floor/floor slab (prior to pouring of concrete), showing the area of land, building and boundary setbacks and verifying that the building is being constructed at the approved levels.*
- (b) On completion of the erection of the building showing the area of the land, the position of the building and boundary setbacks and verifying the building has been constructed at the approved levels.*

26. *Building and demolition works must only be carried out between the hours of 7.00am to 5.00pm on Monday to Friday inclusive, between 8.00am to 5.00pm on Saturdays and all building activities are strictly prohibited on Sundays and public holidays, except with the specific written authorisation of Council's Manager of Environmental Health and Building Services.*

27. *A sign must be erected on the site in a prominent, visible position, prior to commencing any demolition, excavation or building works, stating that 'unauthorised entry to the site is prohibited' and showing the name of the person in charge of the work site and a telephone number at which the person may be contacted outside working hours.*

In the case of residential building work, the sign is also required to detail the licence

number of the building contractor or the permit number of the owner-builder, in accordance with the Home Building Act 1989 and Regulations

28. *Noise emissions during the construction of the building and associated site works must comply with the relevant provisions of the Protection of the Environment Operations Act 1997 & the Noise Control Manual published by the Environment Protection Authority, except as may be amended by the conditions of this approval.*
29. *Building materials, sand, soil, waste materials or construction equipment must not be placed upon the footpath, roadway or nature strip at any time and the footpath, nature strip and road must be maintained in a clean condition and free from any obstructions at all times.*
30. *Bulk bins/waste containers must not be located upon the footpath, roadway or nature strip at any time without the prior written consent of the Council, unless the waste container is located upon the road in accordance with the Roads & Traffic Authority Guidelines and Requirements, and the container is exempt from an approval under Council's Local Approvals Policy.*
31. *Any building/demolition works involving asbestos cement are to be carried out in accordance with the Work Cover New South Wales "Guidelines for Practices Involving Asbestos Cement in Buildings".*
32. *During construction stages, sediment laden stormwater run-off shall be controlled using the sediment control measures outlined in the manual for Managing Urban Stormwater – Soils and Construction, published by the NSW Department of Housing*

Details of the proposed sediment control measures must be submitted to and approved by the principal certifying authority prior to the commencement of any site works. The sediment and erosion control measures must be implemented prior to the commencement of any site works and a copy of the approved details must be made available to Council officers upon request.

Details of proposed sediment and erosion control measures shall include; a site plan; indicating the slope of land, access points & access control measures, location and type of sediment & erosion controls, location of existing vegetation to be retained, location of material stockpiles and storage areas, location of building operations and equipment.

33. *Public access to the site and building works, materials and equipment on the site is to be restricted, when work is not in progress or the site is unoccupied.*

A temporary safety fence is to be provided to protect the public, located to the perimeter of the site (unless the site is separated from the adjoining land by an existing structurally adequate fence, having a minimum height of 1.5 metres). Temporary fences are to have a minimum height of 1.8 metres and be constructed of cyclone wire fencing with geotextile fabric attached to the inside of the fence to provide dust control, or other material approved by Council.

Hoarding or fences are to be structurally adequate and be constructed in a good and

workmanlike manner and the use of poor quality materials or steel reinforcement mesh as fencing is not permissible.

The public safety provisions and temporary fences must be in place prior to the commencement of any demolition, excavation or building works and be maintained throughout construction.

The following conditions are applied to ensure that reasonable levels of fire safety are provided in the building:

34. *Smoke alarms are required to be installed in each Class 1 building or dwelling in accordance with the relevant provisions of Part 3.7.2 of the B.C.A. – Housing Provisions.*

Smoke alarms must comply with AS3786 – Smoke alarms and be connected to the consumer mains electric power supply and provided with a battery back-up.

The smoke alarms are to be installed in suitable locations on or near the ceiling, in any storey containing bedrooms; located between each part of the dwelling containing the bedrooms and the remainder of the dwelling, or where bedrooms are served by a hallway, the smoke alarms are to be located in that hallway; and smoke alarms are to be installed in any other storey not containing bedrooms, to the satisfaction of the certifying authority.

Smoke alarms are not to be located in ‘dead-air-spaces’, in the corner junction of walls and ceilings between exposed rafters/joists or at the apex of raked ceilings, as detailed in Part 3.7.2 of the B.C.A. – Housing Provisions.

