

18<sup>th</sup> July, 2006

## ORDINARY COUNCIL MEETING

NOTICE IS HEREBY GIVEN THAT AN ORDINARY COUNCIL MEETING OF THE COUNCIL OF THE CITY OF RANDWICK WILL BE HELD IN THE COUNCIL CHAMBER, TOWN HALL, 90 AVOCA STREET, RANDWICK, ON TUESDAY, 25<sup>TH</sup> JULY, 2006 AT 6:00 P.M.

**1 Council Prayer**

**2 Apologies**

**3 Minutes**

CONFIRMATION OF THE MINUTES OF ORDINARY COUNCIL MEETING HELD ON TUESDAY, 27<sup>TH</sup> JUNE, 2006.

CONFIRMATION OF THE MINUTES OF THE EXTRAORDINARY COUNCIL MEETING HELD ON WEDNESDAY, 12<sup>TH</sup> JULY, 2006.

**4 Declaration of Pecuniary & Non-Pecuniary Interests**

**5 Addresses to the Council by the Public**

**6 Mayoral Minutes**

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GENERAL MANAGER



## **MAYOR'S MINUTE 51/2006**

<b>SUBJECT:</b>	WAIVING OF FEES - ST PAULS ANGLICAN CHURCH - "CAROLS BY THE SEA".
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<b>DATE:</b>	3 July, 2006	<b>FILE NO:</b>	F2004/07843
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**REPORT BY:** MAYOR

### **INTRODUCTION:**

A letter has been received from Mr Jack Kasses, Parish Council Secretary of St Paul's Anglican Church advising that the church is currently planning its annual major community event of "Carols by the Sea" to be held on Saturday, 9 December, 2006 at Grant Reserve.

### **ISSUES:**

Mr Kasses expresses the Church's appreciation of the support given by Council towards this major community event and seeks the waiving of fees to financially meet the high costs of staging such an event.

Supply and remove additional bins (based on 8 by 240L bins)	\$ 453.20
Connection to power	\$ 84.98
Administration Fee	\$ 430.00
Temporary Food Stall	\$ 95.00

**TOTAL: \$1,063.18**

### **FINANCIAL IMPACT STATEMENT:**

Should Council accept the report recommendation, the financial implication to Council is \$1,063.18 and currently there are sufficient funds in the Contingency Fund 2006/07 to cover this contribution.

### **CONCLUSION:**

It is considered that St Paul's Anglican Church is a non-profit organisation and to assist with this event, costs be allocated to cover the associated fees.

**RECOMMENDATION:**

1. That Council vote \$1,063.18 to cover the fees associated with the event and funds be allocated from the 2006/2007 Contingency Fund Budget.
2. That the event organiser undertake to appropriately and prominently acknowledge and promote Council's contribution prior to and during the event.
3. That the Mayor or his representative shall be given the opportunity to address the event on behalf of Council.

**ATTACHMENT/S:**

Nil

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TED SENG  
MAYOR

**MAYOR'S MINUTE 52/2006**

<b>SUBJECT:</b>	REQUEST FOR DISPLAYING A BANNER AND WAIVING OF ASSOCIATED FEES BY LEARNING LINKS.
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<b>DATE:</b>	7 July, 2006	<b>FILE NO:</b>	F2004/06257
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**REPORT BY:** MAYOR

**INTRODUCTION:**

Correspondence dated 21 June, 2006, has been received from Ms Cheryl Staddon Marketing Manager for Learning Links, a non-profit children's charity established in 1972 to help children who have learning difficulties.

**ISSUES:**

Ms Staddon advises that Learning Links raises funds to help children from birth to 18 years by offering a range of services at six branches across Sydney. These services are for school age children living in the Eastern Suburbs who are struggling to read and write. The services include full assessment programs including Psychometric, Academic, Special Provisions, Speech and Language, Language, Literacy and Occupational Therapy; Reading for Life and the Ronald McDonald learning program.

In 2005, the Eastern Suburbs Branch relocated to Silver Street, Randwick and the Association is keen to promote the branch to let local schools and the general community know about Learning Links. The Association is reliant on donations and needs to continue to raise awareness in the local community about its services to ensure continued support.

The Association is keen to have a banner installed in Randwick City for a limited time, with the simple message of -

*Learning links – Helping Kids Learn*

*Learning Links is a children's charity and helps school age children who have difficulty learning and their families. (with logo and contact details).*

The banner will assist in getting the message out to schools and families in the area.

**RELATIONSHIP TO CITY PLAN:**

An informed and engaged community. Our community will be participating in the shaping of our City.

**FINANCIAL IMPACT STATEMENT:**

Costing is as follows:

Application fee	\$132.00
Installation and removal of banner	<u>\$577.83</u>
Total	\$709.83

Should Council accept the report recommendation, the financial implication to Council is that \$709.83 which will be charged to the Contingency Fund 2006/07.

**CONCLUSION:**

It is considered that Council should vote to waive the fees associated with the installation and dismantling of a banner and funds be allocated from the Contingency Fund 2006/2007.

**RECOMMENDATION:**

That:

- a) the fees associated with the installation and dismantling of a banner on the flagpole within the Randwick City for one (1) month be waived and \$709.83 be allocated from the Contingency Fund 2006/07; and
- b) Learning Links undertakes to appropriately and prominently acknowledge and promote Council's contribution to its public awareness campaign.

**ATTACHMENT/S:**

Nil

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TED SENG  
MAYOR



## ***MAYOR'S MINUTE 53/2006***

<b>SUBJECT:</b>	URBAN DESIGN AWARDS 2006
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<b>DATE:</b>	5 July, 2006	<b>FILE NO:</b>	F2004/07776
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**REPORT BY:** MAYOR

### **INTRODUCTION:**

I am pleased to advise that Council's second biannual Randwick Urban Design Awards will be launched shortly. The Awards were first held in 2004, the Year of the Built Environment. The Randwick Urban Design Awards aim to publicly recognising high quality design in a range of developments, promoting community awareness of good design and setting benchmarks to provide inspiration and assist others in achieving outstanding urban design.

This year's Awards are proposed to be launched on Tuesday 8 August, with the presentation evening to be held in early November.

### **ISSUES:**

#### **The Awards**

The 2004 Awards were very successful, with many quality entries being submitted. With Council's continued focus on urban design, the implementation of a number of new DCP's and the involvement of the Design Review Panel, this year's Awards are likely to generate a high level of interest amongst architects/designers and the community.

Similar to 2004, there are five main categories within the Awards:

1. Residential Buildings
2. Commercial / Mixed use Development
3. Heritage
4. Sustainable Design
5. Public Buildings

The Awards will be open to any architect/designer who has completed, with an approved development application, a project within the Randwick City in the past 5 years and which was not entered in the 2004 Awards. Entry is free. Judging is by a Panel of three expert and independent judges.



**Launch**

The Awards will have a media launch on Tuesday 8 August in the local paper. The media publicity details are currently being finalised.

**The Awards Evening**

To present the Awards, Council will be holding a presentation evening to recognise the short listed finalists and to announce the winners. The presentation evening is tentatively scheduled for Monday 6 November at the Scientia Building, University of New South Wales.

It is anticipated that approximately 75 - 100 people will attend, this includes Award finalists.

The Awards also provide an opportunity to launch Council's "Design Guidelines for Older Residential Flat Buildings" publication, currently in final drafting.

**Post Awards**

As a new initiative with these Design Awards, the short listed and winning entries will be placed on public display and a 'People's Choice' voting scheme and award will be run to engage, encourage and foster support for better design amongst residents. They will also be placed in a newly created Excellence in Urban Design section on Council's web site to provide ongoing encouragement to design quality in Randwick City.

**RELATIONSHIP TO CITY PLAN:**

The Awards relationship with the City Plan is as follows:

*Outcome 4:* Excellence in urban design and development

*Direction 4a:* Improved design and sustainability across all development

*Key Action:* Encourage and reward design excellence and sustainability

**FINANCIAL IMPACT STATEMENT:**

Funding for the Awards and the related design initiatives promotion is estimated at approximately \$25,000 and has been included in the 2006/07 Strategic Planning budget.

**RECOMMENDATION:**

That Council note this Report and the key dates for the Randwick City Urban Design Awards 2006

**ATTACHMENT/S:**

Nil

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TED SENG  
MAYOR



## **GENERAL MANAGER'S REPORT 23/2006**

<b>SUBJECT:</b>	AFFIXING OF THE COUNCIL SEAL
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<b>DATE:</b>	11 July, 2006	<b>FILE NO:</b>	F2004/07593
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**REPORT BY:** GENERAL MANAGER

### **INTRODUCTION:**

Clause 400 (part 13) of the Local Government (General) Regulation 2005 requires that the Seal of the Council must not be affixed to a document unless the document relates to business of the Council and the Council has resolved (by resolution referring to the document) that the Seal be so affixed.

### **ISSUES:**

It is necessary for the Council's Seal to be affixed to the signing of agreements between Council and :

1. Ms Kanphanisa Sasirutkul (T/As Chilli Box Noodle Bar) in relation to a licence for the purpose of outdoor dining at 207A Coogee Bay Road, Coogee.
2. Kosmos Papadopoulos (T/As Clodeli Fine Foods) in relation to a licence for the purpose of outdoor dining at Shop 1, 210-212 Clovelly Road, Clovelly.
3. JM, LW, MJ & NJ Pawley (T/As Café Clovelly) in relation to a licence for the purpose of outdoor dining at 331 Clovelly Road, Clovelly.
4. Con Zarocostas (T/As Coogee Café) in relation to a licence for the purpose of outdoor dining at 221 Coogee Bay Road, Coogee.
5. Maher (Leon) Jordan (T/As Beach Bay Charcoal Chicken) in relation to a licence for the purpose of outdoor dining at 55 McKeon Street, Maroubra.
6. David Genca & David Petrucci (T/As Vinny's Woodfire Pizza) in relation to a licence for the purpose of outdoor dining at 1-3 Maroubra Road, Maroubra.
7. Tony Cerqueira (T/As Oportos Kingsford) in relation to a licence for the purpose of outdoor dining at 287-291 Anzac Parade, Kingsford.
8. Tony Cerqueira (T/As Oportos Maroubra) in relation to a licence for the purpose of outdoor dining at 944 Anzac Parade, Maroubra.
9. Alicia Gonzalez (T/As Peek A Boo Café) in relation to a licence for the purpose of outdoor dining at 10 Bream Street, Coogee.
10. William Yousif (T/As Alison Lebanese Cuisine) in relation to a licence for the purpose of outdoor dining at 169 Alison Road, Randwick.

11. Tommy Tjhie (T/As Beach Pit Café) in relation to a licence for the purpose of outdoor dining at 211 Coogee Bay Road, Coogee.
12. Grace Barge (T/As Café 105) in relation to a licence for the purpose of outdoor dining at 105 King Street, Randwick.
13. A residential lease agreement over a bachelor unit at Unit 1/6 Barrett Place, Randwick.
14. A residential lease agreement over a one bedroom unit at 3/32 Belmore Road, Randwick.
15. Anthony Francis Conyngham in relation to a transfer granting of easement over a right of way at Lot 9 DP 301332 also known as 59R Clifton Road, Clovelly.
16. See to Shore in relation to a lease agreement over the Maroubra Beach Pavilion Café/Kiosk at 3R Marine Parade, Maroubra.
17. Department of Lands in relation to a request for removal of a notation on a Certificate of Title over Lot 10 DP 1097236, also known as 16R St Pauls Lane, Randwick.

#### **RELATIONSHIP TO CITY PLAN:**

The entering of these agreements relate to Outcome 7: A Liveable City that Balances Growth and Change, Direction 7f, of the City Plan which states: "Town Centres that meet the needs of our community as places to work, shop, live and socialise."

#### **FINANCIAL IMPACT STATEMENT:**

Council will receive in signing of these agreements the following income –

1. An outdoor dining licence agreement with Kanphanisa Sasirutkul (T/As Chilli Box Noodle Bar) will generate an annual income of \$1,096.00 + GST.
2. An outdoor dining licence agreement with Kosmos Papadopoulos (T/As Clodeli Fine Foods) will generate an annual income of \$6,607.95 + GST.
3. An outdoor dining licence agreement with JM, LW, MJ & NJ Pawley (T/As Café Clovelly) will generate an annual income of \$1,863.10 + GST.
4. An outdoor dining licence agreement with Con Zarocostas (T/As Coogee Café) will generate an annual income of \$3,204.65 + GST.
5. An outgoing dining licence agreement with Maher (Leon) Jordan (T/As Beach Bay Charcoal Chicken) will generate an annual income of \$2,504.05 + GST.
6. An outgoing dining licence agreement with David Genca & David Petrucci (T/As Vinny's Woodfire Pizza) will generate an annual income of \$4,161.05 + GST.
7. An outdoor dining licence agreement with Tony Cerqueira (T/As Oportos Kingsford) will generate an annual income of \$7,363.80 + GST.
8. An outdoor dining licence agreement with Tony Cerqueira (T/As Oportos Maroubra) will generate an annual income of \$2,057.55 + GST.
9. An outdoor dining licence agreement with Alicia Gonzalez (T/As Peek A Boo Café) will generate an annual income of \$1,947.05 + GST.
10. An outdoor dining licence agreement with William Yousif (T/As Alison Lebanese Cuisine) will generate an annual income of \$1,648.85 + GST.
11. An outdoor dining licence agreement with Tommy Tjhie (T/As Beach Pit Café) will generate an annual income of \$2,268.00 (including GST).

12. An outdoor dining licence agreement with Grace Barge (T/As Café 105) will generate an annual income of \$1,578.20.
13. A residential lease agreement for Unit 1/6 Barrett Place, Randwick will generate an annual income of \$5,199.96.
14. A residential lease agreement for 3/32 Belmore Road, Randwick will generate an annual income of \$13,296.48.
15. A transfer granting of easement with Anthony Conyngham will generate an income of \$1.00.
16. A lease agreement with See to Shore Pty Ltd will generate an annual income of \$50,000 + GST.
17. There is no financial impact to Council on execution of the request for removal of notation on the Certificate of Title.

### **CONCLUSION:**

As Clause 400 (part 13) of the *Local Government (General) Regulation* requires that the Council pass a resolution authorising the Affixing of the Seal, it is necessary for this action to take place to facilitate legal formalities.

### **RECOMMENDATION:**

That authority be granted for the Council's Common Seal to be affixed to the agreements between Council and :

1. Ms Kanphanisa Sasirutkul (T/As Chilli Box Noodle Bar) in relation to a licence for the purpose of outdoor dining at 207A Coogee Bay Road, Coogee.
2. Kosmos Papadopoulos (T/As Clodeli Fine Foods) in relation to a licence for the purpose of outdoor dining at Shop 1, 210-212 Clovelly Road, Clovelly.
3. JM, LW, MJ & NJ Pawley (T/As Café Clovelly) in relation to a licence for the purpose of outdoor dining at 331 Clovelly Road, Clovelly.
4. Con Zarocostas (T/As Coogee Café) in relation to a licence for the purpose of outdoor dining at 221 Coogee Bay Road, Coogee.
5. Maher (Leon) Jordan (T/As Beach Bay Charcoal Chicken) in relation to a licence for the purpose of outdoor dining at 55 McKeon Street, Maroubra.
6. David Genca & David Petrucci (T/As Vinny's Woodfire Pizza) in relation to a licence for the purpose of outdoor dining at 1-3 Maroubra Road, Maroubra.
7. Tony Cerqueira (T/As Oportos Kingsford) in relation to a licence for the purpose of outdoor dining at 287-291 Anzac Parade, Kingsford.
8. Tony Cerqueira (T/As Oportos Maroubra) in relation to a licence for the purpose of outdoor dining at 944 Anzac Parade, Maroubra.
9. Alicia Gonzalez (T/As Peek A Boo Café) in relation to a licence for the purpose of outdoor dining at 10 Bream Street, Coogee.
10. William Yousif (T/As Alison Lebanese Cuisine) in relation to a licence for the purpose of outdoor dining at 169 Alison Road, Randwick.
11. Tommy Tjhie (T/As Beach Pit Café) in relation to a licence for the purpose of outdoor dining at 211 Coogee Bay Road, Coogee.
12. Grace Barge (T/As Café 105) in relation to a licence for the purpose of outdoor dining at 105 King Street, Randwick.

13. A residential lease agreement over a bachelor unit at Unit 1/6 Barrett Place, Randwick.
14. A residential lease agreement over a one bedroom unit at 3/32 Belmore Road, Randwick.
15. Anthony Francis Conyngham in relation to a transfer granting of easement over a right of way at Lot 9 DP 301332 also known as 59R Clifton Road, Clovelly.
16. See to Shore in relation to a lease agreement over the Maroubra Beach Pavilion Café/Kiosk at 3R Marine Parade, Maroubra.
17. Department of Lands in relation to a request for removal of a notation on a Certificate of Title over Lot 10 DP 1097236, also known as 16R St Pauls Lane, Randwick.

**ATTACHMENT/S:**

Nil

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GENERAL MANAGER

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## **GENERAL MANAGER'S REPORT 24/2006**

<b>SUBJECT:</b>	UNDERGROUNDING OF ELECTRICAL WIRING IN MARINE PARADE BETWEEN UNDINE AND WILSON STREETS AS PART OF THE UPGRADING OF THE COASTAL WALKWAY
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<b>DATE:</b>	17 July, 2006	<b>FILE NO:</b>	F2005/00508
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**REPORT BY:** GENERAL MANAGER

### **INTRODUCTION:**

Council at its meeting held on 30 May, 2006, resolved on the Motion of Councillor Bastic and Councillor Andrews that -

*“Council report on the residents’ request for the undergrounding of electrical wiring in Marine Parade between Undine Street and Wilson Street as part of the upgrading of the coastal walkway. “*

### **ISSUES:**

As part of the upgrade of the coastal walkway, residents on Marine Parade, Maroubra, have requested Council to assist in undergrounding the power cables in front of their properties.

It would seem an ideal time to underground the cables as the restoration of the trenching could be undertaken with the coastal walkway construction works, leading to cost savings.

A quotation has been received from Energy Australia and it would be appropriate for further quotations to be sought from private contractors to reduce the cost of the work. To request further quotations, a design needs to be produced by Energy Australia and that authority charges approximately \$6,000 for a design to be finalised.

### **RELATIONSHIP TO CITY PLAN:**

Excellence in urban design and development – our places and spaces will be inviting, safe, sustainable and contribute to our City’s liveability.

Leadership in sustainability. A ‘sustainable’ city is one that meets the needs of the present, without compromising the ability of future generations to meet their own

environmental, economic and social needs. We will demonstrate 'best practice' and work with our community to be a more sustainable City.

**FINANCIAL IMPACT STATEMENT:**

An amount of \$6,000 would be required to finalise a design for the appropriate works should Council approve of the report's recommendation. This could be funded from Council's Street Lighting Budget.

**CONCLUSION:**

To underground the cables at this time would be advantageous, as the restoration of the trenching could be undertaken with the coastal walkway construction works. It is considered appropriate for Council to organise a design to be prepared by Energy Australia and then use this design to seek further quotations.

**RECOMMENDATION:**

That

- a. Council organise and bear the cost for the design of the undergrounding of cables in Marine Parade, Maroubra, between Undine Street and Wilson Street;
- b. Council officers seek quotations for the works; and
- c. the residents of Marine Parade be invited to fund the required cabling and associated works.

**ATTACHMENT/S:**

Nil

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GENERAL MANAGER

## **GENERAL MANAGER'S REPORT**

### **25/2006**



<b>SUBJECT:</b>	MAROUBRA BEACH PAVILION CAFE TENDER
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<b>DATE:</b>	17 July, 2006	<b>FILE NO:</b>	F2005/00198
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**REPORT BY:** GENERAL MANAGER

#### **INTRODUCTION:**

The purpose of the report is to advise Council of the Conduct Committee investigation and findings into Councillor Andrews's non declaration of a non-pecuniary conflict of interest with the letting of the Tender for the Maroubra Beach Pavilion Café tender.

#### **ISSUES:**

Council resolved at its meeting on 28 February 2006 (in part) the following:

“That Councillors Andrew’s conduct in not declaring a non-pecuniary conflict of interest in the Maroubra Beach Pavilion Tender, be referred to the Conduct Committee for investigation as to whether further action may be required under Council’s Code of Conduct”.

In accordance with Clause 10 of Council’s Conduct Committee Guidelines, the composition of the Conduct Committee consisted of the Mayor Councillor Seng, General Manager - Ray Brownlee and an independent person Mr Jeremy Bingham of Deacons Lawyers.

The Conduct Committee held a preliminary meeting on 19 April 2006. In accordance with Clause 18 of Council’s Conduct Committee Guidelines, a letter was written to the Director General of the Department of Local Government to determine if mediation was a option in resolving this matter. The Director General of the Department of Local Government responded on 16 May 2006 to advise that mediation would only generally be the appropriate response in cases where the conflict arose from interpersonal conflict and in this case, the Conduct Committee is required to consider whether Councillor Andrews breached his obligations under the Code of Conduct.

Further the Conduct Committee determined what evidence it required to assist in its investigation. Letters were written to all Councillors to assist in this matter.



After reviewing a number of responses from both the original requests and follow up requests from Councillor Andrews, the Conduct Committee re-convened on 11 July 2006 to undertake the determination of the evidence.

The Conduct Committee undertook its enquires in accordance with Clause 22.2 and 22.3 of Council's Conduct Committee Guidelines.

i) Clause 22.2.1 Scope and Purpose of the enquiry.

Consider whether Councillor Andrews had a personal interest in the matter of the letting of tenders for the Maroubra Beach Pavilion Café and Kiosk, such that a reasonable person would perceive that he would be influenced by that personal interest when speaking, moving motions and voting in the letting of the tender.

ii) Clause 22.2.2 Issues involved in the matter.

- a) Was there a personal interest or did Councillor Andrews have a personal interest.
- b) Would a reasonable person perceive that Councillor Andrews could be influenced.
- c) Has a breach of the Code of Conduct occurred.
- d) If a breach has occurred what recommendations should the Conduct Committee make to the Council.

The issues for consideration cover the period of September to December 2005.

iii) Clause 22.3 Finding of the Conduct Committee.

There is insufficient evidence on the bases of the material before the Conduct Committee to establish that Councillor Andrews had a personal interest in relation to this matter at the relevant time, namely September to December 2005 inclusive.

Secondly, accordingly there is insufficient evidence that a reasonable person would perceive that Councillor Andrews could have been influenced by a personal interest when moving motions, speaking and voting on the letting of the tender for the Maroubra Beach Pavilion Café and Kiosk.

Thirdly, accordingly that Councillor Andrews did not commit any breach of Council's Code of Conduct in connection with the letting of the tender to See to Shore Pty Ltd.

The findings and recommendations of both the Conduct Committee and Council will be forwarded to the Department of Local Government and the Independent Commission Against Corruption. Both organisations have previously requested this documentation.

### **RELATIONSHIP TO CITY PLAN:**

There is no direct relationship to the City Plan.

**FINANCIAL IMPACT STATEMENT:**

There is no direct financial impact for this matter.

**CONCLUSION:**

Council's Conduct Committee has undertaken a compressive investigation and review of Councillor Andrews' actions in dealing with the non-pecuniary conflict of interest concerning the letting of the tender for the Maroubra Beach Pavilion Café and Kiosk.

It was determined that insufficient evidence existed and that accordingly Councillor Andrews has not committed any breach of Councils Code of Conduct.

**RECOMMENDATION:**

1. That the Conduct Committee's finding be received and noted.
2. That the General Manager arrange briefing sessions for Councillors and relevant Council Officers on their obligations under the Code of Conduct at the beginning and half way through each Council term.

**ATTACHMENT/S:**

Nil

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GENERAL MANAGER

***Director, City Services' Report 56/2006***

<b>SUBJECT:</b>	NEW ROAD NAMES, PRINCE HENRY SITE, LITTLE BAY
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<b>DATE:</b>	11 July, 2006	<b>FILE NO:</b>	F2004/07140
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**REPORT BY:** DIRECTOR, CITY SERVICES

**INTRODUCTION:**

Council at its meeting held on 18 April, 2006, resolved on the Motion of Councillor Andrews and Councillor Notley-Smith that -

*“submissions and suggestions be sought from residents and other interested people, by placing an advertisement in the local paper of the proposal to name the new roads at Prince Henry Little Bay and all the guidelines of the Geographical Names Board be met prior to a further report being prepared for Council’s consideration.”*

**ISSUES:**

In accordance with the Council resolution, an advertisement was placed in “Regarding Randwick” section of the local paper, inviting submissions in writing up to Monday 10 July, 2006, from interested parties.

Letters were also forwarded to the Information Sourcing Department of Lands and the Randwick Historical Society and the proposal was placed on exhibition at the Customer Service Centre and local libraries. The Geographical Names Board was also advised of the proposal.

One (1) submission was received from Mr Bob Davis, for Division Manager, Information Sourcing, Department of Lands, who advises as follows-

*“I refer to your letter of 31 May, 2006, which proposed the following road names Meyler Close, McMaster Place, Stanley Crescent, Gull Way.*

*The Roads Act 1993 only applies to public roads and as such Meyler Close and McMaster Place have been reviewed under the Geographical Names Board Guidelines for the Naming of Roads and there is no objection to their use.*

*With regard to the two private drives, Stanley Crescent and Gull Way, by way of advice only, I would agree with the reasoning behind the proposal of the latter, but would raise concern with the use of Stanley Crescent as there is an existing*

*Stanley Street in Randwick and this raises the possibility of confusion in address location and subsequent prompt delivery or emergency services, as the two roads are a considerable distance apart.”*

No other submissions were received.

**RELATIONSHIP TO CITY PLAN:**

A liveable City - We will proactively plan and manage change for the benefit of our community.

An informed and engaged community - Our community will be participating in shaping of our City.

Heritage that is protected and celebrated - Our natural aboriginal build and cultural heritage will be recognised and served.

**FINANCIAL IMPACT STATEMENT:**

There is no direct financial impact for this matter.

**CONCLUSION:**

It is considered that the naming of Stanley Crescent at Little Bay would not cause confusion with the existing Stanley Street in Randwick and that the proposed road names at Little Bay be given Council's concurrence.

**RECOMMENDATION:**

That

- a. The road names for Prince Henry at Little Bay be named
  - New Road 6 - *Meyler Close*
  - New Road 7 – *McMaster Place*
  - Private Drive 8 – *Stanley Crescent*
  - Private Drive 9 – *Gull Way;*
- b. The Geographical Names Board be requested to proceed with the naming proposal application;
- c. an advertisement be placed in the local papers advising of Council Resolution for approval of the road names;
- d. arrangements made for the road names to be gazetted; and
- e. all interested parties be advised accordingly.

