

**MINUTES OF HEALTH BUILDING AND PLANNING COMMITTEE MEETING OF
THE COUNCIL OF THE CITY OF RANDWICK
HELD ON TUESDAY, 10TH MAY, 2005 AT 6:38 P.M.**

PRESENT:

His Worship the Mayor, Cr M. Matson (East Ward)

Councillor T. Seng (Central Ward) (Chairperson)

North Ward	-	Crs J. Kenny, P. Tracey & M. Woodsmith
South Ward	-	Crs R. Belleli & A. White
East Ward	-	Crs B. Notley-Smith & D. Sullivan
West Ward	-	Crs B. Hughes & S. Nash
Central Ward	-	Crs A. Andrews & C. Bastic

OFFICERS PRESENT:

General Manager	Mr. R. Brownlee.
Director, City Services	Mr. J. Frangoples.
Director, City Planning	Ms. S. Truuvvert.
Director, Governance & Financial Services	Mr. G. Banting.
Manager Development Assessment	Mr. K. Kyriacou.
Acting Public Officer	Mr. D. Kelly.
Communications Manager	Ms. D. Brien.

1. APOLOGIES.

Apologies were received from Crs Daley & Procopiadis.

RESOLVED: (Andrews/Hughes) that the apologies from Crs Daley & Procopiadis for non-attendance at the Health, Building & Planning Committee Meeting of the Council held on Tuesday, 10th May, 2005 be received & accepted.

2. MINUTES.

CONFIRMATION OF THE MINUTES OF THE HEALTH, BUILDING AND PLANNING COMMITTEE MEETING HELD ON TUESDAY, 12TH APRIL, 2005.

H32 **RESOLUTION:** *(Belleli/Woodsmith)* that the Minutes of the Meeting of the Health, Building and Planning Committee held on Tuesday, 12th April, 2005 (copies of which were circulated to all Councillors) be and are hereby confirmed as a correct record of the proceedings of that meeting.

3. DECLARATION OF PECUNIARY & NON-PECUNIARY INTERESTS

Nil.

RESOLVED: (Bastic/Notley-Smith) that the meeting be adjourned at 6.40 p.m. and be further adjourned at 7.14 p.m.

4. 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:

5.3 MAYORAL MINUTE 56/2005 - RESPONSE TO SUBMISSION ON LEXINGTON PLACE FROM COMMUNITY INITIATIVES GROUP.

For Ms Rozita Leoni 3/41 Mineapolis Crescent, Maroubra.

6.1 DIRECTOR, PLANNING & COMMUNITY DEVELOPMENT'S REPORT 26/2005 - 30 FLOWER STREET, MAROUBRA.

The Applicant Ms Cassandra Molnar 30 Flower Street, Maroubra.

6.2 DEVELOPMENT APPLICATION REPORT – 10-14 DUKE STREET, KENSINGTON.

The Objector Mr Greg Prentice 75 Pigott Street, Dulwich Hill.

The Applicant Ms Catherine Orford 45 Crescent Street, Rozelle.

6.3 DEVELOPMENT APPLICATION REPORT - 6 LORNE AVENUE, KENSINGTON.

The Objector Mr Anthony Russell 8 Lorne Avenue, Kensington.

The Applicant Mr Tom Ferguson 156A Church Street, Camperdown.

The meeting was resumed at 7.35 p.m.

5. MAYORAL MINUTES.

5.1 MAYORAL MINUTE 51/2005 - VISIT OF CHINESE DELEGATION TO RANDWICK CITY COUNCIL UNDER CHINA-AUSTRALIA HUMAN RIGHTS TECHNICAL CORPORATION PROGRAM. (F2004/06565)

H33 **RESOLUTION:** *(His Worship the Mayor, Cr M. Matson)* that Council receive and note the Mayoral Minute 51/2005.

MOTION: *(His Worship the Mayor, Cr M. Matson)* CARRIED - SEE RESOLUTION.