*Details of compliance with the provisions of the Building Code of Australia must be included in the plans / specification for the **construction certificate**.*

MOTION: (Notley-Smith/Seng) that a development consent be granted subject to the conditions detailed in Council’s report with an additional condition that the Northern Wall be brought back to a 900mm setback. **LOST.**

MOTION: (His Worship the Mayor, Cr D. Sullivan/Bastic) SEE RESOLUTION.

5.3 DEVELOPMENT APPLICATION REPORT - 72A BEACH STREET, COOGEE. (D/1133/2001)

H6 **RESOLUTION: (Backes/Andrews)** that Council as the consent authority, grant development consent under Section 80 and 80A of the Environmental Planning and Assessment Act 1979 (as amended) to Development Application No.1133/2001 for permission to construct a new carport to the front of the existing dwelling at 72A Beach Street, Coogee, subject to the following conditions:-

REFERENCED PLANS:

1. *The development must be implemented substantially in accordance with the plans numbered 01881-1 & 01881-2, dated 30/08/01 and received by Council on 29 November 2001., the application form and on any supporting information received*

with the application, except as may be amended by the following conditions and as may be shown in red on the attached plans:

ENVIRONMENTAL AMENITY:

The following conditions are applied to satisfy the provisions of section 79C of the Environmental Planning and Assessment Act 1979 and to maintain reasonable levels of environmental amenity:

2. *The width of the carport be reduced from 4 metres to 3 metres.*
3. *The colours, materials and finishes of the external surfaces to the building are to be compatible with the existing building and adjacent development to maintain the integrity and amenity of the building and the street scape, to the satisfaction of Council's Director of Planning and Environment.*
4. *Where access is required to adjoining premises for construction purposes, the written consent of the owner/s of the subject adjoining premises must be provided to the satisfaction of the Principal Certifying Authority, prior to carrying out any construction works from or upon the adjoining premises.*

DRAINAGE:

The following group of conditions have been applied to ensure that adequate drainage is provided from the premises and to maintain adequate levels of health and amenity in the locality:

5. *Surface water/stormwater must be drained and discharged to the street gutter or suitably designed absorption pit and details are to be included in the **construction certificate details** for the development.*

Absorption pits or soaker wells must be located not less than 3m from any adjoining premises and the stormwater must not be directed to any adjoining premises or cause a nuisance.

*Details of any works proposed to be carried out in or on a public road/footway are to be submitted to and approved by Council's Director of Planning and Environment **prior to commencement of works.***

PRESCRIBED CONDITIONS & FIRE SAFETY:

The following conditions are applied to ensure that the development satisfies the provisions of the Environmental Planning and Assessment Act 1979 and Regulations:

6. *All new building work must be carried out in accordance with the provisions of the Building Code of Australia (BCA), in accordance with Clause 98 of the Environmental Planning and Assessment Regulation 2000.*
7. *In accordance with clause 98 of the Environmental Planning and Assessment Regulation 2000, it is a prescribed condition, that in the case of residential building work, a contract of insurance must be obtained and in force, in accordance with the requirements of the Home Building Act 1989.*

Where the work is to be done by a licensed contractor, excavation or building work must not be carried out unless the Principal Certifying Authority (PCA):

- ! has been informed in writing of the licensee's name and contractor number; and*
- ! is satisfied that the licensee has complied with the insurance requirements of Part 6 of the Home Building Act 1989, or*

Where the work to be done by any other person (i.e. an owner builder), excavation or building work must not be carried out unless the Principal Certifying Authority:

- ! has been informed of the person's name and owner-builder permit number, or*
- ! has been given a declaration, signed by the owner of the land that states that the market cost of the labour and materials involved in the work does not exceed \$3,000.*

Details of the builder and compliance with the provisions of the Home Building Act 1989 are to be submitted to Council prior to the commencement of works, on the notice of appointment of the PCA / Intention to commence building work.