**ATTACHMENT/S:**

Nil

.....  
 JORDE FRANGOPLES  
 DIRECTOR, CITY SERVICES

.....  
 MARK SHAW  
 MANAGER TECHNICAL  
 SERVICES



## ***Director, Governance & Financial Services' Report 47/2006***

<b>SUBJECT:</b>	PROPOSED WARD BOUNDARY ALTERATIONS
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<b>DATE:</b>	31 May, 2006	<b>FILE NO:</b>	F2004/06561
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**REPORT BY:** DIRECTOR, GOVERNANCE & FINANCIAL SERVICES

### **INTRODUCTION:**

A report in relation to this matter was submitted to the Council Meeting of 22 November 2005 and Council resolved as follows:

- “(a) *That Council adopt the proposed ward boundary alterations as detailed in the independent consultant’s report and shown on the ward boundary plans to enable consultations with the Electoral Commissioner and the Australian Statistician, and public exhibition of the proposal to proceed;*
- (b) *That following consultation with, and the concurrence of the Electoral Commissioner and the Australian Statistician to the ward alterations, the General Manager be and is hereby delegated authority to:-*
- (i) *place on public exhibition a plan (the ward boundary plan) showing the alteration to ward boundaries, together with the description of the areas to transfer between wards, as detailed in the consultant’s report, and that such plan remain on exhibition for a period of 28 days;*
- (ii) *give public notice in the Sydney metropolitan newspapers, and in newspapers circulating in the Randwick City Council area:*
- *of the place where the ward boundary plan may be inspected;*
  - *advising that the ward boundary plan will be on exhibition for a period of 28 days from the date of such notice;*
  - *advising that written submissions regarding the ward boundary plan may be made for a period of 42 days from the date on which the ward boundary plan is placed on public exhibition;*
- (c) *That following closure of the period for written submissions as detailed above, a further report be submitted to Council addressing the subject of any submissions made, and to enable Council to formally adopt the ward boundaries; and*

- (d) *That after formal adoption by Council of the new ward boundaries, a metes and bounds description of the ward boundaries be published in the Government Gazette, and the Electoral Commissioner and the Australian Statistician be advised of the revised ward boundaries."*

**ISSUES:**

In accordance with the above Council resolution, the Electoral Commissioner and the Australian Statistician were notified on 6 December 2005 and concurrence was sought to place the proposed ward boundary alterations on public exhibition. Concurrence was received from the Australian Statistician on 14 February 2006 and concurrence was received from the Electoral Commissioner on 21 March 2006.

The proposed ward boundary alterations were on public exhibition from 11 April 2006 to 9 May 2006 and public submissions were accepted up to 23 May 2006. During the public exhibition period, the Ward Boundary Plan and associated report were available to be viewed at Council's Customer Service Centre, the libraries and Council's website.

No public submissions have been received as a result of the public exhibition of the proposed ward boundary alterations.

**FINANCIAL IMPACT STATEMENT:**

The consultant's fees were allowed for in this year's budget. Additional fees incurred and to be incurred include advertising costs for metropolitan and local newspapers as well as the NSW Government Gazette.

**CONCLUSION:**

Given that there were no public submissions in relation to the proposed ward boundary alterations, it is recommended that Council now formally adopt the new ward boundaries.

**RECOMMENDATION:**

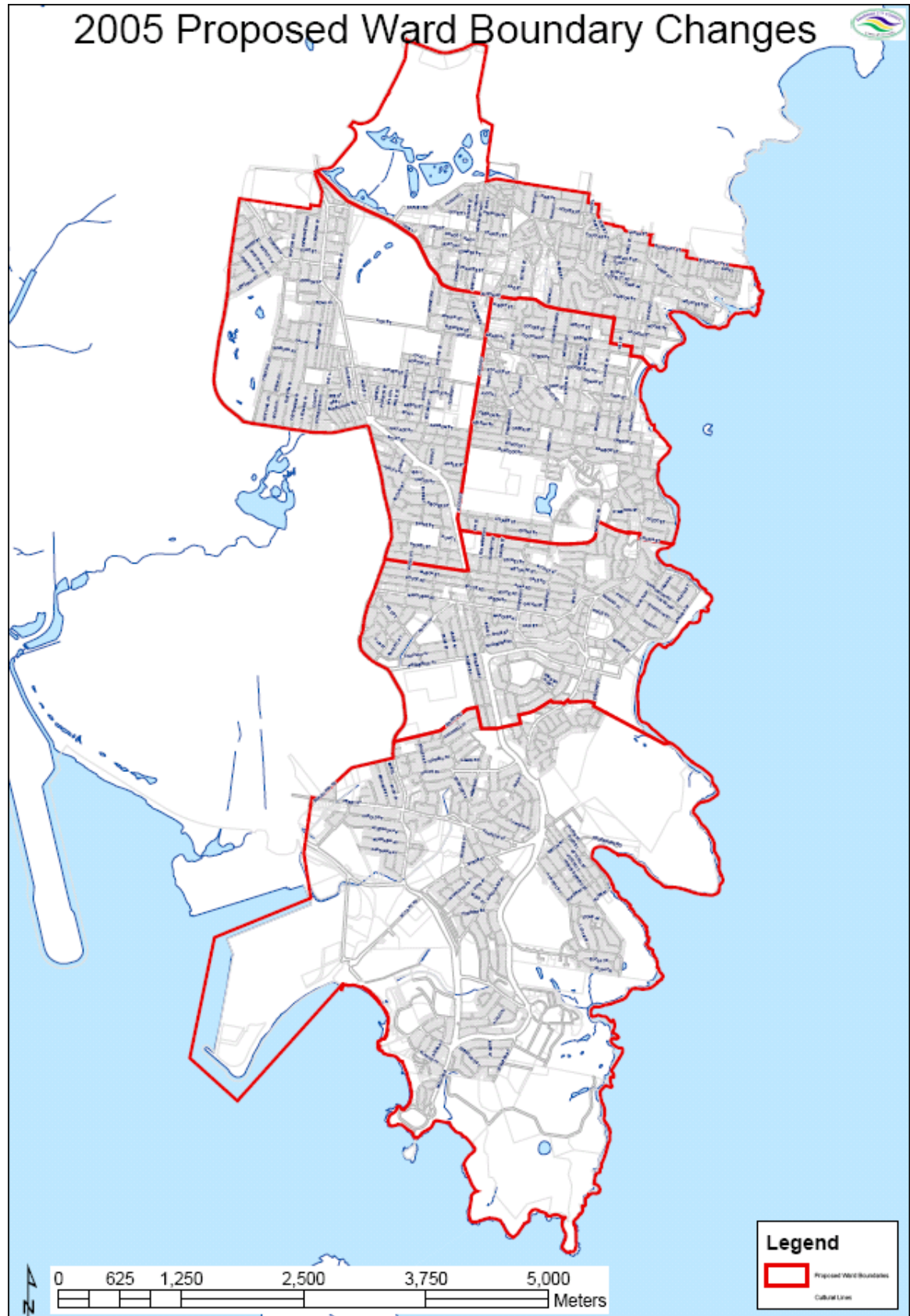
That:

- a) Council adopt the proposed ward boundary alterations as detailed in the independent consultant's report and shown on the ward boundary plans to enable the metes and bounds description of the ward boundaries to be published in the NSW Government Gazette.
- b) the Electoral Commissioner and the Australian Statistician be advised of the revised ward boundaries.

**ATTACHMENT/S:**

1. Map – 2005 Proposed Ward Boundary Changes; and
2. Metes and Bounds Description of Ward Boundaries.

.....  
GEOFF BANTING  
DIRECTOR, GOVERNANCE &  
FINANCIAL SERVICES



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**RANDWICKCITY COUNCIL****Metes and Bounds description of Ward Boundaries****North Ward**

Commencing on the generally eastern boundary of the City at the south-eastern extension of the intersection of Dolphin and Beach Streets and bounded thence north-westerly by a line to Dolphin Street; by Dolphin Street westerly to Arden Street; by Arden Street northerly to Bream Street; by Bream Street westerly to Brook Street; by Brook Street northerly to Alison Road; by Alison Road westerly and north-westerly to the generally western boundary of the City; and thence by the boundary of the City generally northerly, easterly, south-easterly and south-westerly to the point of commencement.

**East Ward**

Commencing on the generally eastern boundary of the City at the south-eastern extension of the intersection of Dolphin and Beach Streets and bounded thence north-westerly by a line to Dolphin Street; by Dolphin Street westerly to Arden Street; by Arden Street northerly to Bream Street; by Bream Street westerly to Brook Street; by Brook Street northerly to Alison Road; by Alison Road generally westerly to Avoca Street; by Avoca Street southerly to Anzac Parade; by Anzac Parade to Moverly Road; by Moverly Road easterly to Macleay Street; by Macleay Street easterly to Gregory Street and the south-western corner of Lots 4902 and 4922 D.P. 752015, Parish of Botany, County of Cumberland (Popplewell Park); by the southern boundary of Lots 4902 and 4922 D.P. 752015 easterly to Malabar Road; by Malabar Road southerly to Liguria Street; by Liguria Street easterly to the generally eastern boundary of the City; and thence by that boundary generally northerly to the point of commencement.

**Central Ward**

Commencing on the generally eastern boundary of the City at the eastern extremity of Liguria Street and bounded thence by Liguria Street westerly to Malabar Road; by Malabar Road northerly to the south-eastern corner of Lots 4902 and 4922 D.P. 752015, Parish of Botany, County of Cumberland (Popplewell Park); by the southern boundary of that Park westerly to Gregory Street at its intersection with Macleay Street; by Macleay Street westerly to Moverly Road; by Moverly Road westerly to Anzac Parade; by Anzac Parade southerly to Gale Road; by Gale Road westerly to the generally western boundary of the City; by that boundary generally southerly to Jersey Road; by Jersey Road easterly to Robey Street; by Robey Street southerly to Beauchamp Road; by Beauchamp Road easterly to Chicago Street; by Chicago Street northerly to Portland Crescent; by Portland Crescent easterly to Dewey Crescent; by Dewey Crescent south-easterly to Malabar Road; by Malabar Road north-easterly to Tyrwhitt Street; by Tyrwhitt Street easterly to Broome Street; by Broome Street southerly to the south-western corner of Lot 613 D.P. 752015, Parish of Botany,

County of Cumberland (Arthur Byrne Reserve); by the south-western boundary of Lot 613 south-easterly to the generally eastern boundary of the City; thence by that boundary generally northerly to the point of commencement.

#### South Ward

Commencing at the generally western boundary of the City at its intersection with Jersey Road and bounded thence by Jersey Road easterly to Robey Street; by Robey Street southerly to Beauchamp Road; by Beauchamp Road easterly to Chicago Street; by Chicago Street northerly to Portland Crescent; by Portland Crescent easterly to Dewey Crescent; by Dewey Crescent south-easterly to Malabar Road; by Malabar Road north-easterly to Tyrwhitt Street; by Tyrwhitt Street easterly to Broome Street; by Broome Street southerly to the south western corner of Portion 613, Parish Botany, County of Cumberland (Arthur Byrne Reserve); by the south western boundary of that portion south-easterly to the generally eastern boundary of the City; and thence by that boundary generally southerly, westerly and northerly to the point of commencement.

#### West Ward

Commencing on the generally western boundary of the City at its intersection with Alison Road and bounded thence by Alison Road generally south-easterly to Avoca Street; by Avoca Street southerly to Anzac Parade; by Anzac Parade southerly to Gale Road; by Gale Road westerly to the generally western boundary of the City; and thence by that boundary generally northerly to the point of commencement.

***Director, City Planning Report 63/2006***

<b>SUBJECT:</b>	25 Byrne Crescent, MAROUBRA
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<b>DATE:</b>	10 July, 2006	<b>FILE NO:</b>	DA 996 / 2004 A & PROP048182
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**REPORT BY:** DIRECTOR, CITY PLANNING

**INTRODUCTION:**

Attached is a Development Assessment Report for a Section 96 application to delete reference to alterations and additions to the existing balconies and only repair those balconies.

**RECOMMENDATION:**

That Council consider and determine the development application in accordance with the recommendations contained in the attached report.

**ATTACHMENT/S:**

Development Application Report dated 10 July 2006.

.....  
SIMA TRUUVERT  
DIRECTOR, CITY PLANNING

.....  
PERRY HEAD  
SENIOR ASSESSMENT OFFICER

# Development Application Report



**REPORT BY:** DIRECTOR, CITY PLANNING

<b>DATE:</b>	10 <sup>th</sup> July 2006	<b>FILE NO:</b>	DA 996/04 A
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<b>PROPOSAL:</b>	Section 96 application to delete reference to alterations and additions to the existing balconies and only repair those balconies.
<b>PROPERTY:</b>	25 Byrne Crescent Maroubra
<b>WARD:</b>	South Ward
<b>APPLICANT:</b>	Jakobsson Building
<b>OWNER:</b>	Mrs E Castile

	Subject Site
	Submissions received
	▲ <b>North</b>
	<b>LOCALITY PLAN</b>

## **1. EXECUTIVE SUMMARY**

The application is referred to Council for determination at the request of Councillor's Nash, Procopiadis and Notley-Smith.

The application seeks consent to modify the original approval to delete the reference to alterations and additions to the existing balconies to the rear and side of the dwelling and to only repair and reinstate the existing balconies to the same dimensions and replace the previous timber balustrade with glazing.

There are no issues with respect to any amenity impacts upon the adjoining properties in that the balconies are not being increased in dimensions or changed in position and there are no additional privacy or overlooking issues.

There has been an objection to the application to modify the consent from the owner of the adjoining property at 23 Byrne Crescent Maroubra.

## **2. THE PROPOSAL**

The proposed modification seeks consent to delete the reference to alterations and additions to the existing balconies at the rear and side of the dwelling and to only repair and reinstate the existing balconies to the same dimensions and replace the previous timber balustrade with glazing.

## **3. THE SUBJECT SITE AND SURROUNDING AREA:**

The subject site is situated on the eastern side of Byrne Crescent between Broome Street and Ford Road in Maroubra and is occupied by a part two part three storey dwelling. The subject site is irregular in shape with a frontage and rear boundary width of 15.24m and side boundary lengths of 32.71m and has a site area of 499m<sup>2</sup>. The site falls from the road towards the rear with a difference in levels of up to 1.5m. The property is surrounded by similar dwellings and to the rear is South Maroubra Beach and Malabar Headland and the locality is wholly within the Foreshore Scenic Protection area.

## **4. SITE HISTORY**

The current approval detailed alterations and additions to the existing balconies to the rear of the dwelling, eastern elevation, including the enlargement of the balconies and provision of new glass balustrades, and a privacy screen to the northern side of the lower level balcony. It also proposed to reconstruct the lower level entry to the side, northern elevation of the building and erect a new upper level balcony above.

The original application was referred to a Council meeting for determination on the 8<sup>th</sup> February 2005, where it was deferred to allow the preparation of a detailed view loss analysis, the application was then subsequently determined at the Council meeting of the 26<sup>th</sup> April 2005 where consent was granted subject to conditions which included;

*“The extension of the south eastern balcony (second level) is to be set back 1550mm from the alignment of the existing external wall of the existing dwelling, being 3 metres from the side boundary”*

*“The balustrades along the north eastern balcony are to be a minimum height of 1.2metres and are to incorporate solid timber 45 degree fixed louvres so as to preserve privacy and are to be designed, constructed and installed in accordance with AS 1926-1986 and are to be setback 500mm from the alignment of the existing wall”*

*“The balustrades along the north side balcony (second level) are to incorporate an opaque screen to be to a height that will stop the intrusion of light into the neighbouring window and are to be designed, constructed and installed in accordance with AS 1926-1986. A similar screen is to be constructed on the landing below this balcony”*

These conditions were the subject of an appeal to the Land & Environment Court which was subsequently discontinued at the applicant’s request, and advice was also provided by the applicant that they would not be proceeding with the entire scope of the works that were the subject of the original application.

#### **5. SECTION 96 ASSESSMENT:**

Under the provisions of Section 96 of the Environmental Planning and Assessment Act, 1979, as amended, Council may only agree to a modification of an existing Development Consent if the development is substantially the same development. The proposed modifications to the approved plans seeks to reduce the overall scope of the approved works to include only the repair of the existing balconies to the rear, eastern elevation of the dwelling, which satisfies the definition as to what may be considered under a Section 96 application.

#### **6. COMMUNITY CONSULTATION:**

The proposal has been notified in accordance with the Local Environmental Plan 1998. The following submissions were received:

#### **E Hudspeth of 23 Byrne Crescent Maroubra**

<b>Issue</b>	<b>Comment</b>
Overall there are no objections to the new glass on the rear balconies as long as a 1.8m privacy screen of solid timber with fixed 45 degree louvres is provided to the north eastern balcony and that all other conditions still apply to the DA that was approved last year.	The scope of the works detailed in this Section 96 application include the repair of the existing balconies to the rear of the dwelling only, and the remainder of the works as detailed in the previous application are no longer being proceeded with. With respect to a privacy screen it is considered unreasonable to require that a privacy screen be provided to an existing balcony in that there is no potential for additional overlooking of the objectors property, and the original conditions only required the timber louvres to a height of 1.2m.

**7. RELEVANT ENVIRONMENTAL PLANNING INSTRUMENTS**

The site is zoned 2A under Randwick Local Environmental Plan 1998 and the proposed activity is permissible with Council's consent.

**8. ENVIRONMENTAL ASSESSMENT**

The site has been inspected and the application has been assessed having regard to Section 79C of the Environmental Planning and Assessment Act, 1979, as amended.

**9. PRIVACY:**

The objectives and performance requirements of the Development Control Plan for Dwellings and Attached Dual Occupancies seek to ensure that new buildings and additions meet occupants and neighbours requirements for visual and acoustic privacy and that overlooking of internal living areas and private open spaces is minimised through appropriate building layout, location and design of windows and balconies and, where necessary, separation, screening devices and landscaping.

It is considered that the proposed works to repair the existing balconies satisfies the objectives and performance requirements of the DCP in that the existing generous side boundary setbacks of 4m from the balconies to both side boundaries will maintain the existing levels of privacy enjoyed by the subject and adjoining properties, and will not result in any additional privacy impacts.

In addition, the new 1000mm high glass balustrade to the balconies will not result in any additional loss of privacy in comparison with the previously approved timber balustrade in that a balustrade with a height of 1000mm regardless of material is well below eye level and would not provide for any screening.

In conclusion the Section 96 application seeks to delete most of the approved works and now only seeks consent to repair the existing balconies to the rear of the dwelling, and does not increase their dimensions and therefore it is considered that there will not be any additional impacts to the adjoining properties.

**10. RELATIONSHIP TO CITY PLAN:**

Direction 5a and associated key action: Improved design and sustainability across all development and upgrade.

The proposal will modernise the existing balcony structures and contributes to the overall pool of well designed buildings in Randwick City.

**11. FINANCIAL IMPACT STATEMENT:**

There is no direct financial impact for this matter.

**12. CONCLUSION**

The proposed modification to the approved plans complies with the relevant assessment criteria and the objectives and performance requirements of the DCP for Dwellings and Attached Dual Occupancies and will not result in any additional impacts upon either the amenity of the adjoining premises or the character of the locality.

**RECOMMENDATION:**

**THAT** Council as the consent authority, grant its consent under Section 96 of the Environmental Planning and Assessment Act 1979 as amended to modify Development Consent No DA/996/2004/A for permission to delete the proposed enlargement of the existing balconies and repair the existing balconies and provide glass balustrades.

Original Consent: Extend the rear balconies along the eastern side and enlarge the balcony along the north including new staircase at 25 Byrne Crescent, MAROUBRA in the following manner:-

**A Amend Condition 1 to read:**

The development must be implemented substantially in accordance with the *Section 96 plans numbered 3474-1 and 3474-2, dated 6/7/06 and received by Council on the 7<sup>th</sup> July 2006, only in so far as they relate to the modifications highlighted on the Section 96 plans and detailed in the Section 96 application*, except as may be amended by the following conditions and as may be shown in red on the attached plans:

**B Conditions 3, 4 & 5 be deleted**

**ATTACHMENT:**

Nil

.....  
SIMA TRUUVERT  
DIRECTOR, CITY PLANNING

.....  
PERRY HEAD  
SENIOR ASSESSMENT OFFICER



***Director, City Planning Report 64/2006***

<b>SUBJECT:</b>	62 Canberra Street, RANDWICK
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<b>DATE:</b>	10 July, 2006	<b>FILE NO:</b>	DA/314/2006 PROP049854
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**REPORT BY:** DIRECTOR, CITY PLANNING

**INTRODUCTION:**

Attached is Development Assessment Report for Development Application No DA/314/2006 for alterations and additions to dwelling and hardstand carspace to the front of the dwelling.

**RECOMMENDATION:**

That Council consider and determine the development application in accordance with the recommendations contained in the attached report.

**ATTACHMENT/S:**

Development Application Report dated 30 June 2006.

.....  
SIMA TRUUVERT  
DIRECTOR, CITY PLANNING

.....  
PERRY HEAD  
SENIOR ASSESSMENT OFFICER

# Development Application Report



**REPORT BY:** DIRECTOR, CITY PLANNING

**DATE:** 30 June, 2006      **FILE NO:** DA 314/06

**PROPOSAL:** Alterations and additions to dwelling and hardstand carspace to the front of the dwelling  
**PROPERTY:** 62 Canberra Street Randwick  
**WARD:** East Ward  
**APPLICANT:** Michael Lewis

	Subject Site
	Submissions received
	▲ <b>North</b>
	<b>LOCALITY PLAN</b>

## **1. EXECUTIVE SUMMARY**

The application is referred to Council for determination at the request of Councillors Bastic, Sullivan and Notley-Smith.

The main issue with the application is the impact that the installation that the carspace to the front of the dwelling will have upon the appearance of the dwelling and the streetscape.

The application is recommended for approval subject to conditions, including a condition requiring that the proposed carspace to the front of the dwelling being deleted.

## **2. THE PROPOSAL**

It is proposed to carryout internal alterations and additions to the dwelling to provide for a new bathroom, an open plan family room at the rear of the dwelling, an attic style addition within the existing roof space with two dormer windows and a hardstand carspace to the front of the dwelling. It is also proposed to convert the existing garage to the rear of the property into a therapy room. The additions will provide for 38m<sup>2</sup> of additional floor area to the dwelling.

## **3. THE SUBJECT SITE AND SURROUNDING AREA:**

The subject site is located on the eastern side of Canberra Street between Bundock and Rainbow Streets and is on the corner of Bundock Lane and is presently occupied by an existing single storey semi detached dwelling. The site has a frontage width of 5.42m, a side boundary depth of 38.71m and has an overall site area of 237m<sup>2</sup>. The immediate locality is residential in nature and contains a mixture of free standing and semi detached dwellings.

## **4. COMMUNITY CONSULTATION:**

The proposal has been notified in accordance with the DCP- Public Notification, no submission have been received.

## **5. RELEVANT ENVIRONMENTAL PLANNING INSTRUMENTS**

The site is zoned 2A under Randwick Local Environmental Plan 1998 and the proposed activity is permissible with Council's consent. The proposal subject to the deletion of the proposed carspace is consistent with the general aims of RLEP 1998 and the specific objectives of the zone in that the proposed activity and built form will enhance and compliment the aesthetic character, environmental qualities and social amenity of the locality.

## **6. ENVIRONMENTAL ASSESSMENT**

The site has been inspected and the application has been assessed having regard to Section 79C of the Environmental Planning and Assessment Act, 1979, as amended.

### ***Development Control Plan - Dwelling Houses and Attached Dual Occupancies***

The DCP for Dwelling Houses and Attached Dual Occupancies states that a proposal is deemed to satisfy the Objectives and Performance Requirements of the DCP if it complies with the corresponding Preferred Solutions. Therefore, the tables below assess the proposal against the Preferred Solutions, and where non-compliance results, assessment is made against the relevant Objectives and Performance Requirements.

#### **Landscaping**

	<b><i>Preferred Solution</i></b>	<b><i>Assessment</i></b>
S1	40% of the total site area is provided as landscaped area.	30% of the site is landscaped area. Does not comply – see assessment below.
S1	A minimum of 25m <sup>2</sup> of useable private open space is to be provided.	The rear yard has an area of 30sqm. Complies.
S1	Each dwelling must provide an area of private open space capable of containing a rectangle of minimum dimensions of 3m x 4m with minor changes in level.	The above area has dimensions of 5m x 6m. Complies.
S6	20% of the total site area has permeable treatment.	30% of the site is permeable. Complies.

The Objectives of the DCP with regard to landscaping are that existing significant trees and landscaping are retained and enhanced; dwellings are provided with usable outdoor recreation space; storm water management and the appearance, amenity and energy efficiency of the dwelling is improved through integrated landscape design; and the native wildlife populations are preserved and enhanced through appropriate planting of indigenous vegetation.

The Performance Requirements are that the size and dimensions of landscaping suit the needs of the occupants; location and design of open space takes advantage of aspect for year round use; indigenous species are used and existing vegetation is recycled where possible; planting does not obstruct or interfere with entries; and unpaved areas are maximised to allow stormwater infiltration.

The existing landscaping area to the site is approximately 75m<sup>2</sup> which represents 32% of the site area and does not comply with the minimum standard under the DCP for Dwellings and the proposal will result in a further loss of 5m<sup>2</sup> of landscaped area and a site percentage of 30%.

There are no major concerns regarding non compliance with the preferred solution minimum in that the small area of the site makes it almost impossible to allow for some development and strictly comply with the preferred solutions. The remaining landscaped area will however comply with the objectives and performance requirements of the DCP in that the area of remaining landscaping is all level and is primarily contained within the private rear yard area which is adequate to provide for an area for recreation of the occupants and the orientation of this area allows for unobstructed solar access for most of

the day, and in addition the difference in existing landscaping area and proposed, being 5m<sup>2</sup>, is negligible and will not result in a significant loss of amenity of the occupants.

### Floor Area

	<i>Preferred Solution</i>	<i>Assessment</i>
S1	The preferred solution for an allotment of this area is that a maximum floor space ratio of 0.65:1 applies.	The proposed FSR is 0.79:1. Does not comply – see assessment below.

The Objectives and Performance Requirements of the DCP are that developments are not excessive in bulk or scale; are compatible with the existing character of the locality; and minimise adverse effects of bulk on neighbours and the street.

The total habitable floor area on site including the converted garage, and attic is 189m<sup>2</sup> and exceeds the preferred solution maximum of the DCP by 35m<sup>2</sup>, however there are no major concerns in this instance in that the attic area is essentially mostly within the existing roof space and does not greatly increase the overall bulk and scale of the dwelling and if not included in the FSR calculations the dwelling would comply. In addition, the garage structure which is the subject of conversion is for the most part existing, and its bulk will also not increase greatly. Therefore, on balance it is considered that the overall objectives and performance requirements of the DCP are complied with.

### Height, Form & Materials

	<i>Preferred Solution</i>	<i>Assessment</i>
S1	External wall height of the building not exceed 7m	The proposed dwelling has a maximum external wall height of 4m to the dwelling proper and 5.3m to the dormers. Complies.
S3	Cut or fill does not exceed 1m.	Complies.
S3	No excavation within 900mm of a side boundary.	Does not comply to the southern boundary and suitable conditions regarding the excavation and shoring during building works are included.

### Building Setbacks

	<i>Preferred Solution</i>	<i>Assessment</i>
S2	No part of the building is closer than 4.5m from rear boundary.	No change to rear boundary setbacks.
S3	Side setbacks be 900mm for any part of the building at ground level.	The proposed development is set back up to both side boundaries, see assessment below.

	<i>Preferred Solution</i>	<i>Assessment</i>
S3	Side setbacks be 1.5m at second floor level.	The proposed development is set back up to the northern side boundary and 1.9m from the southern side boundary, does not comply to the northern side boundary, see assessment below.

The Objectives and Performance Requirements of the DCP seek to ensure that there is adequate access to sunlight, daylight and fresh air to building occupants and neighbours; and with respect to front boundary setbacks the proposal generally conform to the adjoining development or dominant streetscape.

There are no objections to the siting of the additions to the northern side boundary in that this is up to the party wall and will not result in any adverse impact upon the amenity to the adjoining dwelling, and with regards to the southern side boundary setback this is to a lane and will not have any significant impact upon the dwelling on the other side of the lane.