5.2 MAYORAL MINUTE 54/2005 – SYDNEY AIRPORT EXPANSION – UPDATE ON RECENT RALLY. (F2004/07971)

H34 **RESOLUTION: (Hughes/Sullivan) that Council:**

- a) *endorse the allocation of \$3,773.21 from the contingency fund as Council's share of a joint contribution to covering recent expenses incurred by other Councils in organising the recent airport expansion protest rally at Tempe Reserve; and*
- b) *allocates up to \$5,000.00 from the contingency fund for joint campaigning with other Councils on the consultation process involving the Airport Ground Travel Plan now required to be produced under the approved Major Development Plan (MDP).*

MOTION: (His Worship the Mayor, Cr M. Matson) that Council endorse the allocation of \$3,773.21 from the contingency fund as Councils share of a joint contribution to covering recent expenses incurred by other Councils in organising the recent airport expansion protest rally at Tempe Reserve.

AMENDMENT: (Hughes/Sullivan) CARRIED – BECAME THE MOTION. MOTION CARRIED - SEE RESOLUTION.

A division was called for by His Worship the Mayor, Cr M. Matson and Cr Hughes. Voting was as follows:-

For	Against
Andrews	Belleli
Bastic	Kenny
Hughes	Nash
His Worship the Mayor, Cr M. Matson	Notley-Smith
Sullivan	Seng
Tracey	
White	
Woodsmith	

5.3 MAYORAL MINUTE 56/2005 - RESPONSE TO SUBMISSION ON LEXINGTON PLACE FROM COMMUNITY INITIATIVES GROUP. (F2004/06183)

H35 **RESOLUTION: (Belleli/Notley-Smith) that:**

- 1) *Council will refer the following improvements needed at Lexington place to the Traffic Committee for assessment:-*
 - a) *need for 50 km signs at the beginning and end of Minneapolis Crescent to reinforce the prevailing speed limits within the Lexington Place shopping strip; and*
 - b) *installation of "kerb bolsters" in parking spaces to stop vehicles over-running the road and jumping the kerb;*
- 2) *Council will consider the following items for implementation under the 2006-2007 capital works budget for improvements in Lexington Place:-*

- a) *better street lighting to increase pedestrian safety;*
 - b) *pavement resurfacing to discourage skateboarders and cyclists from riding on the shopping strip;*
 - c) *implementing uniformity in existing garbage bins;*
 - d) *replacing defaced and outdated signs and installing new ones as appropriate; and*
 - e) *constructing a bicycle island with bike racks;*
- 3) *Council will either initiate the following measures from savings found this financial year (2004-2005) or reconsider them at the first Works Committee meeting in the next financial year (2005-2006):-*
- a) *moving existing planter boxes to each end of the shopping strip so they are not under the overhang of the shops, thereby exposing them to rain water;*
 - b) *repairing damaged planter boxes, painting and modifying them where appropriate; and*
- 4) *Additional funds in the order of \$100,000.00 for works at Lexington Place, Maroubra be considered in the 2006/07 budget.*

MOTION: (His Worship the Mayor, Cr M. Matson) that the recommendation contained in the Mayoral Minute 56/2005 be adopted.

AMENDMENT: (Belleli/Notley-Smith) CARRIED – BECAME THE MOTION. MOTION CARRIED - SEE RESOLUTION.

AMENDMENT: (Sullivan/Andrews) that the improvements outlined in the resolution be carried out immediately. **LOST.**

5.4 MAYORAL MINUTE 57/2005 - BOOMERANG ALLIANCE - ENFORCEMENT OF EXTENDED PRODUCER RESPONSIBILITY PROVISIONS. (F2004/06574)

H36 **RESOLUTION: (His Worship the Mayor, Cr M. Mayor)** that Council:

- a) *write to the State and Commonwealth Governments endorsing the Boomerang Alliance's objective of achieving zero waste in Australia; and*
- b) *will organise a media event to support the National Day of Action for a 10 cent container deposit scheme by opening up one of its Gross Pollutant Traps for examination.*

MOTION: (His Worship the Mayor, Cr M. Matson) CARRIED - SEE RESOLUTION.