CONSTRUCTION MANAGEMENT:

The following conditions are applied to ensure that the development satisfies relevant standards of construction, and to maintain adequate levels of health, safety and amenity during construction:

- 8. A copy of the construction certificate, the approved plans & specifications and development consent conditions must be kept on the site at all times and be available to the Council officers upon request.*
- 9. The building works are to be inspected by the principal certifying authority (or other suitably qualified person on behalf of the applicant) to monitor compliance with Council's approval and the relevant standards of construction.*

Documentary evidence of compliance with Council's approval and relevant building inspections, is to be maintained by the principal certifying authority.

- 10. Prior to the commencement of any building works, a construction certificate must be obtained from the Council or an accredited certifier, in accordance with the provisions of the Environmental Planning & Assessment Act 1979 and Environmental Planning & Assessment Regulation 2000.*
- 11. Prior to the commencement of any building work, a principal certifying authority must be appointed and Council is to be notified accordingly and, at least 2 days notice of the intention to commence building work must be given to Council, in accordance with the provisions of the Environmental Planning & Assessment Act 1979 and Environmental Planning & Assessment Regulation 2000.*
- 12. Building and demolition works must only be carried out between the hours of 7.00am to 5.00pm on Monday to Friday inclusive, between 8.00am to 5.00pm on Saturdays and all building activities are strictly prohibited on Sundays and public holidays,*

except with the specific written authorisation of Council's Manager of Environmental Health and Building Services.

13. *Noise emissions during the construction of the building and associated site works must comply with the relevant provisions of the Protection of the Environment Operations Act 1997 & the Noise Control Manual published by the Environment Protection Authority, except as may be amended by the conditions of this approval.*
14. *Building materials, sand, soil, waste materials or construction equipment must not be placed upon the footpath, roadway or nature strip at any time and the footpath, nature strip and road must be maintained in a clean condition and free from any obstructions at all times.*
15. *Bulk bins/waste containers must not be located upon the footpath, roadway or nature strip at any time without the prior written consent of the Council, unless the waste container is located upon the road in accordance with the Roads & Traffic Authority Guidelines and Requirements, and the container is exempt from an approval under Council's Local Approvals Policy.*
16. *During construction stages, sediment laden stormwater run-off shall be controlled using the sediment control measures outlined in the manual for Managing Urban Stormwater – Soils and Construction, published by the NSW Department of Housing.*
17. *Stockpiles of soil, sand, aggregate or other materials must not be located on any drainage line, natural watercourse, footpath, roadway or any public place and the stockpiles must be protected with adequate sediment control measures.*

Building operations such as brick cutting, washing tools or equipment and mixing mortar are not permitted on public footpaths, roadways, in any public place or any location which may lead to the discharge of materials into the stormwater drainage system.

MOTION: (Backes/Andrews) SEE RESOLUTION.

5.4 DEVELOPMENT APPLICATION REPORT - 24 INMAN STREET, MAROUBRA. (D/0738/2001)

- H7 **RESOLUTION:** *(Bastic/Andrews) that this application be deferred for mediation, with advice as to whether or not the parties are prepared to enter into mediation to come before the Ordinary Council Meeting on 26th February, 2002.*

MOTION: (Bastic/Andrews) SEE RESOLUTION.

5.5 DEVELOPMENT APPLICATION REPORT - 15 WILLIS STREET, KINGSFORD. (D/1037/2001)

- H8 **RESOLUTION:** *(Andrews/Schick) that:*

- A. *Council as the responsible authority refuse development consent under Section 80 of the Environmental Planning and Assessment Act 1979 (as amended) to Development Application No. 1037/2001 for Alterations and additions including first floor additions to the existing dwelling house for the use as a child care centre at 15 Willis*

Street, Kingsford for the following reasons:-

1. *The proposal does not comply with the 0.5:1 floor space ratio limitation applying under Clause 32(1) of Randwick Local Environmental Plan 1998.*
2. *The proposal does not comply with the 7m external wall height limitation applying under Clause 33(3) of Randwick Local Environmental Plan 1998.*
3. *An objection pursuant to State Environmental Planning Policy No. 1 was not lodged with the application in respect to the departures identified in 1 and 2 above.*
4. *The proposal makes inadequate provisions for on-site car parking drop off/pick up and does not comply with the provisions of Randwick Development Control Plan – Parking.*
5. *The proposal will adversely affect the amenity of the neighbouring residential properties by way of noise impacts.*
6. *The proposal will adversely affect the appearance and residential character of the streetscape due to the proposed siting and design of the first floor addition at the front of the existing building.*
7. *The proposal fails to satisfy the relevant preferred solution to setback first floor additions to semis and the corresponding performance requirements to integrate additions with the existing building and the surrounding streetscape as required by the Development Control plan – Dwelling Houses and Attached Dual Occupancies.*
8. *The proposal will create an undesirable precedent and is not in the public interest.*
9. *The proposal is inconsistent with the aims of Randwick Local Environmental Plan 1998 as identified under Clause 2 of the LEP, and the objectives for development in the Residential 2A zone as identified under Clause 10(1) of the LEP.*