### **Visual & Acoustic Privacy**

The Objective of the DCP is to ensure that new buildings and additions meet the occupant and neighbours requirements for visual and acoustic privacy.

The Performance Requirements include that overlooking of internal private living areas is minimised through appropriate building layout, location and design of windows and balconies; and separation, screening devices and landscaping be used to assist in minimising privacy impacts.

There are no privacy impacts upon the adjoining properties in that the new upper level dormer windows are separated from the adjoining dwelling by Bundock Lane and are also set well back from the property boundary.

### **Garages & Driveways**

	<i>Preferred Solution</i>	<i>Assessment</i>
S1	Car parking spaces have a minimum dimension of 5.5m x 2.5m.	The dimensions of the parking spaces are 5.2m x 3.1m. Does not comply – see assessment below
S1	Driveways have minimum width of 3m and are set back at least 1m from the side boundary.	The proposed driveway is 3 metres wide and is set back at least 1 metre from the side boundary. Complies.
S1	Driveways have a maximum width of 3m at the property boundary.	The proposed driveway is 3.1 metres at the front boundary. Does not comply, however the degree of non compliance is minimal, and if the carspace was to be approved could easily be reduced.

	<i>Preferred Solution</i>	<i>Assessment</i>
S2	Parking and access is provided from the rear of the allotment where possible.	There is already a parking space at the rear to the existing garage which is to be converted into habitable room, however there remains ample area within the rear yard to accommodate off street parking.
S2	Garages and carports located behind the building line where parking only available from the front of the site.	The proposed carspace is located directly in front of the dwelling. Does not comply – see assessment below
S2	Driveways, car parking spaces and structures do not occupy more than 35% of the width of the allotment	The proposed carspace occupies about 60% of the width of the site frontage. Does not comply – see assessment below.

The Objectives and Performance Requirements of the DCP include that car parking and driveways are not visually obtrusive and do not detract from the appearance of the dwelling and the street scape; and structures are compatible in scale, form, materials and finishes with the associated dwelling.

The proposed carspace does not comply with the objectives and performance requirements of the DCP in that removing a portion of the existing front wall to accommodate a carspace directly to the front of the dwelling will detract from both the appearance of the dwelling and the local streetscape, and in addition the carspace fails to satisfy the minimum length of 5.5m, being 5.2m. The portion of the application which includes the carspace is recommended for deletion and a condition to this effect is included in the recommendation.

## 7. CONCLUSION

The proposal subject to the deletion of the proposed carspace complies with the relevant assessment criteria and the objectives and performance requirements of the DCP for Dwellings and Attached Dual Occupancies and will not result in any adverse impacts upon either the amenity of the adjoining premises or the character of the locality.

## RECOMMENDATION:

**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.314/06 for permission to carryout alterations and additions to the dwelling including new dormer windows to the attic store, and conversion of the garage into a therapy room at 62 Canberra Street Randwick subject to 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:**

1. The development must be implemented substantially in accordance with the plans numbered 62CANB, sheets 1 & 2, dated March 2006 and received by Council on

the 1<sup>st</sup> May 2006, 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 The external materials, colours and finishes of the building are required to match, as closely as possible, the existing building.
- 3 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.
- 4 There must be no encroachment of the structures onto any adjoining premises or onto Council's road reserve, footway or public place, unless permission has been obtained from the owners of the adjoining land accordingly.
- 5 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.
- 6 The use of the therapy room is to be in conjunction with the use of the dwelling and is not to be used for any other purpose or occupation.
- 7 The proposed carspace to the front of the dwelling does not comply with the Development Control Plan for Dwellings in that it will be visually obtrusive and will detract from the appearance of the dwelling within the local streetscape, and in addition the length of the carspace does not comply with the minimum of 5.5m. Reference to this carspace and crossing is to be deleted from the application and the plans accompanying the Construction Certificate are to be amended accordingly.

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

- 8 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.
- 9 New 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.

- 10 New 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.



**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:**

- 11 Surface water/stormwater must be drained and discharged to the street gutter or suitably designed absorption pit, to the satisfaction of the Certifying Authority and details are to be included in the construction certificate application for the development.

Absorption pits must be located not less than 3m from any adjoining premises and the stormwater must not be directed or flow onto 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 prior to commencement of works.

- 12 External paths and ground surfaces are to be constructed at appropriate levels and be graded and drained away from the building and adjoining premises, so as not to result in the entry of water into the building, or cause a nuisance or damage to the adjoining premises.

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

- 13 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.**

- 14 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*.

- 15 **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.

- 16 **Prior to the commencement of any building works**, the person having the benefit of the development consent must: -

- i) appoint a *Principal Certifying Authority* for the building work; and
- ii) appoint a *principal contractor* for the building work, or in relation to residential building work, obtain an *owner-builder* permit in accordance with

the requirements of the Home Building Act 1989, and notify the *Principal Certifying Authority* and Council accordingly in writing; and

- iii) unless the person having the benefit of the consent is the *principal contractor* (i.e. *owner-builder*), notify the *principal contractor* of the required *critical stage inspections* and other inspections to be carried out, as specified by the *Principal Certifying Authority*; and
- iv) give at least two days notice to the Council, in writing, of the persons intention to commence building works.

In relation to residential building work, the principal contractor must be the holder of a contractor licence, in accordance with the provisions of the Home Building Act 1989.

- 17 The building works must be inspected by the *Principal Certifying Authority* (or another *certifying authority* if the *Principal Certifying Authority* agrees), in accordance with sections 109 E (3) of the Environmental Planning & Assessment Act 1979 and clause 162A of the Environmental Planning & Assessment Regulation 2000, to monitor compliance with the relevant standards of construction, Council's development consent and the construction certificate.

The *Principal Certifying Authority* must specify the relevant stages of construction to be inspected in accordance with section 81A (2) (b1) (ii) of the Environmental Planning & Assessment Regulation 2000 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 consent is to be maintained by the *Principal Certifying Authority*. Details of *critical stage inspections* carried out and copies of certification relied upon must also be forwarded to Council with the *occupation certificate*.

The *principal contractor* or *owner-builder* (as applicable) must ensure that the required critical stage and other inspections, as specified in the *Principal Certifying Authority's* "Notice of Critical Stage Inspections", are carried out to the satisfaction of the *Principal Certifying Authority* and at least 48 hours notice (excluding weekends and public holidays) is to be given to the *Principal Certifying Authority*, to carry out the required inspection, before carrying out any further works.

- 18 A sign must be erected and maintained in a prominent position on the site, which contains the following details:
- name, address, contractor licence number and telephone number of the *principal contractor*, including a telephone number at which the person may be contacted outside working hours, or *owner-builder* permit details (as applicable);

- name, address and telephone number of the *Principal Certifying Authority*; and
- a statement stating that “unauthorised entry to the work site is prohibited”.

- 19 An **Occupation Certificate** must be obtained from the Principal Certifying Authority **prior to any occupation of the building work** encompassed in this development consent (including alterations and additions to existing buildings), in accordance with the relevant provisions of the Environmental Planning & Assessment Act 1979.

An Occupation Certificate must not be issued for the development if the development is inconsistent with the development consent. The requirements of the Environmental Planning & Assessment Act 1979 and conditions of development consent must be satisfied prior to the issuing of an occupation certificate.

- 20 **Prior to the issuing of an interim or final occupation certificate**, a statement is required to be obtained from the Principal Certifying Authority, which confirms that the development is not inconsistent with the development consent and the relevant conditions of development consent have been satisfied.

Details of *critical stage* inspections carried out by the principal certifying authority together with any other certification relied upon and must also be provided to Council with the occupation certificate.

- 21 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 provisions 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 principal building contractor and compliance with the provisions of the *Home Building Act 1989* (i.e. *Details of the principal licensed building contractor and a copy of the Certificate of Insurance*) are to be submitted to

Council **prior to the commencement of works**, with the notice of appointment of the PCA / notice of intention to commence building work.

- 22 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.

*At the time of this development consent, Long Service Levy payment is applicable on building work having a value of \$25,000 or more, at the rate of 0.35% of the cost of the works.*

- 23 Smoke alarms are required to be installed in each Class 1 building or residential 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 Building Code of Australia – 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 ensure that the development satisfies relevant standards of construction, and to maintain adequate levels of health, safety and amenity during construction:**

- 24 The demolition, removal, storage, handling and disposal of building products and materials must be carried out in accordance with the relevant requirements of WorkCover NSW, the NSW Department of Environment & Conservation (formerly the Environment Protection Authority) and Randwick City Council policies and conditions, including:
- Occupational Health and Safety Act 2000
  - Occupational Health and Safety (Hazardous Substances) Regulation 2001
  - Occupational Health and Safety (Asbestos Removal Work) Regulation 2001
  - WorkCover NSW Code of Practice for the Safe Removal of Asbestos
  - Australian Standard 2601 (2001) – Demolition of Structures

- The Protection of the Environment Operations Act 1997 and Protection of the Environment Operations (Waste) Regulation 1996.
- Relevant Department of Environment & Conservation (DEC) / Environment Protection Authority (EPA) and WorkCover NSW Guidelines.
- Randwick City Council Asbestos Policy (adopted 13 September 2005)

*A copy of Council's Asbestos Policy is available on Council's web site at [www.randwick.nsw.gov.au](http://www.randwick.nsw.gov.au) in the Building & Development section or a copy can be obtained from Council's Customer Service Centre.*

- 25 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 made available to the Council officers and all building contractors for assessment.
- 26 All excavations and backfilling associated with the erection or demolition of a building must be executed safely in accordance with appropriate professional standards and excavations are to be properly guarded and supported to prevent them from being dangerous to life, property or buildings.
- 27 Except with the written approval of Council's Manager of Health, Building & Regulatory Services, all building, demolition and associated site works (including site deliveries) must only be carried out between the hours of 7.00am to 5.00pm on Monday to Friday inclusive and between 8.00am to 5.00pm on Saturdays and all building activities are strictly prohibited on Sundays and Public Holidays.
- 28 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.
- 29 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.

- 30 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, soil and debris at all times.

Bulk bins/waste containers must not be located upon the footpath, roadway or nature strip at any time without the prior written approval 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 Development Control Plan for Exempt & Complying Development and Council's Local Approvals Policy. Applications to place a waste container in a public place can be made to Council's Building Services section.

- 31 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

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.

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 maintain reasonable levels of public health, amenity and safety:**

- 32 The demolition, removal, storage, handling and disposal of products and materials containing asbestos must be carried out in accordance with Randwick City Council's Asbestos Policy and the relevant requirements of WorkCover NSW and the NSW Department of Environment & Conservation (formerly the Environment Protection Authority), including:

- Occupational Health and Safety Act 2000
- Occupational Health and Safety (Hazardous Substances) Regulation 2001
- Occupational Health and Safety (Asbestos Removal Work) Regulation 2001
- WorkCover NSW Code of Practice for the Safe Removal of Asbestos
- Australian Standard 2601 (2001) – Demolition of Structures
- The Protection of the Environment Operations Act 1997 and Protection of the Environment Operations (Waste) Regulation 1996.
- Relevant Department of Environment & Conservation (DEC) / Environment Protection Authority (EPA) and WorkCover NSW Guidelines.

*A copy of Council's Asbestos Policy is available on Council's web site at [www.randwick.nsw.gov.au](http://www.randwick.nsw.gov.au) in the Building & Development section or a copy can be obtained from Council's Customer Service Centre.*

**ATTACHMENT/S:**

Nil

.....  
SIMA TRUUVERT  
DIRECTOR OF PLANNING & ENVIRONMENT

.....  
PERRY HEAD  
SENIOR ASSESSMENT OFFICER

***Director, City Planning Report 65/2006***

<b>SUBJECT:</b>	45-53 Dudley Street, COOGEE
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<b>DATE:</b>	17 July, 2006	<b>FILE NO:</b>	DA/221/2006
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**REPORT BY:** DIRECTOR, CITY PLANNING

**INTRODUCTION:**

Attached is a Development Assessment Report for alterations and new upper level addition to the approved development.

**RECOMMENDATION:**

That Council consider and determine the development application in accordance with the recommendations contained in the attached report.

**ATTACHMENT/S:**

Development Application Report dated 12 July 2006 .

.....  
SIMA TRUUVERT  
DIRECTOR, CITY PLANNING

.....  
DAVID PIRIE  
SENIOR ASSEMENT PLANNER



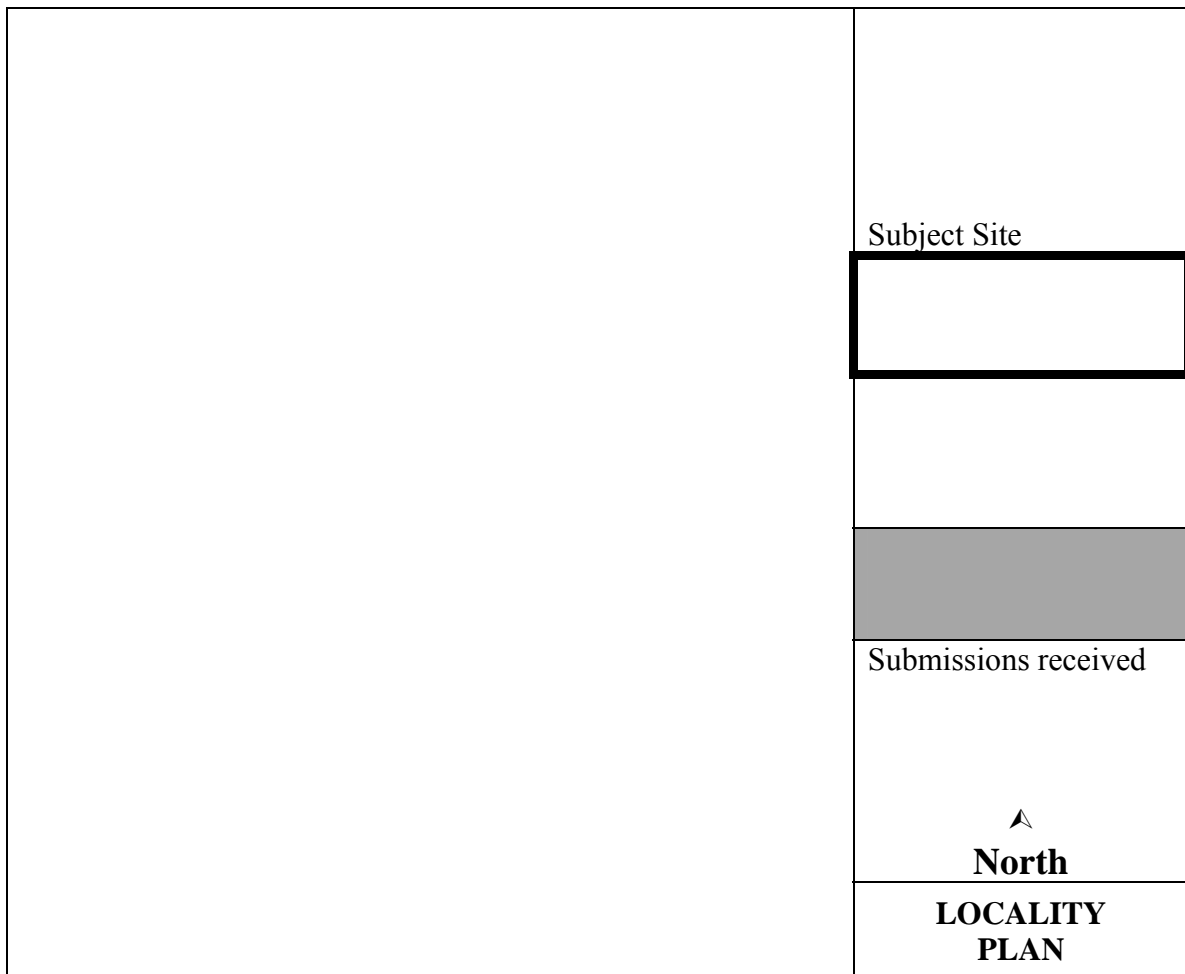
# Development Application Report



**REPORT BY:** DIRECTOR, CITY PLANNING

<b>DATE:</b>	15 June, 2006	<b>FILE NO:</b>	D/221/2006
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<b>PROPOSAL:</b>	Alterations and new upper level addition to the approved development
<b>PROPERTY:</b>	47-53 Dudley Street, Coogee
<b>WARD:</b>	East Ward
<b>APPLICANT:</b>	CSA Architects Pty Ltd
<b>OWNER:</b>	Leystreet Pty Ltd



## **1. EXECUTIVE SUMMARY**

The application has been referred to the Ordinary Council Meeting for determination at the request of Councillors Chris Bastic, Michael Daley and Dominic Sullivan.

The application proposes an additional fourth storey to the development approved by consent to Development Application No. 68/2005 on 8 November, 2005 and as modified by a Section 96 (2) approval on 14 March, 2006. The new level consists of living, dining, kitchen and balcony areas for Units 10 and 11, accessed by internal stairs from each apartment from the level below. An additional bedroom is also proposed for these reconfigured units. The new unit mix as a result of the changes are three (3) x one (1) bedroom, seven (7) x two (2) bedroom and three (3) x three (3) bedroom dwellings. No changes are proposed to the basement carpark or to the ground and first floor levels of the approved development.

Ten submissions have been received from neighbouring properties as a result of the notification and advertising of the application (refer Section 5 of the report). The submissions raise objections to the additional floor space proposed as a result of the new fourth storey addition, which is in excess of the statutory requirements and also the appearance of building bulk; the non complying external wall height resulting from the new fourth storey addition; view loss resulting from the non complying wall height and increased floor space; overshadowing; loss of privacy; noise intrusion and parking arrangements.

The application was considered by the Design Review Panel in relation to the design quality principles for residential flat buildings as required by State Environmental Planning Policy No. 65 (SEPP 65) at its meeting on 1 May, 2006 (refer Section 9.1 of the report). In summary, it considered the proposal to add another level does not satisfy the requirements of SEPP 65 and cannot sustain an argument for approval, as it is over the floor space ratio (FSR) requirements for the site, does not meet the standards for ceiling height and amenity and is poorly designed.

The proposal is in excess of the maximum FSR requirements and maximum external wall height requirements as contained within the Randwick Local Environmental Plan, 1998 (LEP) and relies on objections to these standards submitted pursuant to State Environmental Planning Policy No. 1 (SEPP 1) for approval of the application (refer Section 9.32 and 9.33 of the report). It is considered that these objections are not well founded, in that the new fourth storey does not integrate with the approved building form and design, with consequent impacts to the streetscape and neighbouring properties, particularly with regards to view sharing. Accordingly the application is recommended for refusal (refer to Section 13 of the report for reasons of refusal).

## **2. THE PROPOSAL**

The application proposes additional external and internal modifications to the development approved by consent to Development Application No. 68/2005.

The changes to the approved development include the addition of a fourth storey, consisting of living, dining and kitchen areas for Units 10 and 11 and an associated balcony located off the living area. The layout of these units on the floor below will also

be modified to include an additional third bedroom to each unit in lieu of the relocated living, dining and kitchen areas and will also include internal stair access from Level 3 of each apartment to the new fourth level.

The modifications proposed will result in a new unit mix of three (3) x one (1) bedroom, seven (7) x two (2) bedroom and three (3) x three (3) bedroom dwellings within the development. No changes are proposed to the basement carpark or to the ground, first and second floor levels. The proposal is therefore assessed only against the changes as proposed to the approved development.

### 3. THE SUBJECT SITE AND SURROUNDING AREA:



*Figure 1: Locality map of subject site and surrounds*

The proposal relates to a regular shaped corner site with frontages to Asher Street and Dudley Street in Coogee (refer Figure 1). Demolition works are currently being undertaken on the site. The site has a total site area of approximately 1,231.5m<sup>2</sup> and consists of four properties as follows:-

- No. 47 Dudley Street identified as Lot 11 in DP 165538 and Lot 1 in DP 1070296;
- No. 49 Dudley Street identified as Lot 1 in DP 620973;
- No. 51 Dudley Street identified as Lot 2 in DP 620973;
- No. 53 Dudley Street (also known as 14 Asher Street) and identified as Lot 1 in DP 1079162.

The subject site is bounded by Dudley Street on its south with a frontage of 36.505m and Asher Street on its east with a frontage of 33.635m. The northern (rear) and western (side) boundaries measure 24.315m and 33.765m, respectively. The site has a common boundary, to the north, with No. 16 Asher Street (alternately known as 12 Asher Street) containing a single storey doctor's surgery (refer Figure 2) and to its west, with No. 45

Dudley Street (refer Figure 3), containing a two storey multi-unit housing building, containing two (2) dwellings. The site falls from the west to the east by approximately 2 metres, with its low point on its south-eastern boundary at the corner of Asher and Dudley Streets.



**Figure 2:** No. 16 Asher Street adjoining the site to the north on the south-west corner of Asher Street and Havelock Avenue



**Figure 3:** No. 45 Dudley Street adjoining the site to the west.



**Figure 4:** 55 Dudley Street opposite on the north-east corner of Dudley and Asher Streets

The surrounding locality consists of a mix of residential properties of various types and scale. Located opposite on the north-east corner of Dudley and Asher Street (55 Dudley Street) is a single storey dwelling house (refer Figure 4). On the opposite (southern) side of Dudley Street are a variety of dwelling types: single storey detached dwelling houses, two storey older style residential flat buildings and recent three storey multi-unit housing developments above raised basement carparks (refer Figures 5, 6 and 7).



*Figure 5: 90 Dudley Street opposite to the south*



*Figure 6: 86 Dudley Street opposite to the south*



*Figure 7: 84 and 82 Dudley Street opposite to the south and south-east*

#### **4. HISTORY**

Development Application No. 285/2004 (DA 285/2004) for a slightly larger site that included No. 45 Dudley Street and which proposed a part three/part four storey multi-housing development containing 19 dwellings was refused by Council at its Ordinary Council Meeting on 23 November, 2004.

Development Application No. 68/2005 (DA 68/2005) for a three (3) storey multi-unit housing development containing 13 dwellings, being three (3) x one (1) bedroom, nine (9) x two (2) bedroom and one (1) x three (3) bedroom apartments, with basement parking for 19 cars and strata subdivision into 13 lots was approved by way of a deferred

commencement consent by Council at its Health, Building and Planning Committee meeting on 8 November, 2005. This approval relates to a site reduced in size by one allotment (45 Dudley Street) from the site relating to the previous refusal (DA 285/2004).

A Section 96 (2) application to modify the consent was approved by Council at its Health, Building and Planning Committee meeting on 14 March, 2006. This application included increasing the size of the basement car park to accommodate an additional three (3) parking spaces, extension of the building to the rear and enclosure of ground and first floor balconies to Dudley Street, as well as modifications to the internal layout to provide study areas and resultant changes to the fenestration. The approval of the Section 96 application included a condition that removed the enclosure of the front balconies and the resultant approved floor space ratio was 1.16:1.

The subject application now seeks consent for further changes to the approved development which are beyond the scope of a Section 96 modification.

## **5. COMMUNITY CONSULTATION:**

The proposal was notified and advertised in accordance with the Development Control Plan – Public Notification of Development Proposals and Council Plans, until 5 May, 2006. As a result, ten submissions were received from the following:

- J Shaw of 3/78A Dudley Street, Coogee
- P Greig of 5/78A Dudley Street, Coogee
- J and E Henry of 1/82 Dudley Street, Coogee (on behalf of Strata Plan No. 57153)
- J Lawrence of 5 Asher Street, Coogee
- M Richards of 88 Dudley Street, Coogee
- J Becker and H Grahame of 80 Dudley Street, Coogee
- N Mitford of 10 Asher Street, Coogee
- J and E Vlass of 8 Asher Street, Coogee
- J Bridgman of 5 Logan Court, Mt Ommaney, Queensland (owner of 45 Dudley Street)
- A and K Brann of 4/82 Dudley Street, Coogee

### **5.1 Objections**

The following issues were raised in the submissions to the proposal and are addressed below where applicable and in the Environmental Assessment Section of the report (Section 9).

#### **Floor space and bulk**

- *Additional FSR is non compliant with Council requirements and will not increase amenity.*
- *The previous application reduced the FSR from 1.15:1 to 1.09:1 to gain approval, while the current proposal increases the FSR to 1.21:1, which is even greater than was originally submitted in the previous approval.*
- *The size of the building is claustrophobic for residents and pedestrians walking up and down in Dudley and Asher Streets.*

- *The proposal will cause the floor space ratio for the development to exceed existing guidelines.*
- *The additional floor space will detrimentally affect the street setback, silhouette and profile of the building with respect to the streetscape of the neighbourhood.*
- *The bulk of the building will be completely out of character with the area and village atmosphere.*
- *Excessive size, bulk and scale of the addition relative to the surrounding streetscape to a development which is already excessive.*

### **Planning comment**

The application proposes an increase in the floor space ratio (FSR) from 1.16:1, as approved, to 1.22:1, which is above the statutory FSR standard of 0.9:1 for the site as contained within the Randwick Local Environmental Plan 1998 (LEP). The applicant has submitted an objection pursuant to State Environmental Planning Policy No. 1 (SEPP 1) that argues that compliance with the standard is unreasonable and unnecessary in the circumstances. An assessment of the SEPP 1 objection is found in Section 9.32 of the report.

### **Height**

- *The proposal will result in a development which exceeds height guidelines for walls and the roof.*
- *The original design had skylights which increased the height of the building and which were, as a result of the objections received, replaced with non-projecting skylights. The current application contradicts the concession made to gain the previous approval.*
- *The wall height adds to the size and bulk of the proposal and adds nothing to the building or the streetscape. The only view montage is from directly opposite and as the street slopes up to the west, the proposal will appear as an “add on” and will look terrible.*
- *The proposal is non compliant in relation to wall height which has already been deemed unacceptable in previous applications. No cogent reasons have been put forward to support the departures from the standards*

### **Planning comment**

The proposal breaches the external wall height standard of 10m as contained within the LEP. While the proposed new fourth storey is contained within the overall 12m height plane set by the building height requirements of the LEP, the external wall height of the new upper level attains a maximum height of 11.8m from existing ground level. The applicant has submitted a SEPP 1 objection in this regard and an assessment of the SEPP 1 objection is found in Section 9.33 of the report.

### **Compliance with controls**

- *The proposal exceeds Council guidelines and requirements, including FSR, wall height and setbacks and the parking requirements of the DCP.*
- *The proposal does not meet the objectives of the 2C Zone.*

- *There is no adequate justification as to why the proposal will be better if it exceeds requirements and hence does not meet the draft SEPP.*

### **Planning comment**

An assessment of the proposal's compliance with the relevant planning instruments is contained in the Environmental Assessment Section of the report (refer Section 9).

### **Views**

- *The proposal increases the roof height blocking the view to the south west for properties in Asher Street*
- *The proposal will diminish the view from 3/78A Dudley Street and surrounding properties.*
- *Unit 1/82 Dudley Street will lose all of its view, unrestricted air space and will look at a mass of brick work, while Units 3 and 4 will lose some of their sea views they presently enjoy.*
- *The proposal will result in a loss of coastal and district views from 80 Dudley Street, not only from the balcony but also from the dining room, lounge and main bedroom.*

### **Planning comment**

View sharing is discussed in Section 9.5 of the report.