5.5 MAYORAL MINUTE 58/2005 - BUILDING SUSTAINABILITY INDEX – BASIX. (F2004/07964)

H37 **RESOLUTION:** (*His Worship the Mayor, Cr M. Matson*) that:

- a) *the Mayor write to the Minister for Planning on behalf of Council expressing our concern regarding the apparent concession that has been made with respect to water efficient white goods counting towards the BASIX water savings score; and*
- b) *further, Council seeks confirmation that government and industry guidelines necessary for the successful implementation and maintenance of grey water reuse systems will be fast tracked, so as a review of BASIX may occur in the near future to lift the minimum requirement and enable grey water and other such reuse systems to become an integral part of multi-unit living.*

MOTION: (*His Worship the Mayor, Cr M. Matson*) **CARRIED - SEE RESOLUTION.**

6. DEVELOPMENT APPLICATIONS.

6.1 DIRECTOR, CITY PLANNING REPORT 26/2005 - 30 FLOWER STREET, MAROUBRA. (DA0932/2004)

H38 **RESOLUTION:** (*Notley-Smith/Andrews*) that Council as the responsible authority grant its development consent under Section 96 of the Environmental Planning and Assessment Act 1979 as amended to modify Condition No. 3 and Condition No. 4 of Development Application No. 0932/2004 relating to the first floor privacy screen and portico on the southern elevation at No.30 Flower Street, Maroubra in the following manner:

Amend Condition No. 3 and Condition No. 4 to read:

- 3 *The masonry wall to the southern elevation of the upper level balcony is to be deleted to reduce the overall bulk and scale of the rear of the building and a fixed privacy screen (extending in height to the underside of the pergola) of either louvres or timber slats is to be installed in this position to maintain privacy to the adjoining premises.*
- 4 *The proposed new portico adjoining the southern boundary shall be in accordance with amended plans received by Council on 28 January 2005 and numbered 04/035-1, 04/035-2, 04/035-3.*

MOTION: (*Notley-Smith/Andrews*) **CARRIED - SEE RESOLUTION.**

6.2 DEVELOPMENT APPLICATION REPORT - 10-14 DUKE STREET, KENSINGTON. (DA0506/2004-02)

H39 **RESOLUTION:** (*His Worship the Mayor, Cr M. Matson/Hughes*) that this application be deferred to allow for mediation between the applicant and the objector on possible changes to deferred commencement condition 2 to allow a more desirable outcome in terms of overshadowing and other impacts of the building on the neighbours.

MOTION: (**Bastic/White**) that Council as the responsible authority grant its development consent as a Deferred Commencement under Section 80(3) of the Environmental Planning and Assessment Act 1979 (as amended) to Development Application No 506/2004 for Demolition of existing buildings on the site and construction of a new 4 storey multi unit

housing development comprising 10 x 1, 6 x 2 and 1 x 3 bedroom dwellings and basement carparking for 24 cars. at 10-14 Duke Street, Kensington subject to the conditions outlined in the Director, City Planning's Report dated 19th April, 2005 and the deletion of deferred commencement condition 2.

AMENDMENT: (Nash/Notley-Smith) that Council as the responsible authority grant its development consent as a Deferred Commencement under Section 80(3) of the Environmental Planning and Assessment Act 1979 (as amended) to Development Application No 506/2004 for Demolition of existing buildings on the site and construction of a new 4 storey multi unit housing development comprising 10 x 1, 6 x 2 and 1 x 3 bedroom dwellings and basement carparking for 24 cars. at 10-14 Duke Street, Kensington subject to the conditions outlined in the Director, City Planning's Report dated 19th April, 2005.
CARRIED – BECAME THE MOTION.