MOTION: (Andrews/Schick) SEE RESOLUTION.

5.6 DEVELOPMENT APPLICATION REPORT - 6-8 ADDISON ST, KENSINGTON. (D/0425/2001)

H9 RESOLUTION: (Andrews/Schick) that:

- A. *Council as the responsible authority refuse its consent under Section 96 of the Environmental Planning and Assessment Act 1979 (as amended) to vary condition 2 and delete condition 3 to allow for the addition of lofts within the roof space to units 9, 10, 11 & 12 of the multi-unit housing development approved pursuant to Development Consent No. 425 of 2001 on the following grounds:-*
 1. *The proposal exceeds the floor space ratio development standard applicable to the site under the Randwick Local Environmental Plan, and the applicant*

has not demonstrated that the development standard is unreasonable or unnecessary in this particular case.

2. *The proposal is likely to result in a development density and site population that is contrary to reasonable expectations having regard to the planning controls and will result in increased impacts on the amenity of adjoining properties.*
 3. *The proposal fails to provide adequate on-site parking having regard to the requirements of the Development Control Plan for Parking.*
 4. *The proposal would lower the level of amenity for future occupants of the units due to the reduction in floor to ceiling heights.*
- B. *The applicant be advised for the purpose of clarification that the development approval pursuant to the Notice of Determination issued on 25 October 2001 is for erection of a three storey multi-unit building, containing 12 units, plus basement parking (as per the approved plans) and does not include strata subdivision.*

Note: This advice clarifies aspects of p.1 of the Notice of Determination, which may be ambiguous.

MOTION: (Andrews/Schick) SEE RESOLUTION.

**5.7 DEVELOPMENT APPLICATION REPORT - 7 LEONARD AVENUE.
(D/1028/2001)**

(Cr Schick declared a non-pecuniary interest in this item as he is a neighbour of the subject property and left the Chambers, taking no part in discussion of, and voting thereon.)

H10 **RESOLUTION: (Procopiadis/Bastic) that:**

- A. *Council as the responsible authority grant its development consent under Section 80 and 80A of the Environmental Planning and Assessment Act 1979 (as amended) to Development Application No 1028/2001 for Demolition of the existing rear garage and to carry out alterations, ground and first floor additions to the existing dwelling house including new double garage and a rear garden shed at 7 Leonard Avenue subject to the following conditions:-*

1. *The development must be implemented substantially in accordance with the plans with Drawing Nos.1-7 dated June 2001 and received by Council on 1 November 2001, the application form and on any supporting information received with the application, except as may be amended by the following conditions:*

The following conditions are applied to satisfy the provisions of section 79C of the Environmental Planning and Assessment Act 1979 and to maintain reasonable levels of environmental amenity:

2. *A Quantity Surveyor's Report is to be submitted to Council prior to a Construction Certificate being issued, verifying the cost of building works*

associated with the proposed development. Should the estimate exceed the cost of \$100,000.00 as indicated in the Development Application, the applicant shall pay the additional Development Application fees to Council prior to a Construction Certificate being issued

3. *The wall and ridge heights of the proposed building are to be reduced by a minimum 200mm and details of compliance are to be provided in the construction certificate plans.*
4. *The eastern wall of the pedestrian entry at the north-eastern corner of the garage is to maintain a minimum clearance of 500mm from the western edge of the adjacent window opening in the side wall of the adjoining dwelling at No.5 Leonard Avenue.*

Details demonstrating compliance are to be provided in the construction certificate plans.