### **Parking and traffic**

- *Although it appears that the proposal includes two additional garage spaces, it will in no way make any difference to the extra amount of cars in the area and the lack of visitor parking.*
- *Stacked car spaces within the basement car park raise the likelihood of additional cars fighting for on street parking in an area already cramped.*
- *The proposed parking configuration is unworkable.*

### **Planning comment**

The application does not alter the parking arrangement as approved by the Section 96 (2) application to DA 68/2005 and which still meets the numerical requirements of Council's DCP-Parking for the current proposal (refer Section 9.6 of the report).

### **Noise**

- *The proposal would reflect traffic noise from the tunnel section of Havelock Avenue into Asher Street*
- *The level of noise to Asher Street would increase as the character of the units and their size suggests that they would be likely to be purchased by investors and rented to young singles or groups, rather than families.*



**Planning comment**

The proposal for an additional level to the approved development would not significantly increase noise levels to Asher Street.

**Privacy**

- *The increase in density and four storey height will overpower the houses directly opposite and affect the privacy of all houses in Asher Street.*

**Planning comment**

The new fourth storey is well setback from Asher Street by approximately 13m (minimum) and as such it would not be readily viewed within Asher Street between Havelock Avenue and Dudley Street and given the amount of separation between the new upper level and residences in Dudley Street would not significantly increase the level of overlooking to these properties already resulting from the approved development.

**Shadow**

- *The shadow will be huge over the street and create a cold climate.*

**Planning comment**

An examination of the submitted shadow diagrams indicates that there will be a marginal increase to the extent of shadow cast on the western wall of No. 45 Dudley Street between 9am and 10am on June 21 (the winter solstice), however the additional shadow cast from the new upper level addition between 12 noon and 3pm is largely contained within the subject site and does not result in any significant additional shadow over Dudley Street.

**6. TECHNICAL OFFICERS COMMENTS**

The application has been referred to the relevant technical officers, including where necessary external bodies and the following comments have been provided:-

**6.1 Environmental Health and Building**

Council's Manager of Environmental Health and Building has advised that the following:-

**Building Services comments*****The Proposal***

*The subject development relates to the alterations and additions for an already approved multi unit housing development, which proposes to construct an additional storey for units 10 and 11.*

*It is noted that a development application has already been submitted for the construction of a multi unit development (DA-68/2005), in which conditions have been provided for the construction of the entire development (excluding the above proposal). These conditions*

*include BCA related issues, fire safety, potential noise generation, site management and disabled access requirements.*

*No objection is raised to the proposed development application, subject to any conditions and advice as detailed below.*

***Recommendation:***

*No additional building related conditions of consent need to be included in this determination. However, the applicant is advised of the necessity to ensure compliance with the original conditions of development consent as applied on DA-68/2005.*

## **7. MASTER PLANNING REQUIREMENTS**

The total site area (1231.5m<sup>2</sup>) is less than required for the submission of a master plan (4000m<sup>2</sup>).

## **8. RELEVANT ENVIRONMENTAL PLANNING INSTRUMENTS**

The site is zoned 2C under the Randwick Local Environmental Plan 1998 (LEP) and the proposal is permissible with Council's consent.

The development application has been assessed in accordance with the provisions of the following relevant planning documents:

- Environmental Planning and Assessment Act, 1979, as amended
- Environmental Planning and Assessment Regulation 2000
- State Environment Planning Policy (Building Sustainability Index: BASIX) 2004
- State Environmental Planning Policy No.65 - Design Quality of Residential Flat Development
- Randwick Local Environmental Plan 1998
- Draft State Environmental Planning Policy (Application of Development Standards) 2004
- Randwick Development Control Plan – Multi-Unit Housing
- Randwick Development Control Plan – Parking
- Randwick Section 94 Contributions Plan
- Randwick City Council Rainwater Tanks Policy
- Randwick City Council Asbestos Policy 2005
- Building Code of Australia.

## **9. ENVIRONMENTAL ASSESSMENT**

The site has been inspected and the application has been assessed having regard to Section 79C of the Environmental Planning and Assessment Act, 1979, as amended and the following relevant environmental planning instruments and policies:-

### **9.1 State Environmental Planning Policy No. 65**

The application was referred to the Design Review Panel convened under State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development (SEPP 65). The design was considered by the Panel, in relation to the design quality principles for residential flat buildings, as set out in Part 2 of SEPP 65, at its meeting on 1 May, 2006 and is considered unsatisfactory as it does not meet the requirements of SEPP 65 as set out in the Panel's comments below:-

**1. Relationship to the Context of the Proposal**

*The proposed third floor addition does not have a satisfactory relationship with the context. The proposal has been designed to comply with the maximum height plane rather than to have a relationship with the existing building or the buildings in the vicinity. It is considered that the proposal does not comply with the SEPP65 Guidelines.*

**2. The Scale of the Proposal**

*Whilst the scale of the proposal is within the maximum height plane for the site there are other aspects of the proposal that are not considered acceptable.*

*The photo montages illustrate that due to its scale the proposal has an impact on the views from 80 Dudley Street and 78A Dudley Street*

**3. The Built Form of the Proposal**

*The massing and form of the proposed third floor addition is considered unsatisfactory. The design is related to the maximum height plane and is unbalanced and poor in its configuration being rather like a shed erected on top of an existing building rather than an integrated, quality design that relates to the overall form of a new proposal.*

**4. The Proposed Density**

*The proposal is over the permitted FSR by 0.31. It is considered that the proposal does not comply with the objectives of SEPP 65 and therefore there should be no increase over the previous approval of 1.16:1 (The control is 0.9:1) There is a need for a positive outcome and no negative effects to agree to a higher FSR and the subject application does not exhibit design excellence or any other known reason for the approved FSR to be varied, other than a desire for more floor space..*

**5. Resource and Energy Use and Water Efficiency**

*Not applicable*

**6. The Proposed Landscape**

*Not applicable*

**7. The Amenity of the Proposal for its Users**

*The height of the ceilings does not comply with recommended heights under SEPP 65. The low ceiling heights are proposed so as to comply with the maximum height limit for*

*the site. This may preclude the opportunity to adequately insulate the rooms and provide satisfactory head heights. This would lead to poor environmental amenity.*

#### **8. The Safety and Security Characteristics of the Proposal**

*Not applicable*

#### **9. Social issues**

*Not applicable*

#### **10. The Aesthetics of the Proposal**

*The level 3 design does not comply with SEPP 65. The rooftop level 3 design is not integrated into the overall proposal. It appears as it is – a late attempt to increase the floor space without the design of the addition being carefully considered in terms of detail and form.*

*It is considered that the colour scheme provided for the building is rather drab and does not enhance the detailing and potential freshness of the proposal.*

*There needs to be clarification that the louvred screens for the balconies are still on the scheme as these are considered to provide amenity and design detail to the balconies on Dudley Street.*

#### **Summary and Recommendations**

*It is considered that the proposal to add another level does not satisfy the requirements of SEPP 65 and there is no argument as to why it should be approved. It is over the FSR, does not meet the standards for ceiling height and amenity and is poorly designed.*

#### **9.2 State Environment Planning Policy (Building Sustainability Index: BASIX) 2004.**

State Environment Planning Policy (Building Sustainability Index: BASIX) 2004 came into force for multi-unit housing where development applications were lodged on or after 1 October 2005. A BASIX assessment is a mandatory component of the development approval process under the Environmental Planning and Assessment Amendment (Building Sustainability Index: BASIX) Regulation 2004 and State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004.

The proposal is for a new multi-unit housing development and the applicant has provided a BASIX certificate in accordance with the requirements of the SEPP. The provision of a certificate indicates that compliance with the current targets set for energy and water conservation have been met by the development. The certificate also identifies the measures to be shown on Development Application plans to ensure these targets are maintained through to construction. It appears that not all commitments required at the DA stage have been detailed on the plans and conditions of consent would be required with any approval to ensure that the plans are properly detailed and that continued

compliance of the development with the BASIX commitments are followed through to completion of the development.

### 9.3 Randwick Local Environmental Plan 1998

The site is zoned 2C under Randwick Local Environmental Plan, 1998 (LEP) and the proposed activity is permissible with Council's consent. The following clauses of the LEP apply to the proposal as set out in Figure 8 below:-

*Figure 8: LEP compliance table*

<b>Commercial</b>			
<b>Clause No.</b>	<b>Requirement</b>	<b>Provided</b>	<b>Compliance</b>
31 – Landscaped area	50% (min) of site area  50% (max) of landscaped area over podium/basement carpark	57%  49.9% of landscaped area over podium/basement car park	No change to the development as approved
32 - FSR	09:1	1.22:1	No – refer SEPP 1 below
33 - Building Height	12m (max)-overall 10m (max)-external wall	12m (max)-overall 11.85m (max)-external wall	Yes No - refer SEPP 1 below
<b>Other Clauses</b>	<b>Effect</b>	<b>Applies</b>	<b>Comment</b>
21	Subdivision	Application does not propose strata subdivision although part of previous approval	Separate development application required for strata subdivision if application is approved

#### 9.31 Zone Objectives

Clause 12 of the LEP states the objectives of Zone No. 2c as the following:-

- a) *to allow a variety of housing types within residential areas, and*
- b) *to allow a range of community facilities to be provided to serve the needs of residents, workers and visitors, and*
- c) *to enable residential development in a variety of medium density housing forms where such development does not compromise the amenity of surrounding residential areas, and*

- d) *to allow people to carry out a range of activities from their homes, where such activities are not likely to adversely affect the environment of the locality.*

The proposal is considered inconsistent with Clause 12 (c) above as the amenity of the surrounding streetscape and neighbouring properties are affected by the proposal for the additional fourth storey to the approved development. As discussed above in the Design Review Panel comments the new level is not integrated within the overall design of the approved development with consequent negative impacts to its streetscape appearance from properties higher up on the southern side of Dudley Street and from within Dudley Street itself. It also results in a loss of views and outlook to a number of properties as a direct consequence of the scale of the proposal.

### **9.32 Floor Space Ratios**

Under Clause 32 (1), a maximum floor space ratio (FSR) of 0.9:1 is applicable for the site. The proposed development has a FSR of approximately 1.22:1 which represents an increase of 122.5m<sup>2</sup> to the floor space already approved by DA 68/2005 and a total amount of floor space of approximately 400m<sup>2</sup> in excess of the standard set by Clause 32 (1) of the LEP, notwithstanding that some floor space within the basement was previously discounted in the previous assessment under DA 68/2005.

The applicant has submitted an objection under State Environmental Planning Policy No. 1 - Development Standards (SEPP 1) in respect to the non-compliance with the maximum permissible floor space ratio and has argued that strict compliance with Clause 32 (1) of the LEP is unreasonable and unnecessary in the circumstances. In assessing the applicant's SEPP No. 1 objection the following matters are addressed:

#### **1. *Whether or not the planning control is a development standard***

The floor space ratio control in question is a development standard as contained in Clause 32 (1) of the LEP.

#### **2. *The underlying object or purpose of the standard***

The stated objective of the standard, as outlined in the LEP is as follows:-

*“To establish reasonable upper limits for development in residential, business, industrial and special use zones through a limit on the amount of floor space that can be provided. This will help to reduce potential for adverse impact on nearby and adjoining development while still providing for reasonable levels of development and redevelopment.”*

#### **3. *Consistency of the development with the aims of the policy and the objects of the EP & A Act***

The proposed development will be inconsistent with planning objectives for the locality in that the approved development already allows for the redevelopment potential of the land to be realised and the additional floor space proposed by the addition of a new level to the building will create significant adverse impacts to the amenity of adjoining and surrounding developments. Furthermore, the proposal introduces additional bulk to the building which is considered to be unsatisfactory in its massing and form (refer to Design

Review Panel comments under Section 9.1 of the report) and which will have significant adverse impacts to the surrounding streetscape and nearby properties. Accordingly, it is considered that the proposal is inconsistent with the planning objectives for the locality and the aims of the policy.

**4. *Whether compliance with the development standard is unreasonable or unnecessary in the circumstances of the case?***

The approved development is already non compliant with the development standard and the incremental approach to floor space as adopted by the current proposal is considered unreasonable in the circumstances, given the poor design outcome in terms of integrating the additional level within the external design framework of the approved building. The design lacks cohesion and does not relate to the overall form for the building, as already established by the approved development. Additionally, the impacts of building bulk occasioned by the additional floor space are significant to adjoining properties in terms of the visual appearance of building bulk and potential view loss (refer Section 9.5 of the report below).

**5. *Whether the objection is well founded.***

The applicant provides the following grounds justifying the variation sought to the floor space standard:

- *The proposal promotes the orderly use of the land, through its acceptable design and also that it will not adversely affect the amenity of surrounding residents.*
- *The proposal is superior to the approved scheme as it provides a variation to unit types and more accommodation on the site without significant impact.*
- *The new floor will have minimal impact on the significance of the streetscape, although slightly visible from the opposite side of Dudley Street.*
- *A view analysis reveals only No. 80 Dudley Street will be affected by the proposal, with distant headland views from the balcony reduced, however these are not considered to be important or significant vistas, with view of the ocean retained.*
- *Privacy of each unit and that of the neighbours are retained by the proposal.*
- *The proposal has been designed to achieve compliance with BASIX due to appropriate orientation of living and bedroom areas and water saving features.*
- *Although the wall height of the additional storey exceeds the required level, the additional height will have no impact in terms of overshadowing or privacy.*

**Planning comment**

Although the proposal seeks to achieve compliance with the mandatory provisions of Basix, which came into force from 1 October, 2005, it is considered that these attributes of good design should already be achieved with the existing approved development and as such are not necessarily a justification for the additional floor space sought under the current proposal.

The purpose of the floor space standard aims to establish a reasonable upper limit on the amount of floor space to be provided and which reduces potential adverse impacts to the surrounding area. The SEPP 1 objection argues that the design of the additional level is “acceptable” and does not result in any significant impact to the streetscape or

neighbouring properties. No. 80 Dudley Street is the only property considered by the applicant to be affected by the proposed upper level addition and this impact is discounted as the view loss is not considered important or significant.

It is considered however, that the view impacts are unreasonable to a number of properties. In the case of No. 80 Dudley Street, it removes the water view to Coogee Bay and its northern headland, as well view impacts arise to a number of other properties (refer Section 9.5 of the report). These impacts are direct consequences of the breach of the floor space and external wall height requirements and as the design of the new fourth storey does not integrate well with the existing building design, it is considered that the SEPP 1 objection is not well founded and should not be supported.

### **9.33 Building Heights**

Clause 33 (2) of the LEP requires that the maximum building height for a building, other than a dwelling house, within Zone No. 2C, be no more than 12m, measured at any point on ground level. While the proposed development does not exceed this maximum overall height plane, it does exceed the maximum external wall height of 10m applicable under Clause 33 (4), as the proposed fourth storey facing Dudley Street (south elevation) has an external wall height varying between 11.5m and 11.8m approximately.

The applicant has submitted an objection under State Environmental Planning Policy No. 1 - Development Standards (SEPP 1) in respect to the non-compliance with the maximum external wall height requirement and has argued that strict compliance with Clause 33 (4) of the LEP is unreasonable and unnecessary in the circumstances. In assessing the applicant's SEPP No. 1 objection the following matters are addressed:

#### ***1. Whether or not the planning control is a development standard***

The external wall height control in question is a development standard as contained in Clause 33 (4) of the LEP.

#### ***2. The underlying object or purpose of the standard***

The stated objective of the standard for building height, as outlined in the LEP is as follows:-

*“To set upper limits for the height of buildings in residential and business zones that are consistent with the redevelopment potential of land in those zones given other development restrictions, such as floor space and landscaping, and have regard for the amenity of surrounding areas”.*

#### ***3. Consistency of the development with the aims of the policy and the objects of the EP & A Act***

The proposed development will be inconsistent with planning objectives for the locality in that the approved development already allows for the redevelopment potential of the land to be realised consistent with the external wall height requirements for building height and already in excess of the statutory floor space requirements under Clause 32 of the LEP.



The proposal introduces an additional storey to the building which is considered to be unsatisfactory in that the design is not integrated into the overall form of the previously approved building (refer to Design Review Panel comments under Section 9.1 of the report) and which will have significant adverse impacts to the surrounding streetscape and nearby properties, in particular with regard to view sharing (refer Section 9.5 of the report). Accordingly, it is considered that the proposal is inconsistent with the planning objectives for the locality and the aims of the policy.

**4. *Whether compliance with the development standard is unreasonable or unnecessary in the circumstances of the case?***

The additional external wall height proposed to the approved development is considered unreasonable in the circumstances, given the poor design outcome in terms of integrating the additional level within the external design framework of the approved building. The design lacks cohesion and does not relate to the overall form for the building as already established. Additionally, the impacts of the additional floor resulting from the increased wall height are significant to adjoining properties in terms of the visual appearance of building bulk and potential view loss (refer Section 9.5 of the report below). As such, it is considered reasonable to enforce the external wall height standard and the SEPP 1 objection is not supported.

**5. *Whether the objection is well founded.***

The applicant argues in their SEPP 1 objection that the compliance with the building heights standard in this instance is unreasonable and unnecessary for the following reasons:-

- *The design of the proposed new addition achieves an appropriate and reasonable built form with acceptable amenity impacts.*
- *The proposed design is considered meritorious and of high quality, with proposed setbacks and open space provision resulting in the built form being an attractive addition to the streetscape.*
- *The additional height is not responsible for any adverse amenity impacts to surrounding neighbours in regard to overshadowing or loss of privacy.*
- *The proposal is acceptable, on balance, in relation to view impacts, although distant headland views from the balcony of No. 80 Dudley Street will be reduced.*
- *The additional height will only be partially visible from the opposite side of Dudley Street and while visible from further up Dudley Street towards Brook Street will not be responsible for any adverse or major view loss to neighbouring properties as the site is located in the lowest section of Dudley Street, which results in the height being unobtrusive.*

**Planning Comment**

The design of the new fourth storey is not considered by the Design Review Panel to be meritorious. Rather the design is considered unsatisfactory when assessed against the Design Quality Principles relating to context, scale, built form, density, amenity and aesthetics (refer to Section 9.1 of the report). The proposal is also not considered acceptable when assessed in relation to its view impacts or its streetscape appearance

within Dudley Street. As such, the SEPP 1 objection is not considered to be well founded and should not be supported.

#### **9.4 Draft State Environmental Planning Policy (Application of Development Standards) 2004 (Draft SEPP 2004)**

The Draft State Environmental Planning Policy (Application of Development Standards) 2004 (Draft SEPP 2004) seeks to replace the provisions of SEPP 1 and has been publicly exhibited (concluding on 18 June 2004). The new SEPP will introduce new provisions for assessing whether flexibility of a planning standard are acceptable or not.

The additional tests include whether the proposal will result in a better environmental outcome than a complying development, design quality and whether the development meets the objectives of the controls. Notwithstanding, that the SEPP is a draft document requiring consideration under section 79C of the Environmental Planning and Assessment Act, 1979, as amended, Clause 14 of the draft document includes savings provisions that any development application made and not determined when the Draft SEPP 2004 is gazetted is to be assessed against the existing provisions of SEPP No. 1.

Further, legal advice provided to Council considers that the Draft SEPP 2004 should not be given any significant weight, as its final form is neither imminent nor certain and would not apply given that it contains a provision saving the subject application. As such, further consideration of the Draft SEPP 2004 is therefore not required, however, it is considered that the proposal does not result in a better environmental outcome on the site than that already approved and does not exhibit exceptional design quality, in particular with regards to its scale and form within the streetscape. A thorough assessment of the proposal against the existing provisions of SEPP No. 1 and against Council's statutory control and its objectives has been made in Section 9.21 and 9.22 of this report.

#### **9.5 Development Control Plan – Multi-Unit Housing**

The proposal does not alter the originally approved development in relation to the requirements of Development Control Plan - Multi-Unit Housing (DCP-Multi-Unit Housing) with respect to the preferred solutions, performance requirements and objectives for: site planning; fences; landscaping and private open space; safety and security; parking; driveways and manoeuvring areas; storage; barrier free access; utilities/site facilities; and waste minimisation and management. Key aspects of the proposal in relation to height and density have been discussed previously in the report and have been found unsatisfactory. Further issues of compliance with the DCP-Multi-Unit Housing and as raised by objectors in regard to shadowing, privacy and noise have been discussed previously in the report (refer Section 5.1 of the report). View sharing as a result of the proposed new fourth storey and setbacks of the new upper level are discussed below.

#### **View sharing**

Objections have been received from properties on the southern side of Dudley Street, in particular Nos. 78, 80 and 82 Dudley Street, regarding loss of water and headland views, as well as general outlook, resulting from the proposed upper level addition to the approved development. These views are generally obtained from balconies and living

room windows at the front of these properties and are across the site generally in a north-east direction.

The objective of view sharing as contained in Clause 4.3 of the DCP-Multi-Unit Housing is to :-

*“Minimise the obstruction of views by new development from adjoining buildings and public places”*

The explanation of view sharing provided in the DCP states that *“view sharing requires design which considers the preservation of existing views from neighbouring property while allowing development (which meets other Council controls and guidelines) to take advantage of available views”*.

The Performance Requirements requires new development to take into account topography, vegetation and surrounding development to minimise effects on views, particularly of significant features such as ocean, coastline, open space and landmarks, and to maximise view corridors between buildings.

The abovementioned clauses do not state what is view sharing or when view sharing is reasonable. In this regard it should be noted the comments by Senior Commissioner Roseth in *Tenacity v Warringah Council* (2004) in regard to the concept of view sharing:

*“The notion of view sharing is invoked when a property enjoys existing views and a proposed development would share that view by taking some of it away for its own enjoyment”*.

Senior Commissioner Roseth adopts a four part assessment based on the following:-

1. An assessment of the view affected.
2. An assessment from what part of the property the views are obtained.
3. An assessment of the extent of the impact.
4. An assessment of the reasonableness of the proposal causing the impact.

An inspection was undertaken from the objectors' properties to ascertain the extent of the view impact that may be occasioned as a result of the increase in height and floor space from the new fourth storey. In this regard, it should be noted that the degree of accuracy can only be approximate as no height poles have been erected on the site and to a large extent, the assessment relies on photomontages provided by the applicant. It is considered, however, that No. 80 Dudley Street will lose all Coogee Bay water views and views to its northern headland as a result of the new fourth storey. It is also considered that there will also be a loss of water views from No. 5/78A Dudley Street and 4/82 Dudley Street and while access was not available from Unit 4/78A Dudley Street, this unit is potentially the worst affected in this block.

In regard to the reasonableness of the proposal causing the impact, it should be noted that Senior Commissioner Roseth states the following in this regard:

*“Where an impact on view arises as a result of non-compliance with one or more planning controls, even a moderate impact may be considered unreasonable”*.

The proposal causing the impact breaches two development standards, namely the external wall height requirement of 10m and the floor space ratio requirement of 0.9:1 for the site. The additional floor space of the fourth storey represents a substantial increase to the building bulk of the existing approved development, which already exceeds this standard and appears to be not well integrated to the approved building form.

It is noted that the proposal retains its compliance with the overall height requirement of 12m but the external wall height proposed has a maximum of approximately 11.8m which approaches the overall maximum height requirement. The overall form of the upper level as noted by the Design Review Panel (refer Section 9.1) appears “unbalanced” and together with the increased floor space contributes to the building bulk and unreasonably impacts on views from the affected properties.

### Setbacks

The new fourth floor addition to the existing approved development generally maintains compliance with the setback requirements as contained in the preferred solutions except for a minor non compliance with respect to the western side boundary. In this regard the proposal is setback a minimum average of 4.7m as opposed to the 5m required by the preferred solutions and the unarticulated western wall length is 13.3m as opposed to 10m.

### 9.6 Development Control Plan - Parking

The proposal does not increase the number of parking spaces from that approved by the Section 96 (2) application to Development Application No. 68/2005, however the car parking previously approved was in excess of that required under Council’s DCP-Parking and is now, under the current proposal, fully compliant with Council’s DCP Parking (refer Figure 9 below).

*Figure 9: Parking requirements*

Type of land use	Parking Requirements	PROVIDED	Compliance
Multi-unit housing			
<input type="checkbox"/> Residential	1 space per 3 x 1 Bed = 3 spaces 1.2 spaces per 7 x 2 Bed = 8.4 spaces 1.5 spaces per 3 x 3 Bed = 4.5 spaces TOTAL = 16 spaces	17 spaces	Yes
<input type="checkbox"/> Visitor	1 space per 4 units = 3.25 spaces including 1 car wash bay TOTAL = 3 spaces	3 spaces with 1 being a car wash bay	Yes
<input type="checkbox"/> Bicycle (residential)	1 residential space per 3 units = 4.3 spaces 1 visitor space per 10 units = 1.3 spaces TOTAL = 6 spaces	Bicycle racks shown	Yes

### **9.7 Section 94 Contributions Plan**

As the proposal converts two of the two bedroom dwellings into three bedroom dwellings, there is a net increase of \$1,878.24 for open space and a net increase of \$830.56 for community facilities when compared to the Section 94 contributions as previously calculated under DA 68/2005.

### **9.8 Randwick Rainwater Tank Policy**

The consent to DA 68/2005 requires a rainwater tank and the BASIX certificate for the current application specifies a central water tank for rainwater or stormwater collection with a 5000 litre capacity to be connected to the toilets and laundries within dwellings.

### **9.9 Council's Asbestos Policy 2005**

An Asbestos survey has not been submitted with the application, however, the consent to DA 68/2005 contains a condition requiring any demolition works involving asbestos products to be carried out in accordance with relevant WorkCover New South Wales requirements, guidelines and codes of practice to maintain appropriate levels of public health and safety.

## **10. RELATIONSHIP TO CITY PLAN**

### **Direction 5a and associated key action – Improved design and sustainability**

The proposal is not well designed and will not contribute to good architectural design in the Randwick City area.

## **11. FINANCIAL IMPACT STATEMENT**

There is no direct financial impact for this matter.

## **12. CONCLUSION**

The proposed addition of a new fourth storey to the development approved under DA 68/2005 is considered unsatisfactory as it is not integrated into the established external design and form of the building, does not meet the requirements of SEPP 65 and exceeds the statutory FSR and external wall height requirements resulting in view loss and an unacceptable streetscape appearance to Dudley Street. Accordingly the application is recommended for refusal.

## **13. RECOMMENDATION:**

THAT 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. DA 221/2006 for Alterations and new upper level addition to the approved development at Nos. 47-53 Dudley Street, Coogee for the following reasons:-

1. The proposal is in excess of the maximum floor space ratio applicable to the site under Clause 32 (1) of the Randwick Local Environmental Plan 1998 and the buildings bulk, scale and form is visually excessive and the objection submitted pursuant to State Environmental Planning Policy No. 1 is not considered to be well founded.
2. The proposal exceeds the maximum external wall height of 10m applicable under Clause 33 (4) of the Randwick Local Environmental Plan 1998 and the increased height and built form is visually excessive and not well integrated to the approved development and the objection submitted pursuant to State Environmental Planning Policy No. 1 is not considered to be well founded.
3. The proposal is inconsistent with the design quality principles of State Environmental Planning Policy No. 65 in particular:- Principle 1: Context; Principle 2: Scale; Principle 3: Built Form; Principle 4: Density; Principle 7: Amenity; and Principle 10: Aesthetics.
4. The proposed development does not achieve the objectives of the 2C Residential Zone in that the proposed building form, height, scale and density will compromise the amenity of the surrounding residential area.
5. The proposal is inconsistent with the view sharing performance requirements and objectives of the Randwick Development Control Plan – Multi-Unit Housing in that it results in the loss of views and outlook to properties on the southern side of Dudley Street, Coogee.