AMENDMENT: (His Worship the Mayor, Cr M. Matson/Hughes) CARRIED – BECAME THE MOTION. MOTION CARRIED – SEE RESOLUTION.

6.3 DEVELOPMENT APPLICATION REPORT - 6 LORNE AVENUE, KENSINGTON. (D/0116/2005)

H40 **RESOLUTION: (Bastic/Sullivan) 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 116/2005 for Alterations and single storey rear addition to existing dwelling to create a 12 room boarding house with associated communal areas, landscaping and parking at 6 Lorne Avenue, Kensington subject to the following conditions:-*

1. *The development must be implemented substantially in accordance with the plans drawn by Cracknell & Lonergan Architects Pty Ltd numbered issue A of DA01-DA03 , dated 20.02.05 and stamped received by Council on 21 February 2005, 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:*
2. *A Management Plan for the operation of the boarding house shall be submitted to the Director, City Planning for approval prior to the issue of a Construction Certificate. The Management Plan shall have particular regard, but shall not be limited to, the following requirements and issues:-*
 - *Establishing house rules and briefing of staff.*
 - *Specifying appropriate resident behaviour on the premises, including while entering and leaving the premises and using the outdoor areas.*
 - *The holding of parties.*
 - *The consumption of alcohol on the premises.*
 - *The playing of music, including stereos and the like and live music.*
 - *The parking of vehicles.*
 - *The provision of a communication channel for adjoining residents and other properties to express concerns about guest behaviour and the registering of complaints.*

- *Dealing with complaints.*
- *The disposal of waste.*

A copy of the management plan will be kept on the premises at all times and all staff and residents will adhere to the requirements contained within the Management Plan.

- 3. The hardstand parking in the front yard is to be deleted from the plans. Two parking spaces in tandem arrangement with minimum dimensions of 2.5m x 5 metres are to be provided on the existing driveway to the northern boundary of the site. The remainder of the driveway is to be removed and provided with soft landscaping where not constrained by the building footprint. A timber fence between the northern elevation of the dwelling and the northern boundary may be provided at the end of the parking area to a maximum height of 1.8m above natural ground level. This condition is imposed to minimise the impact of the parking on the street and the heritage status of the dwelling and maximise opportunities for soft landscaping. Details required by this condition are to be included in the drawings submitted with the Construction Certificate application.*
- 4. The ground levels at the front of the site are not to be modified. The front garden to the north of the entry path to the dwelling is to remain as soft landscaping at the same levels shown on the site survey submitted with the application. This condition is imposed to maintain the appearance and setting of the existing dwelling from the street and protect the future heritage potential of the dwelling. Compliance with this condition is to be indicated on the plans submitted with the Construction Certificate application.*
- 5. 5 secure bicycle spaces are to be provided to the development at the end of the paved driveway parking area to the front of the site. These spaces may be located behind any fencing provided as per the allowance in Condition 2, subject to gate access being provided in the fence design. This condition is imposed to encourage the use of sustainable means of transport and to complement the use of the site for affordable housing purposes. Details required by this condition are to be included in the drawings submitted with the Construction Certificate application.*
- 6. The 3 metre long portion of the colonnade provided along the northern boundary of the site between the southern and northern bedroom wings is to be deleted (including the paved pathway) in favour of landscaping to maximise the landscaping to the site and provide a landscaped treatment consistent with the surrounding area. Details required by this condition are to be included in the drawings submitted with the Construction Certificate application.*
- 7. The timber deck to the northern side of the existing dwelling and accompanying sliding doors are to be deleted in favour of deep soil landscaping. The existing windows in the northern elevation are to be retained. This condition is imposed to minimise the impact of the development on the privacy of 4 Lorne Avenue. Details required by this condition are to be submitted with the Construction Certificate application.*
- 8. The windows to Rooms 11 and 12 are to be fixed and provided with translucent, obscured, frosted or sandblasted glazing below 1.6m. This condition is imposed to minimise the impact of the development on the visual privacy of the adjoining*

property at 4 Lorne Avenue. Details are to be provided with the drawings submitted with the Construction Certificate application.