5. *The colours, materials and finishes of the external surfaces to the building are to be compatible with the adjacent development to maintain the integrity and amenity of the building and the street scape.*

*Details of the proposed colours, materials and textures (i.e. a schedule and brochure/s or sample board) are to be submitted to and approved by Council's Director of Planning & Environment, in accordance with section 80A (2) of the Environmental Planning and Assessment Act 1979 **prior to commencement of any building works.***

6. *The consumption of water within the building shall be minimised by the use of triple A rated water efficient plumbing fixtures (taps and shower roses) and water efficient dual flush toilets. Details of compliance are to be provided in the construction certificate plans or specifications.*
7. *All plumbing and drainage pipes, other than rain water heads, gutters and downpipes, must be concealed within the building.*
8. *Street numbering must be provided to the premises in a prominent position, to the satisfaction of Council.*

The following group of conditions have been applied to ensure that adequate drainage is provided from the premises and to maintain adequate levels of health and amenity in the locality:

9. *Surface water/stormwater must be drained and discharged to the street gutter or suitably designed absorption pit and details are to be included in the **construction certificate details** for the development.*

Absorption pits or soaker wells must be located not less than 3m from any adjoining premises and the stormwater must not be directed to any adjoining premises or cause a nuisance.

Details of any works proposed to be carried out in or on a public road/footway are to be submitted to and approved by Council's Director of Planning and Environment

prior to commencement of works.

The following conditions are applied to ensure that the development satisfies the provisions of the Environmental Planning and Assessment Act 1979 and Regulations:

10. *All new building work must be carried out in accordance with the provisions of the Building Code of Australia (BCA), in accordance with Clause 98 of the Environmental Planning and Assessment Regulation 2000.*
11. *In accordance with clause 98 of the Environmental Planning and Assessment Regulation 2000, it is a prescribed condition, that in the case of residential building work, a contract of insurance must be obtained and in force, in accordance with the requirements of the Home Building Act 1989.*

Where the work is to be done by a licensed contractor, excavation or building work must not be carried out unless the Principal Certifying Authority (PCA):

- ! *has been informed in writing of the licensee's name and contractor number; and*
- ! *is satisfied that the licensee has complied with the insurance requirements of Part 6 of the Home Building Act 1989, or*

Where the work to be done by any other person (i.e. an owner builder), excavation or building work must not be carried out unless the Principal Certifying Authority:

- ! *has been informed of the person's name and owner-builder permit number, or*
- ! *has been given a declaration, signed by the owner of the land that states that the market cost of the labour and materials involved in the work does not exceed \$3,000.*

Details of the builder and compliance with the provisions of the Home Building Act 1989 are to be submitted to Council prior to the commencement of works, on the notice of appointment of the PCA / Intention to commence building work.

The following group of conditions have been applied to ensure the structural adequacy and integrity of the proposed building and adjacent premises:

12. *A Certificate of Adequacy supplied by a professional engineer shall be submitted to the certifying authority (and the Council, if the Council is not the certifying authority) **prior to a construction certificate being issued** for the development, certifying the structural adequacy of the existing structure to support the additional storey.*

The following conditions are applied to ensure that the development satisfies relevant standards of construction, and to maintain adequate levels of health, safety and amenity during construction:

13. *All demolition work is to be carried out in accordance with the provisions of AS2601-1991. The Demolition of Structures, as in force at 1 July, 1993.*
14. *Prior to the commencement of any building works, a construction certificate must be obtained from the Council or an accredited certifier, in accordance*

with the provisions of the Environmental Planning & Assessment Act 1979 and Environmental Planning & Assessment Regulation 2000.

15. *Prior to the commencement of any building work, a principal certifying authority must be appointed and Council is to be notified accordingly and, at least 2 days notice of the intention to commence building work must be given to Council, in accordance with the provisions of the Environmental Planning & Assessment Act 1979 and Environmental Planning & Assessment Regulation 2000.*
16. *A copy of the construction certificate, the approved plans & specifications and development consent conditions must be kept on the site at all times and be available to the Council officers upon request.*
17. *The building works are to be inspected by the principal certifying authority (or other suitably qualified person on behalf of the applicant) to monitor compliance with Council's approval and the relevant standards of construction.*

Documentary evidence of compliance with Council's approval and relevant building inspections, is to be maintained by the principal certifying authority.