**ATTACHMENT/S:**

Nil

.....  
SIMA TRUUVERT  
DIRECTOR, CITY PLANNING

.....  
DAVID PIRIE  
SENIOR ASSESSMENT PLANNER

***Director, City Planning Report 66/2006***

<b>SUBJECT:</b>	32 - 46 Jenner Street, LITTLE BAY
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<b>DATE:</b>	17 July, 2006	<b>FILE NO:</b>	DA/0094/2006
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**REPORT BY:** DIRECTOR, CITY PLANNING

**INTRODUCTION:**

Attached is a Development Assessment Report for Construction of 4 new semi-detached two storey cottages and additions to and refurbishment of the existing 4 Artisans' Cottages in Lot 26 of the Prince Henry site.

**RECOMMENDATION:**

That council consider and determine the development application in accordance with the recommendations contained in the attached report.

**ATTACHMENT/S:**

Development Application Report dated 13 July, 2006.

.....  
SIMA TRUUVERT  
DIRECTOR, CITY PLANNING

.....  
DAVID ONGKILI  
SENIOR ASSESSMENT PLANNER

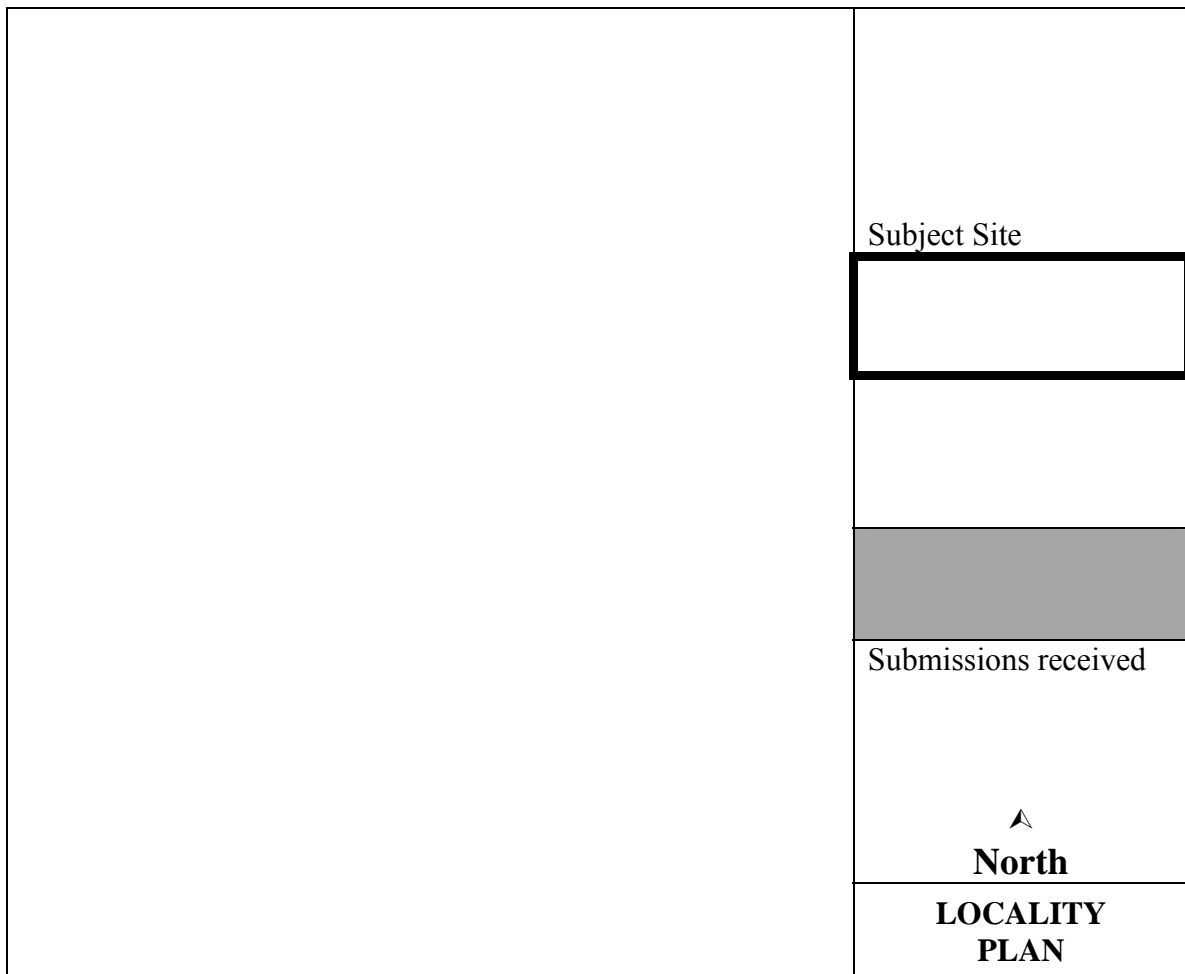
# Development Application Report



**REPORT BY:** DIRECTOR, CITY PLANNING

<b>DATE:</b>	13 July, 2006	<b>FILE NO:</b>	D/0094/2006
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<b>PROPOSAL:</b>	Construction of 4 new semi-detached two-storey cottages and additions to and refurbishment of the existing 4 Artisans' Cottages in Lot 26 of the Prince Henry site.
<b>PROPERTY:</b>	32 - 46 Jenner Street, Little Bay
<b>WARD:</b>	South Ward
<b>APPLICANT:</b>	Stockland Development (PHH) Pty Limited
<b>OWNER:</b>	LANDCOM





## **1. EXECUTIVE SUMMARY**

The application is referred to Council as it is valued at \$6 million.

The subject application is for the construction of 4 new semi-detached two storey cottages and additions to and refurbishment of the existing four (4) Artisans cottages.

The proposal is permissible under Randwick Local Environmental Plan 1998 and complies with all the controls contained in the LEP with the exception of the heritage building envelopes control. The proposed development will result in additions to the heritage Artisans' Cottages 4/5 and 6/7 that will breach the existing envelopes of these heritage buildings. An objection under State Environmental Planning Policy No.1 (SEPP No.1) has been submitted in relation to the breach of this control. The objection has been assessed and found acceptable as the breach in the building envelope occurs to the rear of the existing heritage Cottages in the form of sympathetic rear pavilion additions; will not result in a building that will be visually intrusive or bulky; and will not give rise to any detrimental impacts to surrounding uses in terms of solar access, ventilation, privacy and views. The application complies with all the relevant prescribed controls in the Prince Henry Development Control Plan.

The proposal is an "integrated development" as the subject site is located within the Prince Henry conservation area which has been gazetted in the State Heritage Register. Accordingly, the application was referred to the Heritage Council of NSW for approval, and notified and advertised for a period of 30 days in accordance with the EP&A Act 1979 (as amended). The Heritage Council has issued its General Terms of Approval for the proposed development which have been incorporated as conditions of consent. No submissions were received in response to the advertising/notification process.

The proposal was notified and advertised as "integrated development" for a period of 30 days in accordance with the EP&A Act 1979 (as amended). No submissions were received in response to the proposal.

The site that is the subject of the proposed development, forms part of a development precinct identified in the Master Plan for the Prince Henry site which was adopted in December 2001. Under the amendments to the Environmental Planning and Assessment Act 1979 gazetted on 16 June 2005, the Master Plan is now made a Deemed Development Control Plan (Deemed DCP). The proposal is consistent with the requirements of the Deemed DCP and will be sympathetic to the existing and future developments in locality.

The recommendation is for approval of the application subject to conditions.

## **2. THE PROPOSAL**

The proposal is for the construction of 4 new semi-detached two storey cottages and additions to and refurbishment of the existing four (4) Artisans cottages.

Specifically, the proposed development will involve the following :

- Refurbishment of the existing heritage significant Artisans' Cottages, known as 4/5 and 6/7, with two-storey additions to the rear of these cottages.

- Construction of 4 new semi-detached two storey dwellings, known as Cottages 2/3 and 8/9.
- Associated landscaped works
- Utility service installation
- Minor boundary adjustment between Lots 26 and 27 to increase the size of the proposed lot for dwelling 9.

A portion of the carpark for the adjoining approved McIlraith (Pathology) residential units development will extend beneath proposed cottages 2/3 as provided for under the DA 331/2005. The applicant advises that a separate stratum application will be submitted for this basement carpark in the future, however, the location and extent of the carpark has been approved under DA 331/2005.

### **3. THE SUBJECT SITE AND SURROUNDING AREA**

The former Prince Henry Hospital site is located on the eastern side of Anzac Parade approximately 14km south of the Sydney GPO. The site, now referred to as the Prince Henry site, is bounded to the north by the University of New South Wales, to the north and east by the Coast Golf Course, to the east by Little Bay and to the south by the Coast and St Michaels Golf Courses and to the west by Anzac Parade.

The site that is the subject of the proposal is Lot 26 in DP 270427 located in the northern half of the Prince Henry site. It contains the existing heritage items, Artisans' Cottages No. 4/5 and 6/7, which front an early road alignment that leads northeast from Pine Avenue. The cottages are located in a Historic Precinct as identified in the Conservation Management Plan (CMP) for the Prince Henry site. In the Plan the existing buildings are identified as items of 'High' significance comprising traditional timber framed cottages with some alterations.

The subject site is bounded to the north by an existing road (Mayo Street) and sites of buildings that have recently been demolished in accordance with previous Council's consents, to the east by the former Matron Dixon Nurses Home, a building identified in the CMP as of 'Exceptional' significance with its associated open space, to the south by the McIlraith Building (former Pathology Building) which is a heritage item that has been granted development consent for refurbishment and conversion to residential apartments (DA 331/2005), and to the west by an early road alignment and an oval associated with the former hospital, separated from the subject site by a more recent road.

The subject land is irregular in shape and predominantly flat with a slight fall from west to east.

### **4. SITE HISTORY**

The site forms part of the wider area known as the 'Prince Henry Hospital site' that was previously used as the Prince Henry (Coast) Hospital.

The site as a whole has been subject to a lengthy strategic planning process. On 27 May 2003 Council adopted a revised master plan for the former Prince Henry Hospital site effective for five years from that date. The Master Plan created a new residential and community precinct with a variety of land uses including retail, commercial, open space,

recreation and community facilities. Under the amendments to the Environmental Planning and Assessment Act 1979 gazetted on 16 June 2005, the Master Plan is now made a Deemed Development Control Plan (Deemed DCP). On the 18 October 2005, Council adopted amendments to the Deemed DCP subject to variations.

Amendment 28 to Randwick Local Environmental Plan 1998 was gazetted on 26 November 2004 and had the effect of rezoning the Prince Henry site to a mix of 2D Residential (Comprehensive Development), 6 Special Uses and 7 Environmental Protection. The amendment also contains height, FSR and landscape area requirements for development within the 2D area of the site.

The Prince Henry Site Development Control Plan (the DCP) was approved by Council on 27 July 2004 and became effective after the gazettal of Amendment 28 to RLEP1998 on 8 December 2004.

DA 922/2004 was approved on 8 April 2005 for the demolition of Artisans' Cottages 8/9. This application was referred to Heritage Council of NSW as an Integrated Development Application. The Council assessed the proposal and subsequently issued its General Terms of Approval for the demolition.

A number of other development applications have been approved for proposals in the wider Prince Henry site ranging from the demolition of identified buildings and the decontamination and rehabilitation of land to the erection of buildings for specific social/community bodies and infrastructure, civil and streetscape works.

A prelodgement meeting was held on 26 July 2005 (PL 35/2005) to discuss development concepts for the proposed development.

## **5. COMMUNITY CONSULTATION**

### **5.1 Advertising/Notification**

The proposal was notified as "integrated development" for a period of 30 days from 8 March 2006 to 7 April 2006 in accordance with the EP&A Act 1979 (as amended). A notice was placed in the local newspaper and on-site, and letters were sent to adjoining and adjacent landowners advising of the proposal and inviting comment and submissions. No submissions were received in response to the proposal.

## **6. TECHNICAL OFFICERS COMMENTS**

The application has been referred to the relevant technical officers, including where necessary external bodies and the following comments have been provided: -

### **6.1 Heritage Comments**

Council's Heritage Planner advises as follows:

#### ***“Background***

*The subject site is located within the Prince Henry Hospital Heritage Conservation Area and is within the boundaries of the Historic Precinct heritage item under Randwick Local*

*Environmental Plan Amendment No.28. The site and a number of buildings are listed on the State Heritage Register. The site has been the subject of a Conservation Management Plan (CMP), Archaeological Management Plan (AMP) and Heritage Impact Assessment carried out by Godden Mackay Logan (GML) in conjunction with the preparation of a Master Plan for residential use of the former hospital site. Specific Elements Conservation Policies (SECPs) are being prepared progressively for individual buildings and items.*

*The built heritage on the site includes many buildings which were part of the former Coast and Prince Henry Hospitals on the site. The Artisan's Cottages are located on an early road alignment which branches in a north easterly direction off Pine Avenue. The CMP notes that the buildings are part of a group of former staff residences that help to demonstrate the establishment and early consolidation phases of the Coast Hospital (1881-1914). The group of three Artisans Cottages nos.4 and 5, nos.6 and 7, and nos.8 and 9 were each assessed in the CMP for the site as having high significance, while their setting and curtilage, including motor garages and ornamental plantings were assessed as a landscape element of high significance. The CMP recommended that the buildings be retained and conserved in their open setting within their curtilages defined by early boundaries/fencelines. The group originally comprised four similar semi-detached buildings. The southern most pair was apparently demolished in 1935. The northern most pair was demolished in 2005, due to the advanced state of dilapidation of the building fabric. The Archaeological Management Plan (AMP) does not identify any specific Aboriginal or historical archaeological items on the site of Artisan's Cottages nos. 8 and 9 or in the vicinity, however it is located within Aboriginal Archaeological Zone 2 (high sensitivity) and Historical Archaeological Zone 7 (the 'Former Prince Henry Hospital Complex').*

*The proposal has been the subject of a series of informal pre-application meetings including representatives of the NSW Heritage Office, Council and Godden Mackay Logan.*

### ***The Proposal***

*The application proposes refurbishment of and alterations and additions to existing Cottages 4 and 5, and 6 and 7, and the construction of two new cottages 2 and 3, and 8 and 9. Associated utility service installation and landscape works are proposed, as well as a boundary adjustment between Lots 26 and 27. In detail, the proposal will comprise the following:*

*Cottages 2 and 3-construction of new semi-detached pair comprising two ground floor bedrooms, kitchen, family room and living areas and two upper level bedrooms.*

*Cottages 4 and 5- alterations and additions to existing semi-detached pair including three ground floor bedrooms, kitchen, dining and living areas and one upper level bedroom.*

*Cottages 6 and 7- alterations and additions to existing semi-detached pair including three ground floor bedrooms, kitchen, dining and living areas and one upper level bedroom.*

*Cottages 8 and 9- construction of new semi-detached pair comprising two ground floor bedrooms, kitchen, family room and living areas and two upper level bedrooms.*

The rear wings to the new and existing dwellings generally extend along the party wall, other than Cottages 6 and 7 which has two separate rear wings towards the outer, rather than the inner edges of the dwellings. Existing garages to Cottages 5, 6 and 7 are to be replaced. Garages are generally provided in the rear garden of the dwellings, other than the end cottages, nos. 2 and 9 which, due to boundary constraints, have garages to the side of the front section of the dwelling.

### **Approvals**

As the site is listed on the State Heritage Register, any proposal needs to be the subject of an Integrated Development Application or a prior application under Section 60 of Heritage Act. As the NSW heritage Office is the consent authority for the application, Council cannot issue development approval until the Heritage Office has provided conditions of consent.

The HIS considers that the proposal would not require an Excavation Permit. The HIS considers that as the proposed works will not affect any identified Aboriginal place or object, that consent under the National Parks and Wildlife Act is not required from the Department of Environment and Conservation, and would not be an Integrated Development Application.

### **Submission**

The application has been accompanied by a Specific Elements Conservation Policy relating to the two existing pairs of cottages and the retaining wall, and Heritage Impact Statement prepared by Tanner Architects. The SECP includes Conservation Policies and Conservation Procedures, based on an Analysis of Physical Fabric, Grading of Significance, and Condition of Significant Fabric. The SECP also makes reference to the conservation guidelines contained in the Heritage Adaptability Study prepared for the purpose of tender release. The HIS includes sections on Proposed Work, Identification of Heritage Impacts, and Assessment of Heritage Impacts.

The submission includes measured drawings, including details of materials and finishes, prepared by Godden Mackay Logan and Landscape Plans prepared by PSB.

### **Summary**

<i>Items</i>	<i>Works</i>	<i>Impact</i>	<i>Mitigation/Management</i>
<b>Retaining wall</b>	<b>Partial demolition</b>	<b>Loss of early fabric</b>	<ul style="list-style-type: none"> <li>• <b>Necessary to provide underground parking for Matron Dickson development to reduce parking pressure on Historic Precinct.</b></li> <li>• <b>Affects a limited extent of wall which is inconspicuous and has been previously altered.</b></li> </ul>
<b>Original Artisans' Cottages</b>	<b>Alterations to front section of the dwellings under the main roof, including subdivision of large room to accommodat</b>	<ul style="list-style-type: none"> <li>• <b>Loss of integrity of original space</b></li> <li>• <b>Damage to original detail.</b></li> </ul>	<ul style="list-style-type: none"> <li>• <b>Original configuration of entrances and hallways retained.</b></li> <li>• <b>Affects only one room- other three rooms are retained.</b></li> <li>• <b>Changes carried out so as to be reversible.</b></li> <li>• <b>Chimneys and openings generally retained.</b></li> <li>• <b>External materials and finishes, verandahs and joinery generally retained.</b></li> </ul>

	<i>e bathroom, laundry etc.</i>		<ul style="list-style-type: none"> <li>• <i>New skylights to rear planes of roof only.</i></li> </ul>
	<i>Demolition of rear service wings</i>	<i>Loss of original fabric including kitchens, breezeways</i>	<ul style="list-style-type: none"> <li>• <i>Chimneys have been retained where feasible.</i></li> <li>• <i>Form of new rear wing retains evidence of original footprint, envelope and spatial hierarchy.</i></li> </ul>
	<i>Demolition of outbuildings including garages and laundries</i>	<i>Loss of early (1930s) fabric</i>	<ul style="list-style-type: none"> <li>• <i>New garages in similar locations to original garages.</i></li> </ul>
	<i>Construction of new rear wings</i>		<ul style="list-style-type: none"> <li>• <i>Construction of new rear wing minimises impact on front section of dwelling.</i></li> <li>• <i>Minimises impact on settings and views.</i></li> <li>• <i>Lower height and narrower footprint will minimise visibility of rear wings from Pine Avenue and the oval to the north west, and will minimise interruption of views to Matron Dixon and McIlraith buildings.</i></li> <li>• <i>Broken forms will retain glimpses of the front sections of the dwellings when viewed from open space and Matron Dixon building to the south east.</i></li> <li>• <i>Detailing of rear wings of new cottages differs from original cottages to better differentiate between new and existing.</i></li> </ul>
	<i>New Cottages</i>	<i>Impact on setting of original dwellings</i>	<ul style="list-style-type: none"> <li>• <i>Siting, scale and form of new cottages relate to siting, scale and form of remaining cottages.</i></li> <li>• <i>New cottages interpret the demolished cottages and complete the group.</i></li> <li>• <i>Roof forms of each of the new cottages relate to roof forms of the original cottage adjacent.</i></li> </ul>
<i>Landscape works</i>			<ul style="list-style-type: none"> <li>• <i>No significant landscape features to be removed.</i></li> <li>• <i>Historic road alignment to be utilised.</i></li> <li>• <i>New garden setting including fencing, paving and plantings</i></li> </ul>

### **Comments**

*It is noted that the Conservation Management Plan, Master Plan and Development Control Plan intended that Cottage nos.4, 5, 6, 7, 8 and 9, together with their garages, would be retained in their existing form with a new single storey dwelling on the site of Cottage nos. 2 and 3 having a similar footprint to that of the remaining cottages. Cottage nos.8 and 9 have subsequently been demolished due to the extremely poor condition of the building fabric. The HIS argues in relation to the proposed changes to the rear of the*

*dwelling, that the change of use from an institutional to a residential site requires upgrading of the cottages to provide contemporary single family residences with "sufficient and diverse family living areas." The HIS argues in relation to the replacement of the existing garages, that the existing garages are outmoded and ill-suited for contemporary cars. A number of significant trees were also identified in the CMP, the Master Plan and the DCP. The current development application proposes replacement of the existing rear wings of each of the remaining dwellings with a two storey addition, and replacement of each of the existing garages with an enlarged garage. The proposed new dwellings and alterations and additions to existing buildings are generally consistent with the DCP in relation to Desired Character and with the Performance Criteria and Controls for Built Form and Heritage, including relationships of buildings and view corridors. The proposal is consistent with the Specific Elements Conservation Plan/Policy submitted with the application.*

*It is considered that the siting of the two storey sections of the dwellings in a pavilion form, well to the rear of the single storey sections will provide a separation between the original fabric and the new addition, and will minimise the visibility of the new addition from the street. The provision of a pitched roof link between the original fabric and the new addition will contribute to the massing of the original fabric at the front of the dwelling, ensuring that the addition it will not dominate or overwhelm the original fabric. The height of the rear sections of the buildings have been reduced by lowering the ground floor levels of the addition relative to the original building and minimising ceiling heights. The form of the rear sections of the buildings have been broken down by articulating the bedroom and ensuite volumes and by the use of separate balcony and roof elements. The use of modern forms for the new dwellings and for the additions to the existing dwellings allows the new work to be distinguished from the original buildings. The materials and finishes for the new dwellings and for the additions to the existing dwellings, including weatherboards and spaced timber batten cladding are sympathetic to the original materials and finishes. Existing roofing to Cottage Nos. 2, 3, 4 and 5 is to be replaced with matching materials.*

### **Recommendations**

*The following conditions should be included in any consent:*

#### **Aboriginal Archaeology**

- Subsurface disturbance within the Artisans' Cottages Group should be preceded by consultation with representatives of the La Perouse Aboriginal Land Council (LPALC).*
- Prior to the commencement of any subsurface disturbance (excavation) within the Artisan's Cottages Group, all those involved should be made aware of the existence of Aboriginal archaeological remains at the Prince Henry site and of the possibility that more as yet undiscovered Aboriginal cultural material may exist. This should be done through a site induction, which also notifies all involved of their obligations under the National Parks and Wildlife Act 1974 (NSW).*

#### **Historical Archaeology**

- Prior to the commencement of any subsurface disturbance (excavation) within the Artisan's Cottages Group, all those involved should be made aware of the potential for historical archaeological relics to survive in the area. This should be*

*done through a site induction, which also notifies all involved of their obligations under the Heritage Act 1977 1974 (NSW).*

### **Interpretation**

- *The site wide Interpretation Plan should include guidelines for site specific interpretation of the Artisans' Cottages Group. The interpretation of the group is to be implemented in conjunction with the proposed development.*

### **Salvageable Materials**

- *The salvageable materials recovered from the demolition of Artisan's Cottages Nos.8 and 9 and salvaged from Artisans' Cottages No.4 and 5 as part of the process of hazardous materials removal should be used for repairs.*

### **Heritage Act 1977**

- *As required by the Heritage Act, a Section 60 (Works Approval) application should be submitted to the NSW Heritage Council to undertake any works within the Prince Henry site (including Lot 26), pursuant to Section 63 of the Act.*
- *The Heritage Act requires that ground disturbance which will move, damage or destroy a relic forming part of an item of the State Heritage Register (SHR) must be preceded by an application for an excavation permit for relics disturbance, pursuant to Section 60 of the Act.*

### **National Parks and Wildlife Act**

- *Subsurface disturbance in the vicinity of the Artisans' Cottages Group should be preceded by consultation with representatives of the LPALC.*
- *Should Aboriginal objects be found, the Department of Environment and Conservation (DEC) be informed, as required by the National Parks and Wildlife Act 1974 (NSW). Subject to an assessment of the extent, integrity and significance of any exposed objects, application under either Section 87 or Section 90 of the Act may be required before works could resume.*

### **Conservation Works**

- *A Schedule of Conservation Works for the existing Artisans' Cottages No.4 and 5 and 6 and 7, and for the existing brick retaining wall and the sandstone kerbing, and other landscape elements including plantings and paving, shall be prepared in accordance with the principles embodied in the Australia ICOMOS Burra Charter and the methodology outlined in J.S. Kerr's The Conservation Plan. This Plan shall be prepared by an architect suitably qualified and experienced in heritage conservation, and shall be to be submitted to and approved by Council's Director City Planning, in accordance with Section 80A (2) of the Environmental Planning and Assessment Act 1979 prior to a construction certificate being issued for the development.*
- *The conservation policies and maintenance program outlined in the Schedule of Conservation Works are to be implemented in conjunction with the proposed development. An architect suitably qualified and experienced in heritage conservation shall be engaged to oversee the implementation of the endorsed Conservation Plan to ensure the use of technically sound and appropriate*



*techniques. All work shall be carried out in accordance with the principles of the Australia ICOMOS Burra Charter and to the satisfaction of the Director City Planning.*

- *Details of the design, height, materials and structure of the front fence and gates are to be submitted to and approved by Council's Director City Planning, in accordance with Section 80A (2) of the Environmental Planning and Assessment Act 1979 prior to a construction certificate being issued for the development. Fencing and gates are to be compatible with the style of the dwelling and based on physical or documentary evidence of the original fencing on the site.*

**Comment :** The Heritage Planner's recommendations have been adequately addressed by way of recommended conditions issued by the Heritage Council of NSW.