9. *Landscaping shall be provided to the site to reduce the impact of the development upon the amenity of the environment and a landscape plan (detailing species of all plantings and likely spread and height at maturity) shall be submitted to and approved by the Director of City Planning, in accordance with section 80A(2) of the Environmental Planning and Assessment Act 1979, **prior to the commencement of any works.***
10. *Metal roof sheeting is to be painted or colour bonded to minimise reflection and to be sympathetic and compatible with the building and surrounding environment.*

Details of the proposed colour of the roof are to be submitted to and approved by the Director of City Planning, in accordance with the section 80A (2) of the Environmental Planning and Assessment Act 1979, prior to the roofing being installed.

11. *The surface of the car parking area and driveway is to be suitably paved with paving blocks.*
12. *Adequate provisions are to be made within the premises for the storage, collection and disposal of waste and recyclable materials, to the satisfaction of Council.*
13. *All plumbing and drainage pipes, other than rainwater heads, gutters and downpipes, must be concealed within the building.*
14. *No cooking facilities or sanitary fittings other than those indicated on the approved plans are to be installed in the premises without the prior written consent of the Council.*
15. *The finished ground levels external to the building are to be consistent with the development consent and are not to be raised (other than for the provision of paving or the like on the ground) without the written consent of Council.*
16. *Lighting to the premises shall be designed so as not to cause a nuisance to nearby residents or motorists and to ensure that light overspill does not affect the amenity of the area.*
17. *Internal or external clothes drying facilities are to be provided in accordance with the provisions of the Building Code of Australia.*

Should external clothes drying facilities be provided, the facilities must be adequately screened by vegetation and details are to be incorporated into the landscaping plans, to the satisfaction of the certifying authority.

The following conditions are imposed to promote ecologically sustainable development and energy efficiency:

18. *A rainwater tank, of sufficient size to provide water for irrigation of landscaped*

areas within the development, is to be provided to the development in accordance with Council's Rainwater Tank Policy

The tank is to be located a minimum of 450mm from the side boundaries and is to have a maximum height of 2.4 metres. The tank is to be installed behind the front building line and is to be located at ground level and be incorporated into the relevant construction certificate plans, to the satisfaction of the Certifying Authority.

The noise level from the pump is not to exceed 5dBA above ambient background noise, measured at the property boundary and the pump must not be audible within any dwelling located upon any other premises between 10pm and 8am.

- 19. 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 noted in the **construction certificate** plans or specifications.*
- 20. External timber or metal framed and brick veneer walls and roofs are to be provided with insulation (i.e. bulk insulation and a reflective building membrane/reflective sarking/foil insulation), having a minimum total thermal resistance R-value of 3.0 in roofs and 1.5 in external walls. The insulation and reflective building membrane is to be installed in accordance with the relevant requirements of the Building Code of Australia and the manufacturers details.*

*Details of compliance with the requirements for insulation are to be included in the **construction certificate** application.*

- 21. Hot water service pipes are to be provided with insulation and must also satisfy any relevant requirements of Building Code of Australia and AS 3500.*
- 22. The hot water system installed in the development must achieve a minimum greenhouse score of 3.5 as detailed SEDA's Energy Smart Homes Policy. Any electric clothes dryers to be provided in the development must also have a minimum 2 star energy rating.*
- 23. The relevant requirements of the Sydney Water Act 1994 must be complied with and a Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water. An Application for a Section 73 Certificate must be made through an authorised Water Servicing Co-ordinator. For details, please refer to the "Your Business" section of Sydney Water's web site www.sydneywater.com.au then the "e-developer" icon or telephone 13 20 92.*

Following the application, a "Notice of Requirements" will be provided, detailing water and sewer extensions to be built and charges to be paid. Please make early contact with the Water Servicing Co-ordinator, as building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design.