18. *Building and demolition works must only be carried out between the hours of 7.00am to 5.00pm on Monday to Friday inclusive, between 8.00am to 5.00pm on Saturdays and all building activities are strictly prohibited on Sundays and public holidays, except with the specific written authorisation of Council's Manager of Environmental Health and Building Services.*
19. *A sign must be erected on the site in a prominent, visible position, prior to commencing any demolition, excavation or building works, stating that 'unauthorised entry to the site is prohibited' and showing the name of the person in charge of the work site and a telephone number at which the person may be contacted outside working hours.*

In the case of residential building work, the sign is also required to detail the licence number of the building contractor or the permit number of the owner-builder, in accordance with the Home Building Act 1989 and Regulations

20. *Noise emissions during the construction of the building and associated site works must comply with the relevant provisions of the Protection of the Environment Operations Act 1997 & the Noise Control Manual published by the Environment Protection Authority, except as may be amended by the conditions of this approval.*
21. *Building materials, sand, soil, waste materials or construction equipment must not be placed upon the footpath, roadway or nature strip at any time and the footpath, nature strip and road must be maintained in a clean condition and free from any obstructions at all times.*
22. *Bulk bins/waste containers must not be located upon the footpath, roadway or nature strip at any time without the prior written consent of the Council, unless the waste container is located upon the road in accordance with the*

Roads & Traffic Authority Guidelines and Requirements, and the container is exempt from an approval under Council's Local Approvals Policy.

23. *A Registered Surveyor's check survey certificate or compliance certificate is to be forwarded to the principal certifying authority (and a copy is to be forwarded to the Council, if the Council is not the principal certifying authority), detailing compliance with Council's approval at the following stage/s of construction:*
 - a. *Prior to construction of the first completed floor/floor slab (prior to pouring of concrete), showing the area of land, building and boundary setbacks and verifying that the building is being constructed at the approved levels.*
 - b. *On completion of the erection of the building showing the area of the land, the position of the building and boundary setbacks and verifying the building has been constructed at the approved levels.*
24. *Any building/demolition works involving asbestos cement are to be carried out in accordance with the Work Cover New South Wales "Guidelines for Practices Involving Asbestos Cement in Buildings".*
25. *During construction stages, sediment laden stormwater run-off shall be controlled using the sediment control measures outlined in the manual for Managing Urban Stormwater – Soils and Construction, published by the NSW Department of Housing*

Details of the proposed sediment control measures must be submitted to and approved by the principal certifying authority prior to the commencement of any site works. The sediment and erosion control measures must be implemented prior to the commencement of any site works and a copy of the approved details must be made available to Council officers upon request.

Details of proposed sediment and erosion control measures shall include; a site plan; indicating the slope of land, access points & access control measures, location and type of sediment & erosion controls, location of existing vegetation to be retained, location of material stockpiles and storage areas, location of building operations and equipment.

26. *Public access to the site and building works, materials and equipment on the site is to be restricted, when work is not in progress or the site is unoccupied.*

A temporary safety fence is to be provided to protect the public, located to the perimeter of the site (unless the site is separated from the adjoining land by an existing structurally adequate fence, having a minimum height of 1.5 metres). Temporary fences are to have a minimum height of 1.8 metres and be constructed of cyclone wire fencing with geotextile fabric attached to the inside of the fence to provide dust control, or other material approved by Council.

Hoarding or fences are to be structurally adequate and be constructed in a good and workmanlike manner and the use of poor quality materials or steel reinforcement mesh as fencing is not permissible.

The public safety provisions and temporary fences must be in place prior to the commencement of any demolition, excavation or building works and be maintained throughout construction.

The following conditions are applied to ensure that reasonable levels of fire safety are provided in the building:

27. *Smoke alarms are required to be installed in each Class 1 building or dwelling in accordance with the relevant provisions of Part 3.7.2 of the B.C.A. – Housing Provisions.*

Smoke alarms must comply with AS3786 – Smoke alarms and be connected to the consumer mains electric power supply and provided with a battery back-up.

The smoke alarms are to be installed in suitable locations on or near the ceiling, in any storey containing bedrooms; located between each part of the dwelling containing the bedrooms and the remainder of the dwelling, or where bedrooms are served by a hallway, the smoke alarms are to be located in that hallway; and smoke alarms are to be installed in any other storey not containing bedrooms, to the satisfaction of the certifying authority.