## **6.2 Development Engineering Comments**

Council's Development Engineer advises as follows:

*An amended application has been received for the refurbishment of existing cottages (4/5 and 6/7) and the construction of four new two storey semi-detached dwellings (2/3 and 8/9) as well as a minor boundary adjustment between Lots 26 and 27.*

*Given that the application includes a boundary adjustment between Lots 26 and 27 the planning officer should ensure that the subject development site will be identified as both Lots 26 and 27.*

*This report is based on the following plans and documentation:*

*Site Analysis Plan AR.DA.01 Issue C by Tanner Architects dated 30 January 2006;  
Site Plan + Roof Plan AR.DA02 Issue D by Tanner Architects dated 24 May 2006;  
Statement of Environmental Effects by Stockland dated January 2006;  
Geotechnical Report by Douglas Partners dated May 2005; and  
Landscape Plans DA01E, DA02D, DA03C & DA04C by PSB dated 7 February 2006.*

### **General Comments**

*A portion of the carpark for the adjoining Lot 14 development will extend beneath proposed cottages 2/3. DA 331/2005 approved the residential development on Lot 14 together with stratum subdivision of Lots 14 and 26 to facilitate allocation of the underground carpark to Lot 14.*

*To ensure that the cottages 2/3 are not adversely affected by the construction of the underground carpark for lot 14, the following condition has been included in this approval.*

*Construction of new cottages 2/3 shall not commence until the underground carpark associated with Lot 14 is complete.*

*An alternative to conditioning the timing of the works as detailed above, would be to obtain additional information from the applicant detailing how the underground carpark*

*could be constructed after the works on Lot 26 are complete without adversely affecting the cottages.*

***Additional notes:***

*When the proposed carpark beneath cottages 2/3 is stratum subdivided and allocated to Lot 14, suitable easements for support must be created over the carpark allotment to ensure that support of Cottages 2/3 is not undermined at anytime in the future. The easement for support should be created upon registration of the stratum plans.*

*Given that the subject DA does not include stratum subdivision, it is not within the scope of this application to include conditions regarding the creation of an easement for support. However, to ensure that the easement is included when the stratum subdivision occurs, the above requirements have been included as advisory conditions.*

***Landscape Comments***

*Towards the western boundary of the site, fronting Jenner Street, there is one Melaleuca quinquinervia (Broad Leafed Paperbark) of approximately 7 metres in height and 6 metres in width which appears in reasonable condition, is covered by Council's Tree Preservation Order and is deemed worthy of retention for the positive contribution it would provide should it be incorporated into the landscape treatment as an existing site feature.*

*The construction of boundary fencing and an internal driveway should not adversely impact this tree, providing the minimal protection measures listed in this report are adhered to.*

*Along the eastern boundary of the site, there is one Ficus macrophylla (Moreton Bay Fig) of approximately 6 metres in height which despite being the only vegetation of any significance in the immediate area, appears in average form and condition with multiple trunks and evidence of numerous past branch failures.*

*It is considered that this tree poses a threat of part or full failure at some stage in the future, and given the residential nature of the development proposed, together with its large size at maturity and invasive and aggressive root system as well as the proximity of the stormwater and sewer lines proposed adjacent to the eastern side of its trunk, it is deemed more appropriate to remove this tree and provide suitable replacements in its place that will provide for the long term amenity of future occupants, in accordance with desired future area characteristics.*

***Parking Comments***

*The planning officer should determine whether the proposed parking provisions are adequate. It is noted that the development does not propose any on-site visitor parking spaces.*

***Drainage Comments***

*Stormwater runoff from the site shall be managed in accordance with the Prince Henry drainage strategy prepared by Connell Wagner. This shall involve all stormwater leaving Lot 26 being discharged to the new storage pond (located adjacent to Fairway 7 within the Coast golf course), via the inter-allotment drainage system at rear of the site.*

*A sediment/silt arrester pit must be provided within the site prior to stormwater discharging by gravity to the inter-allotment drainage system.*

*The Planning Officer is advised that drainage plans should not be approved in conjunction with the DA, rather, the Development Engineer has included a number of conditions in this memo that relate to drainage design requirements. The applicant is required to submit detailed drainage plans to the certifying authority for approval prior to the issue of a construction certificate.*

### **Groundwater Comments**

*The applicant has submitted a geotechnical report by Douglas Partners dated May 2005. The report states that groundwater was not encountered within the depths of the investigation, however there is likely to be some seepage at the soil-bedrock interface (as sandstone was found at varying depths between 2 - 5.8 metres below the ground surface). The applicant's consultant has further noted that any seepage into any excavation should be minor and that a tanked basement would not be required for the proposed development.*

*Given that stormwater runoff from the site will be directed through bio-filtration swales and into the golf course storage pond for re-use in irrigation, no objections are raised to small amounts of seepage water being discharged into the stormwater system.*

*Further, given that the basement carparking is not proposed as part of this application, seepage water should not be an issue.*

### **Waste Comments**

*The SEE indicates that each dwelling will have a dedicated garbage storage facility. The individual bin storage areas shall be sized to contain 1 x 240 litre recycling bin and 1 x 120 litre garbage bin.*

*Should the application be approved the following conditions shall apply:"*

## **6.3 Environmental Health Comments**

The Manager of Environmental Health and Building Services advises as follows:

*"Application is for 4 semis. Remediation of the site has not been completed to date. Accordingly, the following conditions are to be imposed on consent of any approval:*

*The following conditions are applied to maintain reasonable levels of environmental amenity and public health safety.*

- 1. The land must be remediated in accordance with Council's Development Consent 1188/02 (as amended). If not already furnished to Council, copies of the relevant Site Audit Statements for the relevant land must be provided to the Council prior to any building works commencing.*
- 2. No infrastructure or construction works are permitted to be undertaken unless the subject land has been remediated in accordance with consent 1188/02 (as amended)*

*and all contamination and cross contamination issues have been addressed and the land is the subject of either a Site Audit Statement or a Clearance Instruction.*

3. *The applicant is to engage the services of a suitably qualified environmental consultant to respond to enquiries and complaints made by the Community or Council in relation to contamination, remediation and construction site management matters.*
4. *A specific contact number is to be made available for such enquiries and complaints (including an after hours emergency contact number) and a complaints register is to be maintained to record all such enquiries, complaints and actions taken in response to same, which is to be made available to Council officers upon request.*
5. *The works shall not give rise to environmental pollution or public nuisance or result in an offence under the Protection of the Environment Operations Act 1997 or NSW Occupational Health and Safety Act 2000 and Regulations there under.*
6. *Any new information which comes to light during remediation, demolition or construction works which has the potential to alter previous conclusions about site contamination shall be notified to the Council immediately.”*

#### **6.4 Heritage Council of NSW Comments**

The Heritage Council advised of its approval of the integrated development application in a letter dated 20 June 2006 in accordance with general terms of approval. The general terms of approval have been included as conditions of consent.

### **7. MASTER PLANNING REQUIREMENTS**

Clause 40A of Randwick LEP requires the preparation and adoption of a master plan for the redevelopment of sites having an area in excess of 4,000 square metres and which must be adopted and in force prior to the grant of development consent.

Following amendments to the Environmental Planning and Assessment Act 1979, gazetted on 16 June 2005, master plans are now designated as Deemed Development Control Plans. Accordingly, the master plan for the Prince Henry Site which was adopted on 27 May 2003, is now a Deemed DCP.

### **8. RELEVANT ENVIRONMENTAL PLANNING INSTRUMENTS**

The Development Application has been assessed in accordance with the provisions of the following relevant planning documents:

#### **8.1 Randwick Local Environmental Plan 1998**

The Prince Henry Hospital site is zoned Residential 2D, Open Space 6A, and Environmental Protection-Natural Heritage Areas Zone 7 under the Randwick Local Environmental Plan 1998. The subject site is zoned Residential 2D. The proposal is permissible with development consent.

The following relevant clauses apply to the proposal (and are addressed in detail in Section 10.1 below):

- Clause 30A Development of Certain Land in Zone No. 2D
- Clause 40 Excavation and filling of land
- Clause 40A Master plans
- Clause 43 Protection of heritage items, heritage conservation areas and relics

Clause 30A of the Randwick LEP 1998 states that the controls applicable to land Zone 2D are identified in the supporting built form control maps applicable to the specific site (in this case the Prince Henry Site). The builtform control maps indicate that the proposed lots for dwellings 4/5, 6/7 and 8/9 are controlled by the provisions of the Specific Element Conservation Policy while the proposed lot for dwelling 2/3 have specific controls as follows:

Control	Requirement	Proposal	Complies
Maximum number of storeys	2 storeys for the lot for proposed dwelling 2/3	2 storeys	Yes
	Single storey existing heritage dwellings 4/5, 6/7 and 8/9 as controlled by the Specific Element Conservation Policy.	No increase in storey height to the existing heritage dwellings 4/5 and 6/7. However, there is a proposed second storey addition at rear for dwellings 4/5 and 6/7.  The original Artisans Cottages 8/9 were granted approval for demolition on 8 April 2004 with the concurrence of the Heritage Council of NSW. The SECP notes that Artisans Cottages 8/9 have been demolished such that no conservation procedures apply to the lots containing these cottages. Accordingly, the new two storey dwelling 8/9 are subject to a merit	No (subject to SEPP 1 Objection)  See assessment in Section 10.4.2.1

Control	Requirement	Proposal	Complies
		assessment in terms of the overall conservation policy for Lot 26 and in the context of the suite of heritage buildings existing on this lot.	
Maximum FSR	0.5:1  Existing envelope of the existing heritage dwellings 4/5, 6/7 and 8/9 as controlled by the Specific Element Conservation Policy.	0.5:1  Existing envelope exceeded in terms of the second storey addition at the rear for dwelling 4/5 and 6/7.  The original Artisans Cottages 8/9 were granted approval for demolition on 8 April 2004 with the concurrence of the Heritage Council of NSW. The SECP notes that Artisans Cottages 8/9 have been demolished such that no conservation procedures apply to the lots containing these cottages. Accordingly, the new two storey dwelling 8/9 are subject to a merit assessment in terms of the overall conservation policy for Lot 26 and in the context of the suite of heritage buildings existing on this lot.	Yes  No (SEPP 1 Objection submitted)  See assessment in Section 10.4.2.1

Control	Requirement	Proposal	Complies
Maximum Wall Height	8m  Existing envelope of the existing heritage dwellings 4/5, 6/7 and 8/9 as controlled by the Specific Element Conservation Policy.	6.2m (as measured to top of wall on south-west elevation)  Existing envelope exceeded in terms of the second storey addition at the rear for dwelling 4/5 and 6/7.  The original Artisans Cottages 8/9 were granted approval for demolition on 8 April 2004 with the concurrence of the Heritage Council of NSW. The SECP notes that Artisans Cottages 8/9 have been demolished such that no conservation procedures apply to the lots containing these cottages. Accordingly, the new two storey dwelling 8/9 are subject to a merit assessment in terms of the overall conservation policy for Lot 26 and in the context of the suite of heritage buildings existing on this lot.	Yes  No (SEPP 1 Objection submitted)  See assessment in Section 10.4.2.1
Maximum Building Height	9m	6.8m (to roof pitch as measured from section)  Existing envelope exceeded in terms of	Yes  No (SEPP 1 Objection

Control	Requirement	Proposal	Complies
		<p>the second storey addition at the rear for dwelling 4/5 and 6/7.</p> <p>The original Artisans Cottages 8/9 were granted approval for demolition on 8 April 2004 with the concurrence of the Heritage Council of NSW. The SECP notes that Artisans Cottages 8/9 have been demolished such that no conservation procedures apply to the lots containing these cottages. Accordingly, the new two storey dwelling 8/9 are subject to a merit assessment in terms of the overall conservation policy for Lot 26 and in the context of the suite of heritage buildings existing on this lot.</p>	<p>submitted)</p> <p>See assessment in Section 10.4.2.1</p>
Minimum Landscaped Area (%site area)	40%	41%	Yes

## 8.2 Relevant State Environmental Planning Policies

State Environmental Planning Policies that are relevant to the proposal are :

- State Environmental Planning Policy No. 19 – Bushland in Urban Areas
- State Environmental Planning Policy No. 55 – Remediation of Contaminated Land
- State Environmental Planning Policy No. 71 – Coastal Protection

The application of these policies to the proposal is addressed in Section 10.1 below.

## 9. POLICY CONTROLS



### 9.1 Prince Henry Development Control Plan

The Prince Henry DCP applies to the developable land within the Prince Henry Site and contains controls that are specifically precinct based. The subject site lies within the Historic Precinct and, as such, is subject to the following specific precinct controls:

Control	Requirement	Proposal	Complies
Maximum number of storeys	2 storeys for the lot for proposed dwelling 2/3	2 storeys	Yes
	Single storey existing heritage dwellings 4/5, 6/7 and 8/9 as controlled by the Specific Element Conservation Policy.	No increase in storey height to the existing heritage dwellings 4/5 and 6/7 per se. However, there is a proposed second storey addition at rear for dwellings 4/5 and 6/7.	No (subject to SEPP 1 Objection)
		The original Artisans Cottages 8/9 were granted approval for demolition on 8 April 2004 with the concurrence of the Heritage Council of NSW. The SECP notes that Artisans Cottages 8/9 have been demolished such that no conservation procedures apply to the lots containing these cottages. Accordingly, the new two storey dwelling 8/9 are subject to a merit assessment in terms of the overall conservation policy for Lot 26 and in the context of the suite of heritage buildings existing on this lot.	See assessment in Section 10.4.2.1

Control	Requirement	Proposal	Complies
Maximum FSR	0.5:1  Existing envelope of the existing heritage dwellings 4/5, 6/7 and 8/9 as controlled by the Specific Element Conservation Policy.	0.5:1  Existing envelope exceeded in terms of the second storey addition at the rear for dwelling 4/5 and 6/7.  The original Artisans Cottages 8/9 were granted approval for demolition on 8 April 2004 with the concurrence of the Heritage Council of NSW. The SECP notes that Artisans Cottages 8/9 have been demolished such that no conservation procedures apply to the lots containing these cottages. Accordingly, the new two storey dwelling 8/9 are subject to a merit assessment in terms of the overall conservation policy for Lot 26 and in the context of the suite of heritage buildings existing on this lot.	Yes  No (SEPP 1 Objection submitted)  See assessment in Section 10.4.2.1
Maximum Wall Height	8m  Existing envelope of the existing heritage dwellings	6.2m (as measured to top of wall on south-west elevation)  Existing envelope exceeded in terms of the second storey	Yes  No (SEPP 1 Objection submitted)

Control	Requirement	Proposal	Complies
	4/5, 6/7 and 8/9 as controlled by the Specific Element Conservation Policy.	<p>addition at the rear for dwelling 4/5 and 6/7.</p> <p>The original Artisans Cottages 8/9 were granted approval for demolition on 8 April 2004 with the concurrence of the Heritage Council of NSW. The SECP notes that Artisans Cottages 8/9 have been demolished such that no conservation procedures apply to the lots containing these cottages. Accordingly, the new two storey dwelling 8/9 are subject to a merit assessment in terms of the overall conservation policy for Lot 26 and in the context of the suite of heritage buildings existing on this lot.</p>	See assessment in Section 10.4.2.1
Maximum Building Height	9m	<p>6.8m (to roof pitch as measured from section)</p> <p>Existing envelope exceeded in terms of the second storey addition at the rear for dwelling 4/5 and 6/7.</p> <p>The original Artisans Cottages 8/9 were</p>	<p>Yes</p> <p>No (SEPP 1 Objection submitted)</p> <p>See assessment in Section</p>

Control	Requirement	Proposal	Complies
		granted approval for demolition on 8 April 2004 with the concurrence of the Heritage Council of NSW. The SECP notes that Artisans Cottages 8/9 have been demolished such that no conservation procedures apply to the lots containing these cottages. Accordingly, the new two storey dwelling 8/9 are subject to a merit assessment in terms of the overall conservation policy for Lot 26 and in the context of the suite of heritage buildings existing on this lot.	10.4.2.1
Minimum Landscaped Area (%site area)	40%	41%	Yes

The DCP also contains a range of performance criteria for four key elements of the DCP namely, builtform, landscaping, heritage and parking. The relevant performance criteria are assessed in Sections 10.3 and 10.4 below where any inconsistencies between the proposal and these performance criteria are discussed accordingly.

## 9.2 Development Control Plan - Carparking

The DCP – Parking requires carparking to be provided at a rate of 2 carspaces per dwelling house with 3 or more bedrooms.

## 9.3 Rainwater Tanks Policy, 2003

Council's Rainwater Tanks Policy requires installation of rainwater tanks for all residential development. Council's Strategic Planner has advised that the requirement for rainwater tanks does not apply in the subject site as the stormwater from the site will be harvested into designated storage ponds to contribute to the whole of Prince Henry site irrigation needs under the total water cycle strategy of the DCP. The Deemed DCP also recommends collection of roof water for irrigation as per the total water cycle strategy. Accordingly, the subject site is exempt from Council's Rainwater Tank Policy.

Notwithstanding this, the applicant has submitted a Sustainability Report detailing all ESD measures to be applied in the proposed development including the use of water conservation strategies detailing, amongst other things, rainwater tanks, the use of high efficiency fixtures and fittings, and water-saving landscape irrigation systems.

## **10. ENVIRONMENTAL ASSESSMENT**

The site has been inspected and the application has been assessed having regard to Section 79C of the Environmental Planning and Assessment Act, 1979, as amended.

### **10.1 Statutory Controls – S79C(1)(a)**

#### **10.1.1 Section 91 EP&A Act (Integrated Development)**

Section 91 of the EP&A Act relates to development that requires development consent and one or more other approvals under relevant nominated Acts. As discussed in Section 6.5 above, the former Prince Henry Hospital site is located within a conservation area, which has been gazetted in the State Heritage Register. The proposed development is not exempt development under the Heritage Act, 1977 and requires the approval of the Heritage Council of NSW and is accordingly integrated development. The application was referred to the Heritage Council and general terms of approval have been received which are addressed by condition of consent should approval be granted.

#### **10.1.2 Randwick Local Environmental Plan 1998**

##### **Clause 30A Development of certain Land in Zone No 2D**

Clause 30A essentially requires proposed developments in land zoned 2D to comply with the builtform control maps applicable to the Prince Henry site. This map requires that, for the Artisans' Cottages site, development pertaining to the lots containing dwellings 4/5, 6/7 and 8/9 are to be "limited to existing envelope subject to Specific Element Conservation Policy (SECP) for each building". As indicated in Section above, the proposals for lots containing dwellings 4/5 and 6/7 exceed the designated heritage envelopes for these lots. Accordingly, a SEPP No. 1 Objection has been lodged to address this breach in the control, which is addressed below:

##### **1. Whether or not the planning control is a development standard**

The heritage building envelope control in question is a development standard under Clause 30(A) of the Randwick LEP 1998 which refers to the Built Form Control Map which contains a note indicating that that retained heritage buildings are limited to the existing envelope.

##### **2. The underlying object or purpose of the standard**

The objectives of the Building Envelope Controls are not specifically set out in LEP 1998 however the DCP for the Prince Henry Site (which adopts the Built Form Controls embodied in the LEP) identifies the following underlying objectives in respect of the building envelope:

- *To provide a built form that respects the site's characteristics and its neighbours including existing significant heritage items and the natural environment;*
- *To ensure that the distribution of built form responds to the site topography, attributes, and heritage significance;*
- *To define building bulk, height and scale of development across the site; and*
- *To ensure building scale is suited to the scale of the street.*

### **3. Consistency of the development with local planning objectives for the locality**

The proposed development will be consistent with planning objectives for the locality in that it will promote the redevelopment of the Prince Henry Site primarily for residential housing. Specifically, Lot 26 (the Artisans' Cottage allotment) is located within the Historic Precinct of the Prince Henry site, and is designated for dwelling house development in line with the following Historic Precinct objectives :

- *To conserve the heritage significance of the Historic Precinct and its setting.*
- *To conserve significant built and landscape elements while adapting them to suitable new uses.*
- *To ensure that new development respects the historic structure and layout of the precinct and relates sympathetically to significant built and landscape elements within the precinct.*

The proposed development will also result in an improved urban environment, ensuring an orderly and economic use of land for residential use (ie. urban consolidation) in the Prince Henry site with minimal adverse environmental and amenity impacts on neighbouring uses and locating these in close proximity to public transport, regional centres and services.

### **4. Whether compliance with the development standard is unreasonable or unnecessary in the circumstances of the case?**

It is considered that a development compliant with the prescribed heritage building envelope and footprint would be unreasonable in the subject site for the following reasons:

- It would preclude the opportunity for adapting existing heritage buildings for a residential use with the highest level of amenity possible while respecting the heritage value of the building and its setting.
- It would preclude the creation of a development which provides a range of housing choice in a diverse product mix as envisaged for the Prince Henry site. In cognisance of this objective the proposed development seeks to alter and adapt the existing Artisans' Cottages as required to create dwellings with high levels of amenity while respecting the heritage significance of these cottages and their setting.

In contrast, the proposed development would allow for a reasonable redevelopment of Lot 26 for residential use with the following characteristics:

- High quality semi-detached dwellings with contemporary additions resulting in attractive living spaces within sustainable buildings that are re-invigorated by their adaptive re-use.
- Retention and conservation of the original plan form of the heritage Cottages 4/5 and Cottages 6/7 whilst optimising their redevelopment potential through sympathetic rear pavilion additions.
- Retention and conservation of specific elements of the heritage cottages including the location of corridors and hierarchy of bedroom and living room spaces, original wall locations in the form of nib walls and ‘dropped’ beams, original hallways to provide the principal means of circulation between the existing and new development, and verandah forms of Cottages 4/5 and Cottages 6/7 to their respective original detailing.

In addition, the bulk and scale will not be visually intrusive in the context of the existing streetscape, proposed future developments, and the oval within the Prince Henry site. The proposed new buildings will also be sympathetic in bulk and scale to the Prince Henry Heritage Conservation Area and its built and landscape heritage elements.

In addition, the new building will not have an adverse impact on the amenity of adjoining and neighbouring properties in terms of solar access and privacy (see Section 10.4.2.3 below).

In view of the above it is considered that the compliance with the development standard is unreasonable or unnecessary in the circumstances of the case

## **5. Whether the objection is well founded.**

An assessment of the SEPP No. 1 objection indicates that the applicant has:

- Articulated the underlying stated objectives of the standard clearly.
- Demonstrated that there are no adverse environmental impacts arising from the proposed development in terms of view loss, loss of privacy, overshadowing and general overbearing impacts.
- Addressed the consistency of the proposed development with the underlying stated objectives of the standard, the local planning objectives for the locality, and objectives of the Act.
- Stated why compliance with the development standard is unreasonable and unnecessary, namely that:
  - *proposed non-compliances do not result in any inconsistencies with the objectives of either the 2D Zone in which the site is located or the general objectives for the built and natural environment and amenity, or indeed, the objectives of the building envelope development standard;*
  - *height of the existing buildings are not increased in this proposal and the new buildings have been limited to the heights of the original main ridgeline of those cottages;*
  - *new external elements remain lower than the eaves/gutter line of the existing buildings;*

- *scale of the new elements is subservient to the bulk and scale of the existing buildings;*
- *design of the adaptation respects the cultural heritage and the architectural qualities of the existing building and its setting whilst ensuring the amenity of the new dwellings;*
- *new external additions have been designed to be distinguishable as new, contemporary elements. Their architectural detailing allows for the legibility of the envelope, volume, scale, massing and features of the existing building;*
- *extent of the non-compliance is relatively minor and does not result in any substantive adverse environmental impacts;*
- *proposal will provide a high quality contemporary design than is sympathetic to the desired future character of the area;*
- *scale and nature of the non-compliance addressed in this SEPP 1 Objection does not give rise to matters of state or regional significance, nor do the non-compliances adversely affect the public interest; and*
- *the Heritage Office has raised no objection to the proposed design on heritage grounds.*

It is considered that the SEPP 1 objection is well founded and should be supported.

#### **Clause 40           Excavation and filling of land**

Clause 40 of the RLEP contains provisions for undertaking of excavation and filling of land. The proposal will require some earthworks to be undertaken for the basement carparking associated with the adjoining approved McIlraith (Pathology) residential development. These works are not considered to interrupt the drainage patterns of the site or result in soil instability and will not adversely impact upon the scenic quality of the site and locality. Furthermore, the proposal will not result in any significant impact on the topography of the site as the finished ground floor levels for the new dwellings (2/3 and 8/9) and the rear additions to dwellings 4/5 and 6/7 will be consistent with the existing floor levels of the heritage buildings ie., Artisans' Cottages 4/5 and 6/7. Accordingly, the proposal is acceptable in relation to the provisions of Clause 40.

#### **Clause 40A       Master plans**

A Master Plan for the subject site was adopted in December 2001 subject to a number of matters being addressed in a revised Master Plan and subsequent development applications for the subject site. A further revised Master Plan consistent with the required amendments was adopted by Council on 27 May 2003. The adopted Master Plan is now a Deemed DCP pursuant to amendments to the Environmental Planning and Assessment Act 1979 gazetted on 16 June 2005. The Deemed DCP acknowledged the provision of 4 pairs of semi-detached dwellings (a total of 8 dwellings) in Lot 26. Accordingly, the proposal is consistent with the Deemed DCP.

On the 18 October 2005, Council adopted amendments to the Deemed DCP subject to variations. These amendments relate to land in the southern half of the Prince Henry site (ie., south of Pine Avenue) and, therefore, are not relevant to the subject proposal.

#### **Clause 43 - Protection of heritage items, heritage conservation areas and relics**



Clause 43 of the RLEP relates to protection of heritage items and heritage conservation areas. The proposal involves conservation and reconstruction works to heritage items comprising the Artisans Cottages 4/5 and 6/7 with rear additions and new dwellings 2/3 and 8/9. In addition, the subject site lies within the Prince Henry Site which is located within a conservation area and which has been gazetted in the State Heritage Register. The site has been the subject of a Conservation Management Plan (CMP), Archaeological Management Plan (AMP).

The site is also the subject of a Specific Elements Conservation Policies (SECPs) for Lot 26 prepared by Tanner Architects and dated 1 July 2005.

A Heritage Impact Assessment (HIA) has been prepared and lodged with the application which has been assessed by Council's Heritage Planner. Council's heritage planner has assessed the HIA and essentially endorses the assessment and recommendations contained in the HIA subject to appropriate conditions (see Sections 10.4.2.1 and 10.4.2.2. below).

The proposal has also been referred to the NSW Heritage Council as an integrated development and General Terms of Approval have been received.

## **10.2 Relevant State Environmental Planning Policies**

State Environmental Planning Policies that are relevant to the proposal are:

### **SEPP No. 19 – Bushland in Urban Areas**

This SEPP requires the consent authority to consider the potential impact of the development on, and the proposed management of, bushland when determining development applications within or adjacent to land zoned or reserve for public open space. The subject site does not contain any areas that would meet the definition of bushland under SEPP No. 19. The closest land containing Eastern Suburbs Banksia Scrub is located approximately 100m east in Lot 27 (to the east of the adjoining Matron Dickson building), significantly far away from the subject site to have any major effect in terms of overshadowing or construction impacts. In any event, this bushland will be protected and managed in accordance with an approved Bushland Management Plan prepared by Manidis Roberts as part of DA No. 1102/2003.

### **SEPP 55 – Remediation of Contaminated Land**

This SEPP provides a state wide practice for the remediation of contaminated land. Sections of the former Prince Henry Hospital site are currently being remediated in accordance with SEPP No. 55 and the Contaminated Land Management Act 1997. Development Consent No. 1188/02 for the demolition of buildings and the remediation of the Prince Henry site was issued on 28 February 2003. In relation to Lot 26, a condition will be applied requiring, amongst other things, that, prior to the proposed works commencing, the applicant submit to Council a Site Audit Statement (SAS) for all of the subject land.

### **SEPP 71 – Coastal Protection**

This SEPP provides for appropriate and suitably located development within the coastal zone of NSW through legislation of the NSW Coastal Policy. Currently, the policy does not specifically apply to the Prince Henry Site.

### **10.3 Policy Controls – 79C(1)(a)**

#### **10.3.1 Prince Henry Development Control Plan**

The proposal has been assessed in relation to the Prince Henry Development Control Plan. The DCP provides a framework for the redevelopment of the Prince Henry site containing performance criteria and controls to guide builtform, provide environmental and amenity standards, and give appropriate heritage protection for the site both on a precinct-by-precinct basis as well as a general overview.

The site the subject of this development application is located within the Historic Precinct of the DCP and complies with all the applicable precinct-specific controls. In addition, the proposal generally complies with the range of performance criteria for five key elements of the DCP namely, builtform, landscaping, heritage and parking.

#### **10.3.2 Development Control Plan – Parking**

The proposal will provide single car garages for each dwelling. In addition, each dwelling will have generous driveway length to accommodate additional on-site parking. The proposal meets the DCP –Parking requirement for dwelling houses, specifically 2 car spaces for dwelling houses of 3 or more bedrooms.

### **10.4 Likely impact of the development - S79C(1)(b)**

#### **10.4.1 Natural Environmental Impacts**

A Bushland Management Plan for the Prince Henry site was adopted as part of the approval for DA1102/2004 (Stage 3 Infrastructure and streetscape works adjacent to the northern boundary of the Prince Henry site). This plan shows that the closest area of mapped bushland containing Eastern Suburbs Banksia Scrub within the Prince Henry site is located approximately 100m away to the east of the subject site in the adjoining Matron Dickson site. (Lot 27) Given this distance, the proposed works will be too remote to affect this bushland by way of overshadowing and/or physical works.