A copy of Sydney Water's 'Notice of Requirements' must be submitted to the Certifying Authority prior to issuing a Construction Certificate.

The Section 73 Certificate must be submitted to the Principal Certifying Authority prior to issuing an occupation certificate or subdivision certificate (whichever the sooner).

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

24. *The requirements and provisions of the Environmental Planning & Assessment Act 1979 and Environmental Planning & Assessment Regulation 2000, must be fully complied with at all times.*

Failure to comply with these legislative requirements is an offence and may result in the commencement of legal proceedings, issuing of `on-the-spot` penalty infringements or service of a notice and order by Council.

25. *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.*
26. *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.*
27. *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.*
28. *An Occupation Certificate must be obtained from the principal certifying authority prior to any occupation of the building work encompassed in this development consent in accordance with the relevant provisions of the Environmental Planning & Assessment Act 1979.*
29. *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 \$5,000.

*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.*

30. *The required Long Service Levy payment, under the Building and Construction Industry Long Service Payments Act 1986, is to be forwarded to the Long Service Levy Corporation or the Council, prior to the issuing of a Construction Certificate, in accordance with Section 109F of the Environmental Planning & Assessment Act 1979.*

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

31. *A dilapidation report prepared by a professional engineer or suitably qualified and experienced building surveyor shall be submitted to the certifying authority **prior to the commencement of demolition, excavation or building works** detailing the current condition and status of all buildings, including ancillary structures located upon:*

- *All of the premises adjoining the subject site*

*The report is to be supported with photographic evidence of the status of the buildings and a copy of the report must also be forwarded to the Council and to the owners of each of the above stated premises, **prior to the commencement of any works.***

32. *A Certificate of Adequacy prepared by a professional engineer is to be submitted to the principal certifying authority (and the Council, if the Council is not the principal certifying authority) **prior to occupation of the building**, certifying the structural adequacy of the building and that the building works satisfy the relevant structural design requirements of the Building Code of Australia.*

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:

33. *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 and details of compliance are to be prepared by a suitably qualified person and be submitted to the principal certifying authority, **prior to the commencement of any demolition works.***
34. *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.*
35. *The building works are to be inspected by the Principal Certifying Authority (or other suitably qualified person approved by the Principal Certifying Authority), to monitor compliance with the relevant standards of construction and Council's*

development consent.

The Principal Certifying Authority shall specify the relevant stages of construction to be inspected and a satisfactory inspection must be carried out, to the satisfaction of the Principal Certifying Authority, prior to proceeding to the subsequent stages of construction or finalisation of the works (as applicable).

Documentary evidence of the building inspections carried out and details of compliance with Council's approval is to be maintained by the Principal Certifying Authority. Details of critical phase inspections carried out and copies of certification relied upon shall be forwarded to Council with the occupation certificate.

Upon inspection of each stage of construction, the Principal Certifying Authority (or other suitably qualified person approved by the Principal Certifying Authority) is also required to ensure that the relevant site management, public safety and sediment and erosion requirements specified in Council's consent are being satisfied.

36. *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 footings or first completed floor slab (prior to the pouring of concrete), showing the area of the 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.*
37. *Noise and vibration emissions during the construction of the building and associated site works must not result in damage to nearby premises or result in an unreasonable loss of amenity to nearby residents and the relevant provisions of the Protection of the Environment Operations Act 1997 must be satisfied at all times.*
38. *All building, demolition and associated site 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.*
39. *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.

40. *Temporary toilet facilities are to be provided, at or in the vicinity of the work site throughout the course of demolition and construction, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site and the toilet facilities must be connected to a public sewer or other sewage management facility approved by Council.*
41. *Public safety and convenience must be maintained at all times during demolition, excavation and construction works.*

The roadway, footpath and nature strip must be maintained in a good, safe condition and free from any obstructions, materials, soils or debris at all times. Any damage caused to the road, footway or nature strip must be repaired immediately, to the satisfaction of Council.