Smoke alarms are not to be located in ‘dead-air-spaces’, in the corner junction of walls and ceilings between exposed rafters/joists or at the apex of raked ceilings, as detailed in Part 3.7.2 of the B.C.A. – Housing Provisions.

Details of compliance with the provisions of the Building Code of Australia must be included in the plans / specification for the construction certificate.

The following conditions are applied to provide adequate provisions for access, transport and infrastructure:

28. *The applicant must meet the full cost for Council or a Council approved contractor to remove the existing vehicular crossing and to construct a new concrete vehicular crossing and layback opposite the vehicular entrance to the site.*

Note: The vehicular crossing is to be constructed a minimum distance of 2.20m from the outside edge of the trunk of the existing street tree.

29. *The applicant must meet the full cost for Council or a Council approved contractor to repair/replace any damaged sections of Council's footpath, kerb & gutter, nature strip etc which are due to building works being carried out at the above site. This includes the removal of cement slurry from Council's footpath and roadway.*
30. *The applicant shall note that all external work, carried out on Council property, shall be in accordance with Council's Policy for "Vehicular Access and Road and Drainage Works". An application for the cost of the Council civil works is to be submitted to Council at the completion of the internal building works. An application fee shall be payable to Council for the quotation of the required works. The applicant may elect to use his contractor*

for the required works, subject to Council approval, however a design and supervision fee based on the lowest quotation from Council's nominated contractor will be required to be paid prior to the commencement of any works.

The following conditions are applied to provide adequate security against damage to Council's infrastructure:

31. *The following vehicular crossing deposit requirement is to be complied with prior to a construction certificate being issued for the development, as security for Council or a Council approved subcontractor to construct the vehicular crossing.*
- a) \$700.00 - Vehicular crossing deposit

The vehicular crossing deposit may be provided by way of cash or cheque with the Council and is refundable upon the completion of the Council vehicular crossing by Council or a Council approved subcontractor.

The following conditions are applied to provide adequate provisions for future civil works in the road reserve:

32. *The Council's Department of Asset & Infrastructure Services has inspected the above site and have determined that the design alignment level at the property boundary for driveways, access ramps and pathways or the like, must match the back of the existing footpath along the full site frontage.*
33. *The design alignment levels issued by Council and their relationship to the footpath must be indicated on the building plans for the construction certificate. The design alignment level at the street boundary, as issued by the Council, must be strictly adhered to.*
34. *The above alignment levels and the site inspection by Council's Department of Asset & Infrastructure Services have been issued at a prescribed fee of \$66.00 (inclusive of GST). This amount is to be paid prior to a construction certificate being issued for the development.*

The following conditions are applied to provide adequate consideration for service authority assets:

35. *The applicant must meet the full cost for Telstra, Energy Australia, Sydney Water or Natural Gas Company to adjust/repair/relocate their services as required. The applicant must make the necessary arrangements with the service authority.*

The following conditions are applied to provide adequate provisions for landscaping and to maintain reasonable levels of environmental amenity:

36. *That part of the naturestrip upon Council's footway which is damaged during the construction of the proposed works shall be re-turfed with Kikuyu turf. Such works shall be completed at the applicants expense prior to the issue of the Occupation Certificate.*

37. *The naturestrip upon Council's footway shall be maintained by the applicant in accordance with Council guidelines. Such maintenance shall include, but not be limited to, watering, mowing, fertilising, and the removal of weeds*
38. *Permission is granted for the selective pruning of overhanging branches from the specimen of **Liquidambar styraciflua** (Liquidambar) tree located within the front yard of the adjoining property to the north. This approval does not imply any right of entry onto a neighbouring property nor does it allow pruning beyond a common boundary. However, where such measures are desirable in the best interests of correct pruning procedures, it shall be necessary for the applicant to negotiate with the tree owner. All pruning must be undertaken by a qualified Arborist, with suitable qualifications in Arboriculture and to Australian Standard AS 4373-1996 'Pruning of Amenity Trees'.*
39. *The external vehicular crossing and the internal vehicular driveway shall be constructed at a minimum distance of 2.2 metres from the outside edge of the street tree specimen of **Lophostemon confertus** (Brushbox).*
40. *In order to ensure the retention of the street tree specimen of **Lophostemon confertus** (Brushbox) located on the naturestrip in good health, the following measures are to be undertaken:*
 - a. *All detailed architectural, building, demolition, and engineering (structural, stormwater & drainage, services), documentation submitted for the construction certificate application shall show the retention of the existing tree specimen with the position of the tree trunk and full diameter of the tree canopy clearly shown on all drawings.*
 - b. *All detailed architectural, building, demolition, and engineering (structural, stormwater & drainage, services), documentation submitted for the construction certificate application shall show a minimum distance of 2.2 metres from the outside edge of the tree trunk to the nearest edge of the vehicular crossing and internal driveway.*
 - c. *All detailed architectural, building, demolition, and engineering (structural, stormwater & drainage, services) documentation submitted for the construction certificate application shall show the erection of 1.8 metre high steel mesh/chainwire fencing around the tree. This fencing shall be located to a minimum radius of 2.2 metres from the outside edge of the tree trunk exclusive of the roadway and footpath where it shall be located along the kerb line and pedestrian footpath.*