Overall, subject to compliance with the proposed conditions of consent, there should be no adverse impact on items of natural, archaeological, environmental or physical heritage on site as discussed in the body of this report. The subject site is currently in the process of remediation to facilitate the redevelopment of the site, the works will have a positive end benefit.

#### **10.4.2 Built Environmental Impacts**

##### **10.4.2.1 Urban Design**

The proposal essentially is for the conservation and adaptive re-use of the former Artisan's Cottages 4/5 and 6/7 with rear two-storey additions, and erection of new two-storey semi-detached dwellings 2/3 and 8/9 in Lot 26.

**(a) Works to existing heritage cottages and additions (4/5 & 6/7)**

The works on the existing Artisans' Cottages 4/5 and 6/7 will primarily involve conservation works and reconstruction of missing or modified fabric based on physical and documentary evidence. The original plan form of these Cottages has been retained to respect the location of corridors, the layout of living room and bedroom spaces and location of kitchens and bathrooms. The side entries of Cottages 4/5 and the front entries of Cottages 6/7 have been retained.

The proposed additions to the existing Cottages 4/5 and 6/7 have been designed as separate pavilion forms at the rear. The existing rear winged sections of these cottages will provide a separation between the original fabric and the new addition, and will minimise the visibility of the new addition from the street. The provision of a pitched roof link between the original fabric and the new addition will contribute to the massing of the original fabric at the front of the dwelling, ensuring that the addition will not dominate or overwhelm the original fabric. The contemporary design of the additions is considered acceptable given the separation from the existing cottages so that it would appropriately read as a separate form.

As an integrated development the proposal was referred to the Heritage Council of NSW. The Council has found the proposal satisfactory in terms its bulk, scale, design and visual impact and the impact on the heritage significance of Cottages 4/5 and 6/7 and its setting.

**(b) New Dwellings (2/3 & 8/9)**

New dwellings in the form of Cottages 2/3 and 8/9 have been designed as 'infill' site developments, in accordance with recognised criteria for infill development in a heritage context, namely that they should be of contemporary yet complementary design which respects the scale, form, bulk, siting, setbacks, character and materials of the original buildings. The use of modern forms for the new dwellings and for the additions to the existing dwellings allows the new work to be distinguished from the original buildings. The materials and finishes for the new dwellings and for the additions to the existing dwellings, including weatherboards and spaced timber batten cladding are sympathetic to the original materials and finishes.

The new building on the site of original Cottages 2/3 has been limited to the footprint shown on the Built Form Control Plan. In the case of the proposed development on the site of Cottages 8/9, the footprint is generally consistent with that of the former cottages (although this is not evident on the Built Form Control Plan) and provides differentiation between the front and rear wings.

The new buildings on the sites of Cottages 2/3 and Cottages 8/9 have been limited to the heights of the original main ridgeline of those cottages. In addition, the rear wings are at least 300mm below the height of the main ridgeline.

The roof forms of the main part of the buildings (ie. as opposed to the rear pavilions) are similar to the roof form of the original buildings on each site. In the case of the new building on the site of Artisans' Cottages 2/3, a hipped roof has been provided while the new building on the site of Artisans' Cottages 8/9 has a gable-ended roof.

In summary, the design of the new dwellings are consistent with the DCP in relation to Desired Character and with the Performance Criteria and Controls for Built Form and Heritage, including relationships of buildings and view corridors. The proposal is consistent with the Specific Elements Conservation Plan/Policy submitted with the application.

#### **10.4.2.2 Heritage Impact**

The Prince Henry site and a number of the buildings on it were listed on the State Heritage Register in May 2003. The site has been the subject of a Conservation Management Plan (CMP) and Archaeological Management Plan (AMP). In addition, a Specific Elements Conservation Policy (SECP) and Heritage Impact Assessment (HIA) have been prepared by Tanner Architects. The SECP provides detailed guidelines for the future adaptation of the heritage buildings in Lot 26 based on the relative significance of the lot's significant parts. The SECP has been reviewed by the Heritage Council of NSW and its application in the terms of the proposal has been accepted. The HIA indicates that the proposal overall provides a positive contribution to the heritage qualities of the Prince Henry site. In particular, it notes that the provision of rear pavilion additions to the existing Cottages 4/5 and 6/7 will have some impact on the existing Cottages but the degree and nature of this impact is acceptable. Council's Heritage Planner advises that as the proposal adheres to the height, bulk, form, scale, mass and siting of the Prince Henry DCP it generally raises no concern in regard to heritage conservation. The proposal is considered to be reasonably scaled in the proximity of the McIlraith Building and Matron Dickson Building.

#### **10.4.2.3 Sunlight, Privacy and Views**

Shadow diagrams submitted with the application indicate that at 9am dwellings 4/5 will overshadow the north eastern elevation of the adjoining dwelling 2/3, 6/7 the north eastern elevation of the adjoining dwelling 4/5, and 8/9 the north eastern elevation of the adjoining dwelling 6/7. Dwelling 2/3 will overshadow the north-eastern open space of the adjoining McIlraith (Pathology) multi-unit residential development. By 12 noon these north-eastern facing walls and open-spaces will be free from overshadowing as the shadow of each pair of dwelling shortens and falls predominantly within their respective rear yards. By 3:00pm these shadows will lengthen and fall mainly within the large open space area in the adjoining Matron Dickson lot (Lot 27). The overshadowing impact is considered acceptable as it will primarily meet the DCP requirement that new dwellings must achieve 3 hours of solar access 9am to 3pm midwinter and that solar access to at least 50% of the communal and private open space of adjoining properties must be achieved for at least 3 hours 9am to 3pm midwinter.

In terms of privacy, the proposal will perform well in that the two-storey addition to the rear of the existing cottages 4/5 and 6/7 and the new two-storey dwellings 2/3 and 8/9 will create minimal overlooking issues as the second storey of these dwellings will be occupied by bedrooms and bathrooms with small balconies to bedrooms all oriented north-east towards the large open space area in the adjoining Matron Dickson lot (Lot 27) and views of the coast beyond.

In terms of views, the proposal will maintain the view-sharing principles of the Prince Henry DCP being only a maximum two-storeys in height and maintain a view corridor between the McIlraith Building and dwelling 2/3.

Overall, the proposal is satisfactory with regard to solar access, privacy and views.

#### **10.4.2.4 Parking, traffic and access**

The Prince Henry DCP states that car parking is to be provided in accordance with the DCP - Car Parking. As indicated in Section 10.3.2 above, the proposal will comply with the carparking requirements for dwelling houses of 3 or more bedrooms.

The resultant increase in traffic from the proposal will be very small, expected to be roughly 1-3 vehicles per hour two-way during peak periods. This can be readily catered for in the local road network.

#### **10.4.2.5 Ecologically Sustainable Development**

The Prince Henry DCP requires the preparation of a Sustainability Building Report by an appropriately qualified professional to improve the energy efficiency of the proposed building. The applicant has provided a Sustainability Building Report prepared by a consultant engineer, outlining the ESD objectives for the proposed development and strategies for evaluating and achieving those objectives. In accordance with this brief, the proposal will incorporate the following sustainability measures:

- Use of water efficient fixtures and fitting
- Installation of rainwater tanks
- Provision of “breathing rooms” ie., ventilated spaces within dwellings to allow appropriate air movement and ventilation.
- Use of gas cook-tops in all dwellings and gas-fired centralise hot-water system.
- Use of high efficiency lighting such as time clock/PE Cell and movement sensor lighting control.

These measures are considered appropriate in achieving ESD objectives.

It should be noted that, the applicant has also provided a BASIX assessment of the new dwellings 2/3 and 8/9 in accordance with BASIX modelling requirements for new dwelling houses. The assessment indicates that dwellings 2/3 will achieve a 38% and 41 % respective energy saving target which would comply with the 25% energy saving target under BASIX, and a 42% water saving target for each dwelling which would comply with the 40% water saving requirement under BASIX. Similarly, dwellings 2/3 and 8/9 will achieve a 34% and 36 % respective energy saving target which would comply with the 25% energy saving target under BASIX, and a 43% and 41% respective water saving target for each dwelling which would comply with the 40% water saving requirement under BASIX.

The applicant further advises that Cottages 4/5 and 6/7 constitute redevelopment of heritage buildings and therefore do not come under current BASIX legislation. Notwithstanding this, the applicant advises it is committed to adopting a large part of the

sustainability measures in dwellings 2/3 and 8/9 into the heritage Cottages 4/5 and 6/7. This has been noted and accounted for in the applicant's Sustainability Building Report.

Accordingly, the proposal is considered acceptable in terms of energy and water conservation.

#### **10.4.2.6 Site Remediation**

The applicant advises in the Statement of Environmental Effects that the remediation of the site is currently being conducted under the provisions of a previously approved DA (1188/02). The applicant further advises that remediation of the subject site is currently being undertaken under the provisions of this DA. Council's Environmental Health Services advises that, should approval be granted, a condition will be applied requiring that any remediation of the subject site is to be undertaken in accordance with Development Consent 1188/02 and any subsequent amendment to that consent approved by Council thereafter. Ultimately, the site will be suitable for the development proposed following the remediation under DA 1188/02.

Accordingly, the process for site remediation relevant to the proposed use will be addressed in a relevant condition of consent should approval be granted for the application.

#### **10.4.2.7 Social and Economic Impacts – S79C(1)(b)**

The proposal will increase the availability of housing and promote the objectives of the zone. The effect of the proposal would be to bring more people to the site resulting in a new community likely to include young families, "empty nester" household, and share households, which will in turn encourage the location of services and facilities into the area. The proposal essentially provides a positive response to the need for low density dwelling house accommodation in the Prince Henry site with a good location along existing public transport routes along Anzac Parade.

The likely social, leisure and community needs of the incoming population will be catered for as the population base in the Prince Henry site increases together with the appropriate provision of services and facilities in the designated areas of the site (including activity centres, the future community centre and local parks).

Overall the proposal presents a positive impact within the site and locality.

#### **10.4.3 Suitability of the site – S79C(1)(c)**

The subject site is part of the developable land within the Prince Henry Site which is identified in the revised Master Plan adopted by Council on 27 May 2003 (now referred to as a Deemed DCP). In doing so, Council considered the suitability of a range of proposed landuses and their location within the Prince Henry site. The subject site is specifically identified in the Deemed DCP as a location for a combination of adaptable re-use and new dwelling house developments. In this regard, the proposal generally is consistent with the terms of the master plan and as demonstrated above the development will not have an adverse impact on any item of environmental, archaeological, heritage or cultural significance.

Additionally, the subject site is zoned to accommodate the proposed type and form of development with a scale and size that will be compatible with existing and anticipated future development in the locality.

The site will be remediated in accordance with the relevant standards for residential development contained in the Contaminated Lands Management Act 1997 and as per Council consent 1188/02 as amended.

#### **10.4.4 Any submissions made – S79C(1)(d)**

The proposal being integrated development was notified and advertised for a period of 30 days between 8 March 2006 and 7 April 2006. No submission was received by Council during this notification/advertising period.

#### **10.4.5 The public interest – S79C(1)(e)**

The proposed development is consistent with the deemed DCP and the Prince Henry DCP and will provide the local community with an option of adaptive re-use heritage housing and/or new dwelling houses that complement these refurbished heritage dwellings. As a consequence, the proposal will have a positive social benefit for the local community and is considered to be in the wider public interest. Overall, the development application will be in the public interest as it will facilitate future residential development in accordance with the Randwick LEP 1998, the Draft Prince Henry DCP and adopted Master Plan.

## **11 RELATIONSHIP TO CITY PLAN**

On 27 June 2006, Council adopted The Randwick City Plan as a key strategic plan that establishes the directions for Randwick City over the next 20 years. The plan is based on five interrelated themes with each theme containing specific associated outcomes as follows:

1. A Sense of Community
  - A vibrant and diverse community
  - An informed and engaged community
2. Places for People
  - Excellence in urban design
  - Excellence in recreation and lifestyle opportunities
  - A liveable city that balances growth and change
  - Heritage that is protected and celebrated
3. A Prospering City
  - A strong local economy
4. Moving Around

- Integrated and accessible transport

## 5. Looking After Our Environment

- A healthy environment

Additionally, the City Plan will have the following overarching outcomes:

- Leadership in sustainability
- Effective partnerships with key organisations

Under each of the themes and outcomes, the City Plan also details the directions and actions for achieving outcomes in the context of change across the City.

The subject proposal is for adaptive re-use 4 heritage cottages and construction of 4 new semi-detached dwellings adjacent to these heritage dwellings. The assessment of the proposed development indicates that the proposal and its assessment relates to the Outcomes, Directions and Actions in the Randwick City Plan in the following way:

### 11.1 Outcomes

**Outcome 5 : Excellence in urban design** – The proposal has a good architectural quality in that it has skilfully and competently integrated the heritage design requirements (for reconstruction and refurbishment) of the heritage cottages with the design of the new additions and dwellings. The architectural outcome will address the significance of the Prince Henry site and its location along Anzac Parade, and will contribute to the identified outcome for this thoroughfare

**Outcome 11 : A healthy environment** – The proposal will promote the principles of environmental sustainable development (including solar access, cross ventilation and energy efficiency), comply with BASIX (for the new dwellings 2/3 and 8/9) and occur on land that will be suitable for its intended use as required under SEPP No. 55 - Remediation of Contaminated Land.

### 11.2 Directions and Actions

**Direction 5a & associated key action : Improved design and sustainability across all development** –The proposal will conserve the original form and fabric of the heritage cottages using physical and documentary evidence whilst creating a good contemporary architectural design for the new additions and dwellings (2/3 and 8/9) that respect and responds to the overall character of the dwellings in the Group. The proposal will therefore contribute to the overall pool of well-designed buildings in Randwick City that can be used as references for the development of design guidelines and programmes.

**Direction 11a & associated key action: Council is a leader in fostering sustainable practices** - The proposed development will be designed in accordance with ESD principles (including solar access, cross ventilation and energy efficiency) and will incorporate a number of sustainability measures to achieve ventilation, thermal comfort, water conservation and energy efficiency.



## **12. FINANCIAL IMPACT STATEMENT**

There is no direct financial impact for this matter.

## **13. CONCLUSION**

The proposal is permissible with the consent of Council on the subject site and generally complies with the development standards contained in the RLEP with the exception of the requirement for heritage building envelopes to be adhered to. A SEPP No.1 objection to the address the breach of the heritage building envelopes has been submitted with the application and considered to be well founded in the circumstances.

The proposal complies with all the requirements of the Prince Henry DCP and DCP – Parking.

The proposed works are consistent with the provisions of the deemed DCP/master plan adopted for the site, are permissible with consent and satisfy the objectives for the zone, and comply with the relevant provisions of the Prince Henry DCP.

The proposal satisfies the relevant assessment criteria and may be approved subject to appropriate conditions.

### **RECOMMENDATION:**

- A. THAT Council support the objection under State Environmental Planning No. 1 (SEPP No.1) in respect to non-compliance with Clauses 30A of the Randwick Local Environmental Plan 1998 (as amended), relating to heritage building envelopes, on the grounds that the proposed development is consistent with the relevant objectives of the clauses and will not adversely affect the amenity of the surrounding locality and that the Department of Planning be advised accordingly.

AND

- B. THAT 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 D/0094/20066 for Construction of 4 new semi-detached cottages and additions to and refurbishment of the existing four (4) Artisans Cottages at Lot 26 of the Prince Henry site at 32-46 Jenner Street, Little Bay, subject to the following conditions:-
1. The development must be implemented substantially in accordance with the plans numbered AR.DA.02 Issue D and AR.DA.03 Issue D, dated May 2006 and stamped received by Council on 26 May 2006; AR.DA.04 Issue C, AR.DA.05 Issue C, AR.DA.06 Issue C, AR.DA.07 Issue C AR.DA.08 Issue C, and AR.DA.09 Issue C, dated January 2006 and stamped received by Council on 17 February 2006; AR.DA.10 Issue D dated May 2006 and stamped received by Council on 26 May 2006; and AR.DA.11 Issue C, dated January 2006 and stamped received by Council on 26 May 2006 the application form, and on any supporting information received with the application, except as may be amended by the following conditions and the

details approved pursuant to the deferred commencement conditions and as may be shown in red on the attached plans:

**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 colours, materials and finishes of the external surfaces of the new building are to be consistent with that indicated in the sample board accompanying the subject development application and received by Council on 17 February 2006.
3. Details of all fencing on site including all entrances and associated structures indicating compliance with Part 4.16 Fences of the Development Control Plan for Prince Henry Site shall be submitted to and approved by Council prior to a Construction Certificate being issued for the development.
4. Street numbering must be provided to the premises in a prominent position, to the satisfaction of Council.

In this regard, prior to occupation of the building, an application must be submitted to and approved by Council's Director of City Planning, together with the required fee, for the allocation of an appropriate street number/s to the development.

5. The reflectivity index of glass used in the external façade of the development must not exceed 20 percent.
6. 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.
7. Power supply and telecommunications cabling to the development shall be underground.
8. Subsurface disturbance within the Artisans' Cottages Group should be preceded by consultation with representatives of the La Perouse Aboriginal Land Council (LPALC).
9. Prior to the commencement of any subsurface disturbance (excavation) within the Artisan's Cottages Group, all those involved should be made aware of the existence of Aboriginal archaeological remains at the Prince Henry site and of the possibility that more as yet undiscovered Aboriginal cultural material may exist. This should be done through a site induction, which also notifies all involved of their obligations under the National Parks and Wildlife Act 1974 (NSW).
10. Prior to the commencement of any subsurface disturbance (excavation) within the Artisan's Cottages Group, all those involved should be made aware of the potential for historical archaeological relics to survive in the area. This should be done through a site induction, which also notifies all involved of their obligations under the Heritage Act 1977 1974 (NSW).

11. The site wide Interpretation Plan should include guidelines for site specific interpretation of the Artisans' Cottages Group. The interpretation of the group is to be implemented in conjunction with the proposed development.
12. The salvageable materials recovered from the demolition of Artisan's Cottages Nos.8 and 9 and salvaged from Artisans' Cottages No.4 and 5 as part of the process of hazardous materials removal should be used for repairs.
13. As required by the Heritage Act, a Section 60 (Works Approval) application should be submitted to the NSW Heritage Council to undertake any works within the Prince Henry site (including Lot 26), pursuant to Section 63 of the Act.
14. The Heritage Act requires that ground disturbance which will move, damage or destroy a relic forming part of an item of the State Heritage Register (SHR) must be preceded by an application for an excavation permit for relics disturbance, pursuant to Section 60 of the Act.
15. Subsurface disturbance in the vicinity of the Artisans' Cottages Group should be preceded by consultation with representatives of the LPALC.
16. Should Aboriginal objects be found, the Department of Environment and Conservation (DEC) be informed, as required by the National Parks and Wildlife Act 1974 (NSW). Subject to an assessment of the extent, integrity and significance of any exposed objects, application under either Section 87 or Section 90 of the Act may be required before works could resume.
17. A Schedule of Conservation Works for the existing Artisans' Cottages No.4 and 5 and 6 and 7, and for the existing brick retaining wall and the sandstone kerbing, and other landscape elements including plantings and paving, shall be prepared in accordance with the principles embodied in the Australia ICOMOS Burra Charter and the methodology outlined in J.S. Kerr's The Conservation Plan. This Plan shall be prepared by an architect suitably qualified and experienced in heritage conservation, and shall be to be submitted to and approved by Council's Director City Planning, in accordance with Section 80A (2) of the Environmental Planning and Assessment Act 1979 prior to a construction certificate being issued for the development.
18. The conservation policies and maintenance program outlined in the Schedule of Conservation Works are to be implemented in conjunction with the proposed development. An architect suitably qualified and experienced in heritage conservation shall be engaged to oversee the implementation of the endorsed Conservation Plan to ensure the use of technically sound and appropriate techniques. All work shall be carried out in accordance with the principles of the Australia ICOMOS Burra Charter and to the satisfaction of the Director City Planning.
19. Details of the design, height, materials and structure of the front fence and gates are to be submitted to and approved by Council's Director City Planning, in accordance with Section 80A (2) of the Environmental Planning and Assessment Act 1979 prior to a construction certificate being issued for the development. Fencing and gates are to be compatible with the style of the dwelling and based on physical or

documentary evidence of the original fencing on the site.

**The following conditions are applied to meet the requirements of the Heritage Council of NSW:**

20. The development must be implemented substantially in accordance with the General Terms of Approval issued by the Heritage Council of NSW as detailed in the letter from the Council dated 26 June 2004.

**The following conditions are applied to maintain reasonable levels of environmental amenity and public health safety.**

21. The land must be remediated in accordance with Council's Development Consent 1188/02 (as amended). If not already furnished to Council, copies of the relevant Site Audit Statements for the relevant land must be provided to the Council prior to any building works commencing.
22. No infrastructure or construction works are permitted to be undertaken unless the subject land has been remediated in accordance with consent 1188/02 (as amended) and all contamination and cross contamination issues have been addressed and the land is the subject of either a Site Audit Statement or a Clearance Instruction.
23. The applicant is to engage the services of a suitably qualified environmental consultant to respond to enquiries and complaints made by the Community or Council in relation to contamination, remediation and construction site management matters.

A specific contact number is to be made available for such enquiries and complaints (including an after hours emergency contact number) and a complaints register is to be maintained to record all such enquiries, complaints and actions taken in response to same, which is to be made available to Council officers upon request.

24. The works shall not give rise to environmental pollution or public nuisance or result in an offence under the Protection of the Environment Operations Act 1997 or NSW Occupational Health and Safety Act 2000 and Regulations there under.
25. Any new information which comes to light during remediation, demolition or construction works which has the potential to alter previous conclusions about site contamination shall be notified to the Council immediately.

**The following conditions are applied to satisfy the provisions of Council's environmental plans, policies and codes for subdivision works:**

26. Construction of new cottages 2/3 shall not commence until the underground carpark associated with Lot 14 is complete.
27. The boundary adjustment between Lots 26 and 27 shall be registered with the Department of Lands prior to the issue of occupation certificate.

**The following conditions are applied to provide adequate provisions for access,**

**transport and infrastructure:**

28. The applicant shall:

- a) Construct a heavy-duty concrete vehicular crossing and layback at the kerb opposite the proposed vehicular entrance to the site in Jenner Street (NR3).

*Note: Should the new crossing be located over an existing kerb inlet pit, the applicant will be required to:*

- i) *Convert the existing kerb inlet pit to a grated inlet pit in the new layback; and*  
ii) *Construct a new kerb inlet pit immediately adjacent to the new crossing to compensate for the lost inlet capacity.*

All civil works are to be in accordance with Australian Standard specifications for driveways, and in general accordance with Randwick City Council's 'Standard Kerb and Gutter and Vehicular Crossing Detail' (Drawing SD4) and Council's 'Standard DGGP with Extended Kerb Inlet Detail' (Drawing SD7a).

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

29. The Council's Development Engineer has inspected the above site and has determined that the design alignment level (concrete/paved/tiled level) at the property boundary for driveways, access ramps and pathways or the like, shall match the back of the approved footpath levels along the site frontage in both Jenner Street and Mayo Street.

Any enquiries regarding this matter should be directed to Council's Development Engineer on 9399 0919.

30. The design alignment levels (concrete/paved/tiled level) issued by Council and their relationship to the footpath must be indicated on the building plans for the construction certificate.
31. The top of footings of any structures constructed on the boundary alignment must be at least 150mm below the alignment level as specified for the vehicular access.

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

32. 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.
33. 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.

34. Documentary evidence from the relevant public utility authorities confirming that their requirements have been satisfied, must be submitted to the certifying authority prior to a construction certificate being issued for the development.
35. Any electricity substation required for the site as a consequence of this development shall be located within the site and shall be screened from view. The proposed location and elevation shall be shown on all detailed landscape drawings and specifications. The applicant must liaise with Energy Australia prior to lodging the construction certificate to determine whether or not an electricity substation is required for the development.
36. A Section 73 Compliance Certificate under the Sydney water Act 1994 must be obtained. Application must be made through an authorised Water Servicing Coordinator. Please refer to “Your Business” section of Sydney Water’s web site at [www.sydneywater.com.au](http://www.sydneywater.com.au) then the “e-developer” icon or telephone 13 20 92.
37. Following application a “Notice of Requirements” will detail water and sewer extensions to be built and charges paid. Please make early contact with the Coordinator, since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design.

The Notice must be issued to the Principal Certifying Authority prior to the construction certificate being issued.

38. The Section 73 Certificate must be submitted to the Principal Certifying Authority prior to occupation of the development.

**The following conditions are applied to provide adequate provisions for drainage and associated infrastructure:**

39. Stormwater drainage plans have not been approved as part of this development consent. Engineering calculations and plans with levels reduced to Australian Height Datum in relation to site drainage (for Lot 26) shall be submitted to and approved by the certifying authority prior to a construction certificate being issued for the development. A copy of the engineering calculations and plans are to be forwarded to Council, prior to a construction certificate being issued, if the Council is not the certifying authority. The drawings and details shall include the following information:
  - a) A detailed drainage design supported by a catchment area plan, at a scale of 1:100 or as considered acceptable to the Council or the accredited certifier, and drainage calculations prepared in accordance with the Institution of Engineers publication, Australian Rainfall and Run-off, 1987 edition.
  - b) A layout of the proposed drainage system including pipe sizes, type, grade, length, invert levels, etc., dimensions and types of all drainage pipes and the connections into the inter-allotment drainage system.

- c) Generally all internal pipelines must be capable of discharging a 1 in 20 year storm flow. However the minimum pipe size for pipes that accept stormwater from a surface inlet pit must be 150mm diameter. The site must be graded to direct any surplus run-off (i.e. above the 1 in 20 year storm) to the proposed drainage system.
  - d) Proposed finished surface levels and internal driveways which are to be related to Council's design alignment levels.
  - e) The details of any special features that will affect the drainage design eg. the nature of the soil in the site and/or the presence of rock etc.
40. All stormwater run-off naturally draining to Lot 26 must be collected and discharged through this property's stormwater system. Such drainage must, if necessary, be constructed prior to the commencement of building work.
  41. All site stormwater leaving Lot 26 must be discharged to the new storage pond (located adjacent to Fairway 7 within the Coast golf course), via the inter-allotment drainage easement at rear of the site in accordance with the Prince Henry drainage strategy prepared by Connell Wagner.

All site discharge pipes shall connect into the inter-allotment drainage line via junction pits

42. A childproof and corrosion resistant fastening system shall be installed on access grates over pits/trenches where water is permitted to be temporarily stored.
43. Where required, a reflux valve shall be provided (within the site) over any pipelines discharging from the site to ensure that stormwater from the underground drainage system does not surcharge back into the site stormwater system.
44. A sediment/silt arrester pit must be provided within the site prior to stormwater discharging by gravity to the inter-allotment drainage system.

The sediment/silt arrester pit shall be constructed in accordance with the following requirements:-

- The base of the pit located a minimum 300mm under the invert level of the outlet pipe.
- The pit constructed from cast in-situ concrete, precast concrete or double brick.
- A minimum of 4 x 90 mm diameter weep holes located in the walls of the pit at the floor level with a suitable geotextile material with a high filtration rating located over the weep holes.
- A galvanised heavy-duty screen located over the outlet pipe/s (Mascot GMS multipurpose filter screen or equivalent).