A Road Opening Permit must be obtained from the Council and other relevant Authorities prior to excavating or opening-up the road or footway for services or the like.

42. *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 and debris at all times.*
43. *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.*
44. *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".*
45. *Construction Site Management Plan is to be submitted to and approved by the principal certifying authority prior to the commencement of demolition, excavation or building works. The site management plan must include the following measures, as applicable to the type of development:*

- *location and construction of protective fencing / hoardings to the perimeter of the site;*
- *location of site storage areas/sheds/equipment;*
- *location of building materials for construction;*
- *provisions for public safety;*
- *dust control measures;*
- *site access location and construction*
- *details of methods of disposal of demolition materials;*
- *protective measures for tree preservation;*
- *provisions for temporary sanitary facilities;*
- *location and size of waste containers/bulk bins;*

- *details of proposed sediment and erosion control measures;*
- *construction noise and vibration management.*

The site management measures are to be implemented prior to the commencement of any site works and be maintained throughout the works, to maintain adequate levels of public health and safety. A copy of the approved Construction Site Management Plan must be maintained on site and be made available to Council officers upon request.

46. *During demolition excavation and construction works, dust emissions must be minimised, so as not to result in a nuisance to nearby residents or result in a potential pollution incident.*

Adequate dust control measures must be provided to the site prior to the works commencing and the measures and practices must be maintained throughout the demolition, excavation and construction process, to the satisfaction of Council.

Dust control measures and practices may include:-

- *Provision of geotextile fabric to all perimeter site fencing (attached on the prevailing wind side of the site fencing).*
- *Covering of stockpiles of sand, soil and excavated material with adequately secured tarpaulins or plastic sheeting.*
- *Installation of a water sprinkling system or provision hoses or the like.*
- *Regular watering-down of all loose materials and stockpiles of sand, soil and excavated material.*
- *Minimisation/relocation of stockpiles of materials, to minimise potential for disturbance by prevailing winds.*
- *Revegetation of disturbed areas.*

47. *Public safety must be maintained at all times and 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.

Fences or hoardings 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.

*Details of the proposed temporary fences located upon the site are to be submitted to the principal certifying authority and 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.*

If it is proposed to locate any hoardings, site fencing or amenities upon a footpath or public place, the written consent from Council's Building Services section must be obtained beforehand and detailed plans are to be submitted to Council for

consideration, together with payment of the weekly charge in accordance with Council's adopted fees and charges.

48. *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.*

*A soil and water management plan (SWMP) must be submitted to and approved by the principal certifying authority and implemented **prior to the commencement of any site works or activities.***

The soil and water management plan must contain a site plan, detailing:

- *the slope of the land*
- *site access points and access control measures*
- *location and type of all sediment and erosion control measures*
- *location of existing vegetation, to be retained*
- *material stockpile or storage areas and methods of sediment control*
- *location of existing and proposed drainage systems*
- *proposed disposal of site water*
- *location of building operations and equipment*
- *proposed re-vegetation details*

All soil and water management measures must be maintained at all times throughout demolition, excavation, building and site works and a copy of the soil and water management plan is to be kept on-site and be made available to Council officers upon request.

49. *Stockpiles of soil, sand, aggregate or other materials must not be located on any footpath, roadway, nature strip, drainage line 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, nature strips, in any public place or any location which may lead to the discharge of materials into the stormwater drainage system

50. *A warning sign for soil and water management must be displayed in a prominent position on the building site, visible to both the public and site workers. The sign must be displayed throughout the construction period. Copies of a suitable warning sign are available at Council's Customer Service Centre for a nominal fee.*

The following conditions are applied to provide access and facilities for people with disabilities:

51. *Access and sanitary facilities for persons with disabilities being provided to the building in accordance with Parts D3 and F2 of the Building Code of Australia and relevant Australian Standards. Details of compliance is required to be provided in the relevant plans/specifications for the **construction certification.***