The fencing shall be installed prior to the commencement of any demolition and/or construction works and shall remain until the completion of all works.

- d. *Within this zone there is to be no storage of materials or machinery or site office/sheds, nor is cement to be mixed or chemicals spilt/disposed of in the area, no alteration in soil levels or excavations undertaken, no location of services or stockpiling of soil or rubble.*

- e. *Watering of the tree (within the fenced off area) three times a week for the duration of the period of the refundable deposit described in Point g.*
- f. *The erection of signage on the fence with the following words clearly displayed: "TREE PROTECTION ZONE", "DO NOT ENTER".*
- g. *A refundable deposit in the form of cash or cheque of \$1150.00 shall be lodged with Council prior to issue of a construction certificate for the proposed development in order to ensure the preservation of the tree in accordance with the requirements described in this condition.*

The refundable deposit is placed to ensure that the tree protection measures as described in this condition are undertaken throughout the demolition and construction period. The refundable deposit will be released at the time of issue of a final occupation certificate by the certifying authority providing the tree protection measures (including amendments to the plans) have been undertaken throughout the demolition and construction period.

Any contravention of Council's conditions relating to the tree at any time during the demolition and construction period or prior to the issue of a final occupation certificate will result in the Council claiming all of the lodged security.

ADVISORY MATTERS:

- A1. *The applicant is to advise Council in writing and/or photographs of any signs of existing damage to the Council roadway, footway, or verge prior to the commencement of any building/demolition works.*

(Cr Matson requested that his name be recorded as opposed to the resolution.)

MOTION: (Procopiadis/Bastic) SEE RESOLUTION.

**5.8 DEVELOPMENT APPLICATION REPORT - 24 LAWSON STREET.
(D/0936/2001)**

- H11 **RESOLUTION:** *(White/Bastic) that Council's Team Leader/Manager Development Assessment under delegated authority from the General Manager, as the consent authority, grant its consent under Section 96 of the Environmental Planning and Assessment Act 1979 (as amended) to amend conditions of Development Consent No. D/936/2001 to increase the height of the fence between 22 and 24 Lawson Street to 1.8m above the pool decking for 24 Lawson Street, Matrville as follows:*

Condition No. 2 is altered to read as follows

2. *The proposed side fence between numbers 22 and 24 Lawson Street along the pool area shall be no higher than 1.8m above the pool decking and must be the same colour as that already existing along the boundary. Details of compliance are to be provided in the **construction certificate plans**.*

(Cr Matson requested that his name be recorded as opposed to the resolution.)

MOTION: (White/Bastic) SEE RESOLUTION.

5.9 DEVELOPMENT APPLICATION REPORT - 8-10 GROSVENOR STREET, KENSINGTON. (D/0933/2001)

H12 **RESOLUTION:** *(His Worship the Mayor, Cr D. Sullivan/White) that this application be deferred to allow the amended plans currently before Council to be given consideration by Council Officers, with a report to be tabled at the first available meeting of Council.*

MOTION: (His Worship the Mayor, Cr D. Sullivan/White) SEE RESOLUTION.

6. GENERAL BUSINESS.

Nil.

7. NOTICE OF RESCISSION MOTIONS.

Nil.

The meeting closed at 10.04 p.m.

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CHAIRPERSON