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

52. *The building is required to be provided with a smoke alarm system complying with Clause 3 of Specification E2.2a of the B.C.A. or a smoke detection system complying with Clause 4 of Specification E2.2a of the B.C.A. or a combination of a smoke alarm system within the sole-occupancy units and a smoke detection system in areas not within the sole-occupancy units. The smoke detectors located within the stairway, corridors or the like must be interconnected.*

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

53. *A public utility impact assessment must be carried out on all public utility services on the site, roadway, nature strip, footpath, public reserve or any public areas associated with and/or adjacent to the development/building works and include relevant information from public utility authorities and exploratory trenching or pot-holing, if necessary, to determine the position and level of service.*
54. *The applicant must meet the full cost for telecommunication companies, gas providers, Energy Australia and Sydney Water 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:

55. *That part of the naturestrip upon Council's footway which is damaged during the construction of the proposed works shall be excavated to a depth of 150mm, backfilled with topsoil equivalent with 'Organic Garden Mix' as supplied by Australian Native Landscapes, and re-turfed with Kikuyu turf or similar. Such works shall be completed at the applicants expense prior to the issue of a final Occupation Certificate.*
56. *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.*
57. *The Archontophoenix cunninghamiana (Bangalow Palm) in the front yard, at the northeast corner of the existing building is to be retained. This requirement shall be shown on all plans submitted for the construction certificate.*
58. *In order to visually 'soften' the expanses of hard pavement, as well as to maintain reasonable levels of air and water exchange to the rootzone of the street tree, a suitable brick unit paver (porous in nature) shall be used throughout the proposed hardstand area.*

This requirement shall be shown on the detailed engineering documentation and shall include all structural design details including pavement/subgrade thickness. Such

details shall be in accordance with the relevant Australian Standard and shall be submitted to, and approved by, the Principal Certifying Authority, prior to the issue of the Construction Certificate.

59. *Approval is granted for the removal of the following palm.*

- a) *One Archontophoenix cunninghamiana (Bangalow Palm) in the rear yard, near the northwest corner of the existing dwelling.*

60. *In order to ensure the retention of the Melaleuca quinquinervia (Broad Leafed Paperbark) located on Council's Lorne Avenue nature strip in good health, the following measures are to be undertaken:*

- a) *All detailed 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) *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 and no stockpiling of soil or rubble within the dripline of this tree.*
- c) *Any excavations required for footings, structures, retaining walls, paving etc within 5 metres of the tree trunk shall be undertaken by hand and under the direction of, and to the satisfaction of, a suitably qualified Arborist with all roots being cleanly cut.*

ADVISORY MATTERS:

A1 *The applicant is advised that the Construction Certificate plans and specification must comply with the provisions of the Building Code of Australia (BCA).*

In this regard, the development consent plans do not show compliance with the deemed-to-satisfy provisions of the BCA, including:

- a) *Part D3 - Access for people with disabilities*
- b) *Part 3.7.2 - Location of smoke detectors*

*Details of compliance with the relevant provisions of the Building Code of Australia and conditions of development consent are to be provided in the plans and specifications for the **construction certificate**.*

A2 *In accordance with section 516(1A) of the Local Government Act 1993 the Minister has determined that for the purpose of the definition of "boarding house" and "lodging house" in that section the maximum tariffs that a boarding house or lodging house may charge tariff-paying occupants are:*

- a) *Where full board and lodging is provided:
\$244 per week for single accommodation; or
\$406 per week for family or shared accommodation,*

b) *Where less than full board and lodging is provided:*

*\$163 per week for single accommodation; or
\$271 per week for family or shared accommodation.*

A3 *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.*

MOTION: (Bastic/Sullivan) CARRIED - SEE RESOLUTION.

(Note: Cr Andrews requested that his name be recorded as opposed to the resolution.)

7. GENERAL BUSINESS.

Nil.

8. NOTICE OF RESCISSION MOTIONS.

Nil.

The meeting closed at 8.37 p.m.

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CHAIRPERSON