- The grate being a galvanised heavy-duty grate that has a provision for a child proof fastening system.
- A child proof and corrosion resistant fastening system provided for the access grate.
- A sign adjacent to the pit stating:

“This sediment/silt arrester pit shall be regularly inspected and cleaned.”

**Note: Sketch details of a standard sediment/silt arrester pit may be obtained from Council’s Drainage Engineer.**

45. Prior to the issuing of an occupation certificate, the applicant shall submit to Council a works-as-executed drainage plan prepared by a registered surveyor and approved by a suitably qualified and experienced Hydraulic Engineer. The works-as-executed drainage plan shall be to the satisfaction of the Principal Certifying Authority (PCA) and shall include the following details:

- f) Finished site contours at 0.2 metre intervals (over Lot 26);
- g) The location, diameter, gradient and material (i.e PVC, RC etc) of all stormwater pipes.

46. Prior to the issuing of an occupation certificate, the applicant shall submit to the Principal Certifying Authority (PCA) and Council certification from a suitably qualified and experienced Hydraulic Engineer confirming that the design and construction of the stormwater drainage system complies with the conditions of development consent. The certification must be provided following inspection/s of the site stormwater drainage system by the certifying engineers and shall be provided to the satisfaction of the PCA.

**The following conditions are applied to provide adequate provisions for waste management:**

47. Separate bin storage areas shall be provided for each of the dwellings. Each bin storage area shall be sized to contain at least 1 x 240 litre recycling bin and 1 x 120 litre garbage bin. The plans submitted for the construction certificate shall demonstrate compliance with this requirement.
48. Prior to the credited certifier issuing an occupation certificate for the proposed development the applicant is to contact Council’s Manager of Waste in regards to meeting Council’s requirements for waste services for each of the residences.

**The following conditions are applied to satisfy the provisions of Council’s environmental plans, policies and codes for subdivision works:**

49. A formal subdivision application for the boundary adjustment is required to be submitted to and approved by the Council prior to the release of the subdivision plans.



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

50. Landscaping at the site shall be installed substantially in accordance with the landscape plans prepared by Pittendrigh Shinkfield & Bruce, plan numbers DA01E dated 07.02.06 and stamped received at Council on 26 May 2006, DA02D dated 07.02.06 and stamped received at Council on 26 May 2006, DA04C, dated 07.02.06 and stamped received at Council on 17 February 2006, subject to the following additional requirements being shown on amended plans, to the satisfaction of the certifying authority, prior to the issue of a construction certificate:
- a. A planting schedule listing all plants by botanic & common names, plant numbers, plant spacings for groundcovers and accent planting, pot sizes and proposed staking methods when applicable.

*Notes:*

- 1) *The applicant will be required to demonstrate, through the submission of a written statement from a suitably qualified professional in bush regeneration, that the planting schedule does not contain any species which have the capacity to escape planted areas and invade neighbouring areas of bushland through seeds, cuttings or otherwise.*
  - 2) *The species selected for those areas of the site which are located over the proposed carpark shall be appropriate for the limited soil depth available (approximately 1 metre).*
  - 3) *The landscape plan shall be prepared in order to meet the objectives and criteria contained within point 4.7 and 4.8 of the Prince Henry DCP, 8<sup>th</sup> December 2004, for the Historical Precinct.*
- b. All planter boxes and garden beds constructed on slab must have a minimum soil depth of 600mm and all lawn areas must have a minimum soil depth of 300mm. Details shall be submitted with the detailed landscape plans.
51. The landscaping shall be installed in accordance with the approved documentation prior to the issue of a final occupation certificate and shall be maintained in accordance with those plans.
52. Documentary evidence is to be obtained from a suitably qualified Landscape Architect and submitted to the principal certifying authority (PCA) (and Council, if Council is not the PCA) prior to the issuing of a final occupation certificate which confirms that the landscaping works have been completed in accordance with the approved landscaping plans and relevant conditions of development consent, to the satisfaction of the PCA.
53. Landscaped areas must contain a predominance of species that require minimal watering once established or species with water needs that match site rainfall and drainage conditions.

**Tree Management**

54. The following tree shall be removed from site as part of the proposed works:

- a) One *Ficus macrophylla* (Moreton Bay Fig) along the eastern boundary, due to structural concerns as well as to accommodate the proposed stormwater lines, pits and sewer in the location proposed.

### **Tree Protection Measures**

55. In order to ensure the retention of the *Melaleuca quinquinervia* (Broad Leafed Paperbark) located towards the western boundary of proposed cottage number 7, fronting Jenner Street 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 this tree with the position of its trunk and full diameter of its canopy clearly shown on all drawings.
- b. Detailed architectural, building, demolition, engineering (structural, stormwater & drainage, services), and landscape documentation submitted for the construction certificate application shall show no alteration in the existing soil levels within a radius of 3 metres from the outside edge of its trunk.
- c. The tree is to be physically protected by the installation of 1.8 metre high steel mesh/chainwire fencing which shall be installed a minimum distance of 3 metres from the outside edge of the tree trunk.

This fencing shall be installed prior to the commencement of demolition and construction works and shall remain in place until all works are completed.

- 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 and no stockpiling of soil or rubble.

Any works required within this zone (only as approved on the construction certificate) shall be under the direction of, and to the satisfaction of, a suitably qualified Arborist.

- e. Any excavations required for footings, structures, retaining walls, paving etc within 3.5 metres of the 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.
- f. The erection of signage on the fence with the following words clearly displayed: "TREE PROTECTION ZONE", "DO NOT ENTER".

56. A refundable deposit in the form of cash or cheque, or bank guarantee for the amount of \$8,000.00 shall be lodged with Council prior to a construction certificate being issued for the proposed development to ensure the implementation and maintenance of the landscape works in accordance with the approved landscape documentation.

- a. The refundable deposit will be released twelve (12) months after the issue of a final occupation certificate by the principle certifying authority providing the landscape works have been successfully implemented and maintained in accordance with the approved landscape documentation. Throughout the maintenance/bond period, the applicant shall be responsible for all routine maintenance such as grass cutting, weeding, watering, fertilising, spraying, staking and replacement of all failed plant stock. There must be no alteration to the original design, including substitution of trees and shrubs, without the prior approval of the Principal Certifying Authority.
- b. Any contravention of Council's landscape conditions at any time during the construction period or prior to the expiration of a period of twelve (12) months from the date a final occupation certificate is issued will result in the Council claiming all or part of the lodged security.
- c. To facilitate release of the bond, the applicant shall provide Council with certification from a suitably qualified Landscape Architect (who is eligible for membership with the Australian Institute of Landscape Architects), confirming that they have inspected the site 12 months after the date of issue of the occupation certificate, and that the landscape works have been successfully implemented and maintained in accordance with the approved landscape documentation.

### **Advisory Conditions**

1. When the proposed carpark beneath cottages 2/3 is stratum subdivided and allocated to Lot 14, suitable easements for support must be created over the carpark allotment to ensure that support of Cottages 2/3 is not undermined at anytime in the future. The easement for support should be created upon registration of the stratum plans.
2. When the proposed Matron Dixon carpark is stratum subdivided and allocated to Lot 27, an easement for support should be created over the carpark stratum allocated to Lot 27 to ensure that support of cottages 6/7 and 8/9 is maintained at all times. The easement for support should be created upon registration of the stratum plans.

### **ATTACHMENT/S:**

Nil.

.....  
SIMA TRUUVERT  
DIRECTOR, CITY PLANNING

.....  
DAVID ONGKILI  
ENVIRONMENTAL PLANNING  
OFFICER

## MOTIONS PURSUANT TO NOTICE

### 12.1 NOTICE OF RESCISSION MOTION BY COUNCILLORS ANDREWS, MATSON & BASTIC – HEALTH, BUILDING & PLANNING COMMITTEE MEETING – ITEM 5.8 – DEVELOPMENT APPLICATION REPORT - 55 DENNING STREET, SOUTH COOGEE. (D/0695/2005)

That the resolution passed at the Health, Building & Planning Committee Meeting held on 11<sup>th</sup> July, 2006, reading as follows:-

*“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 695/2005 for Alterations and additions to existing dwelling including extension of bedroom and living areas to the rear at first and second floor level, modification of dwelling entry, extension of existing garage from single to double garage, extension of ground floor patio to the rear, landscaping works to the rear yard including new swimming pool and spa and retractable awning over pool at 55 Denning Street, South Coogee subject to 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:***

1. *The development must be implemented substantially in accordance with the plans numbered 01-b, 02-b, 03-b, dated 16-04-2006 and received by Council on 16 March 2006, 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. *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 streetscape.*

*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 City Planning, in accordance with section 80A (2) of the Environmental Planning and Assessment Act 1979 prior to a construction certificate being issued for the relevant building works.*

3. *The external materials, colours and finishes of the building are required to match, as closely as possible, the existing building.*
4. *The design, materials and colour of the roofing to the proposed building/s are required to match, as closely as possible, the existing roof.*
5. *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.*

6. *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.*
7. *If the rear or side boundary walls/fences or any retaining structures are adversely affected by the construction/building work the responsibility to reconstruct them is with the owner/applicant of the property.*
8. *The level of the existing garden tier (next level below the pool location) shall have its south eastern corner reflect an RL of 36.91 in accordance with the survey plans and shall be included in the construction certificate plans prior to certification occurring.*
9. *The proposed vertical privacy screens located along the southern and eastern side of the ground floor balcony (off the proposed meals room) and the associated shall be deleted and the balcony shall remain open.*
10. *To reduce the impact of the development upon the amenity of the environment and to protect view sharing a landscape plan 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 issuing a construction certificate**. The landscape plan shall include:
  - a. *Details of the species and height of plants proposed for the rear private space of the site, including the planting along the southern, eastern and northern boundaries. Details regarding special works to ensure the existing retaining wall located on No.2 Pearce Street, South Coogee and any subterranean pipes are protected during landscaping works.*
  - b. *Details of species and height of plants proposed to the front of the dwelling, in the north western corner of the site, shall also be included.*
  - c. *Porous paving should also be used in all pathways and stairs, wherever practicable, to maximize on-site absorption of rainwater and details are to be provided on the landscape plans.*
  - d. *Any planting along the southern boundary shall be restricted to hedges or evergreen shrubs that reach a maximum height of 2m from the ground level.**
11. *The frosted/obscured glass panels located on the 2nd and 3rd floor balconies facing the northern adjoining property and located between the external walls of the bedroom 2 on the 2nd floor and living/dining room on the 3rd floor of the dwelling and the clear glass balcony balustrade shall not be altered by the development.*

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

12. *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.*
13. *New 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.*

14. *New 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.*

***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:***

15. *Surface water/stormwater must be drained and discharged to the street gutter or suitably designed absorption pit, to the satisfaction of the Certifying Authority and details are to be included in the construction certificate application for the development.*

*Absorption pits must be located not less than 3m from any adjoining premises and the stormwater must not be directed or flow onto 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 prior to commencement of works.*

16. *External paths and ground surfaces are to be constructed at appropriate levels and be graded and drained away from the building and adjoining premises, so as not to result in the entry of water into the building, or cause a nuisance or damage to the adjoining premises.*

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

17. *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 the fences, retaining walls and driveways located upon No.2 Pearce Street, South Coogee.*

*The report is to be supported with photographic evidence of the status and condition of the buildings and a copy of the report must also be forwarded to the*

*Council and to the owners of each of the abovestated premises, **prior to the commencement of any works.***

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

18. *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.*

19. *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.*

20. ***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.***

21. ***Prior to the commencement of any building works, the person having the benefit of the development consent must: -***

- i) appoint a Principal Certifying Authority for the building work; and*
- ii) appoint a principal contractor for the building work, or in relation to residential building work, obtain an owner-builder permit in accordance with the requirements of the Home Building Act 1989, and notify the Principal Certifying Authority and Council accordingly in writing; and*
- iii) unless the person having the benefit of the consent is the principal contractor (i.e. owner-builder), notify the principal contractor of the required critical stage inspections and other inspections to be carried out, as specified by the Principal Certifying Authority; and*
- iv) give at least two days notice to the Council, in writing, of the persons intention to commence building works.*

*In relation to residential building work, the principal contractor must be the holder of a contractor licence, in accordance with the provisions of the Home Building Act 1989.*

22. *The building works must be inspected by the Principal Certifying Authority (or another certifying authority if the Principal Certifying Authority agrees), in accordance with sections 109 E (3) of the Environmental Planning & Assessment Act 1979 and clause 162A of the Environmental Planning & Assessment Regulation 2000, to monitor compliance with the relevant standards of*

*construction, Council's development consent and the construction certificate.*

*The Principal Certifying Authority must specify the relevant stages of construction to be inspected in accordance with section 81A (2) (b1) (ii) of the Environmental Planning & Assessment Regulation 2000 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 consent is to be maintained by the Principal Certifying Authority. Details of critical stage inspections carried out and copies of certification relied upon must also be forwarded to Council with the occupation certificate.*

*The principal contractor or owner-builder (as applicable) must ensure that the required critical stage and other inspections, as specified in the Principal Certifying Authority's "Notice of Critical Stage Inspections", are carried out to the satisfaction of the Principal Certifying Authority and at least 48 hours notice (excluding weekends and public holidays) is to be given to the Principal Certifying Authority, to carry out the required inspection, before carrying out any further works.*

23. *A sign must be erected and maintained in a prominent position on the site, which contains the following details:*

- *name, address, contractor licence number and telephone number of the principal contractor, including a telephone number at which the person may be contacted outside working hours, or owner-builder permit details (as applicable);*
- *name, address and telephone number of the Principal Certifying Authority; and*
- *a statement stating that "unauthorised entry to the work site is prohibited".*

24. *An **Occupation Certificate** must be obtained from the Principal Certifying Authority **prior to any occupation of the building work** encompassed in this development consent (including alterations and additions to existing buildings), in accordance with the relevant provisions of the Environmental Planning & Assessment Act 1979.*

*An Occupation Certificate must not be issued for the development if the development is inconsistent with the development consent. The requirements of the Environmental Planning & Assessment Act 1979 and conditions of development consent must be satisfied prior to the issuing of an occupation certificate.*

25. ***Prior to the issuing of an interim or final occupation certificate**, a statement is required to be obtained from the Principal Certifying Authority, which confirms that the development is not inconsistent with the development consent and the relevant conditions of development consent have been satisfied.*



*Details of critical stage inspections carried out by the principal certifying authority together with any other certification relied upon and must also be provided to Council with the occupation certificate.*

26. *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 provisions 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 principal building contractor and compliance with the provisions of the Home Building Act 1989 (i.e. Details of the principal licensed building contractor and a copy of the Certificate of Insurance) are to be submitted to Council **prior to the commencement of works**, with the notice of appointment of the PCA / notice of intention to commence building work.*

27. *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.*

*At the time of this development consent, Long Service Levy payment is applicable on building work having a value of \$25,000 or more, at the rate of 0.2% of the cost of the works.*

28. *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 Building Code of Australia – 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 ensure that the development satisfies relevant standards of construction, and to maintain adequate levels of health, safety and amenity during construction:***

29. *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.*
30. *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 made available to the Council officers and all building contractors for assessment.*
31. *All excavations and backfilling associated with the erection or demolition of a building must be executed safely in accordance with appropriate professional standards and excavations are to be properly guarded and supported to prevent them from being dangerous to life, property or buildings.*

*Retaining walls, shoring or piling 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 and buildings, if the soil conditions require it. Adequate provisions are also to be made for drainage.*

*Retaining walls, shoring, or piling must be designed and installed in accordance with appropriate professional standards and the relevant requirements of the Building Code of Australia and Australian Standards. Details of proposed retaining walls, shoring or piling are to be submitted to and approved by the Principal Certifying Authority for the development prior to commencing such excavations or works.*

32. *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.*

*The use of any rock excavation machinery or any mechanical pile drivers is*

*restricted to the hours of 8.00am to 5.00pm (maximum), Monday to Friday inclusive and from 8.00am to 1.00pm on Saturday, to minimise the noise levels during construction and loss of amenity to nearby residents.*

33. *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.*
34. *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.*

35. *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, soil and debris at all times.*
36. *Bulk bins/waste containers must not be located upon the footpath, roadway or nature strip at any time without the prior written approval 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 Development Control Plan for Exempt & Complying Development and Council's Local Approvals Policy. Applications to place a waste container in a public place can be made to Council's Building Services section.*
37. *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*
38. *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.*

*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.*

39. *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.*

*Temporary site fences are to be structurally adequate, safe and be constructed in a professional 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.*

*If it is proposed to locate any site fencing, hoardings 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.*

40. *Any part of Council's nature strip which is damaged as a result of the work must be back-filled, top-soiled and re-turfed with kikuyu turf prior to occupation or finalisation of the development, to Council's satisfaction.*

41. *A local approval application must be submitted to and be approved by Council's Building Services section prior to commencing any of the following activities on a footpath, road, nature strip or in any public place:-*

- *Install or erect any site fencing, hoardings or site structures*
- *Operate a crane or hoist goods or materials over a footpath or road*
- *Placement of a waste skip (grater than 3m in length) or any container or other article.*

***The following conditions are applied to maintain reasonable levels of public health, amenity and safety:***

42. *The demolition, removal, storage, handling and disposal of products and materials containing asbestos must be carried out in accordance with Randwick City Council's Asbestos Policy and the relevant requirements of WorkCover NSW*

*and the NSW Department of Environment & Conservation (formerly the Environment Protection Authority), including:*

- *Occupational Health and Safety Act 2000*
- *Occupational Health and Safety (Hazardous Substances) Regulation 2001*
- *Occupational Health and Safety (Asbestos Removal Work) Regulation 2001*
- *WorkCover NSW Code of Practice for the Safe Removal of Asbestos*
- *Australian Standard 2601 (2001) – Demolition of Structures*
- *The Protection of the Environment Operations Act 1997 and Protection of the Environment Operations (Waste) Regulation 1996.*
- *Relevant Department of Environment & Conservation (DEC) / Environment Protection Authority (EPA) and WorkCover NSW Guidelines.*

*A copy of Council's Asbestos Policy is available on Council's web site at [www.randwick.nsw.gov.au](http://www.randwick.nsw.gov.au) in the Building & Development section or a copy can be obtained from Council's Customer Service Centre.*

43. *A **Demolition Work Plan** must be prepared for the development in accordance with Australian Standard AS2601-2001, Demolition of Structures.*

*The Work Plan must include the following information (as applicable):*

- *The name, address, contact details and licence number of the Demolisher /Asbestos Removal Contractor*
- *Details of hazardous materials, including asbestos*
- *Method/s of demolition and removal of asbestos*
- *Measures and processes to be implemented to ensure the health & safety of workers and community*
- *Measures to be implemented to minimise any airborne asbestos and dust*
- *Methods and location of disposal of any asbestos or other hazardous materials*
- *Other relevant details, measures and requirements to be implemented as identified in the Asbestos Survey*
- *Date the demolition and removal of asbestos will commence*

*The Demolition Work Plan must be submitted to Council and the Principal Certifying Authority (PCA) if the Council is not the PCA, not less than two (2) working days **before commencing any demolition works** involving asbestos products or materials. A copy of the Demolition Work Plan must also be maintained on site and be made available to Council officers upon request.*

***Note** it is the responsibility of the persons undertaking demolition work to obtain the relevant WorkCover licences and permits.*

44. *A WorkCover licensed demolition or asbestos removal contractor must undertake removal of more than 200 m<sup>2</sup> of bonded asbestos (or as otherwise specified by WorkCover or relevant legislation). Removal of friable asbestos material must only be undertaken by contractor that holds a current friable asbestos removal licence.*

45. *On demolition sites involving the removal of asbestos, a professionally manufactured sign must be clearly displayed in a prominent visible position at the front of the site, containing the words 'DANGER ASBESTOS REMOVAL IN PROGRESS' and include details of the licensed contractor. The sign shall measure not less than 400mm x 300mm and the sign is to be installed prior to demolition work commencing and is to remain in place until such time as all asbestos has been safely removed from the site.*
46. *Asbestos waste must be stored, transported and disposed of in compliance with the Protection of the Environment Operations Act 1997 and the Protection of the Environment Operations (Waste) Regulation 1996.*

*Asbestos waste must be disposed of at an approved waste disposal depot (refer to the DEC or Waste Service NSW for details of sites). Copies of all receipts detailing method and location of disposal must be maintained on site and be provided to Council officers upon request, as evidence of correct disposal.*

47. *A Certificate or Statement, prepared by a suitably qualified person (ie an occupational hygienist, licensed asbestos removal contractor, building consultant, architect or experienced licensed building contractor), must be provided to Council **upon completion of the works** (prior to an Occupation Certificate being issued), which confirms that the relevant requirements contained in the Asbestos Survey and conditions of consent, in relation to the safe removal and disposal of asbestos, have been satisfied.*

***The following conditions are applied to ensure compliance with the Swimming Pools Act 1992 and to maintain public safety and amenity:***

48. *Swimming pools are to be provided with childproof fences and self-locking gates, in accordance with the Swimming Pools Act 1992 and regulations.*

*The swimming pool is to be surrounded by a fence having a minimum height of 1.2m, that separates the pool from any residential building situated on the premises and from any place (whether public or private) adjoining the premises; and that is designed, constructed and installed in accordance with AS 1926-1986. Gates to pool area shall be a maximum width of 1 metre, and be self-closing and latching; the gate is required to open outwards from the pool area and prevent a small child opening the gate or door when the gate or door is closed.*

*Temporary pool safety fencing is to be provided pending the completion of all building work and the pool must not be filled until a fencing inspection has been carried out and approved by the principal certifying authority.*

*A sign shall be erected in a prominent position in the immediate vicinity of the swimming pool, in accordance with the document entitled "Policy Statement No.9.4.1: Guidelines for the Preparation of Posters on Resuscitation", published in 1985 by the Australian Resuscitation Council and the sign must bear a notice that contains the words "YOUNG CHILDREN SHOULD BE SUPERVISED WHEN USING THIS SWIMMING POOL", together with details of resuscitation*

*techniques (for adults, children and infants) set out in accordance with the document entitled "Cardio Pulmonary Resuscitation" published by the Australian Resuscitation Council.*

49. *Spa pools are to be provided with a child resistant barrier, in accordance with the provisions of the Swimming Pools Act 1992 and regulations.*

*A sign shall be erected in a prominent position in the immediate vicinity of the swimming pool, in accordance with the document entitles "Policy Statement No. 9.4.1; Guidelines for the Preparation of Posters on Resuscitation", published in 1985 by the Australian Resuscitation Council and the sign must bear a notice that contains the words "YOUNG CHILDREN SHOULD BE SUPERVISED WHEN USING THIS SWIMMING POOL", together with details of resuscitation techniques (for adults, children and infants) set out in accordance with the document entitles "Cardio Pulmonary Resuscitation: published by the Australian Resuscitation Council.*

50. *Swimming pools are to be designed, installed and operated in accordance with the following general requirements: -*

- *Backwash of the pool filter and other discharge of water is to be drained to the sewer in accordance with the requirements of the Sydney Water Corporation; and*
- *All pool overflow water is to be drained away from the building and adjoining premises, so as not to result in a nuisance or damage to premises.*

51. *Pool plant and equipment is to be enclosed in a sound absorbing enclosure or installed within a building, to minimise noise emissions and possible nuisance to nearby residents.*

*The operation of swimming pool/spa pool pump and equipment is restricted, if the noise emitted can be heard within a habitable room in any other residential premises, the equipment shall not be operated during the following hours, or, as otherwise specified in relevant Noise Control Regulations: -*

- *before 8.00am or after 8.00pm on any Sunday or public holiday; or*
- *before 7.00am or after 8.00pm on any other day.*

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

52. *The applicant must meet the full cost for Council or a Council approved contractor to:*

- a. *Reconstruct/extend the concrete vehicular crossing and layback at kerb opposite the vehicular entrance to the site, if required.*

53. *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.*

54. *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 provisions for future civil works in the road reserve:***

55. *The Council's Development Engineer has inspected the above site and has determined that the design alignment level (concrete/paved/tiled 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.*
56. *The above alignment levels and the site inspection by Council's Development Engineer have been issued at a prescribed fee of \$121.00 (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:***

57. *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.*
58. *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:***

59. *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.*



60. *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.*
61. *Detailed drainage plans (prepared by a suitably qualified Hydraulic Engineer) shall be submitted to and approved by the certifying authority prior to the issue of a construction certificate. The drainage plans shall demonstrate compliance with the conditions of this development approval.*
62. *Stormwater runoff from the site shall be discharged either:*
- a) *To the kerb and gutter along the site frontage in Denning Street by gravity; OR*
- b) *Through private drainage easements to Council's kerb and gutter (or underground drainage system) in Pearce Street, Crana Avenue or Wisdom Street.*

*NOTE: Should the applicant be unable to obtain private drainage easements over properties to the rear of the development site (to facilitate stormwater discharge in accordance with option b); consideration may be given to the use of a pump out system for that portion of the site which cannot be drained by gravity to the kerb and gutter in Denning Street.*

63. *Should a pump system be required to drain any portion of the site, the system must be designed with a minimum of two pumps being installed, connected in parallel (with each pump capable of discharging at the required discharge rate) and connected to a control board so that each pump will operate alternatively. **The pump wet well shall be sized for the 1 in 100 year, 2 hour storm assuming both pumps are not working.***

*The pump system must also be designed and installed strictly in accordance with Randwick City Council's Stormwater Code.*

64. *All pump out water must pass through a stilling pit prior to being discharged by gravity to the kerb and gutter.*

#### **ADVISORY MATTERS:**

- A1 *Building or excavations works must not be commenced until a construction certificate has been obtained from Council's Building Certification Services or an Accredited Certifier and either Council's Building Certification Services or an Accredited Certifier has been appointed as the Principal Certifying Authority (PCA) for this development.*

*Failure to obtain a Construction Certificate and appoint a PCA before commencing works is an offence, which renders the responsible person liable to a maximum penalty of \$1.1 million under the Environmental Planning & Assessment Act 1979.*

- A2 *The applicant is advised that the Construction Certificate plans and specification must comply with the provisions of the Building Code of Australia (BCA) and the*

*construction certificate must not be inconsistent with the development consent.*

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

*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.*

*You are therefore advised to ensure that the development is not inconsistent with Council's consent and to consult with Council's Building Certification Services or an accredited certifier prior to submitting your construction certificate application to enable these matters to be addressed accordingly.*

- 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."*

BE AND IS HEREBY RESCINDED.

Upon the abovementioned Rescission Motion being carried, it is intended to move the following motion:-

That the matter be reconsidered.

**12.2 MOTION BY COUNCILLOR TRACEY – LIGHTING IMPROVEMENTS - RANDWICK LITERARY INSTITUTE. (F2004/06192 XR F2005/00171)**

That a report be prepared detailing ways in which Council could provide heritage lighting to the Randwick Literary Institute, including:

- down or up lighting in a warm colour which focuses on the building and draws attention to it;
- gentle illumination of the area to increase public safety and deter vandalism, graffiti and anti social behaviour on and around the Randwick Literary Institute; and
- improve lighting in Mary McKillop Place.

**12.3 MOTION BY COUNCILLOR MATSON – REQUEST FOR “OUR CITY” BANNER. (F2004/06257 XR F2005/00171)**

That Council agree to Ms Eileen Slarke's request on behalf of Wylie's Baths Trust for a "Our City" banner.

**12.4 MOTION BY COUNCILLOR MATSON – BECOMING THE AUSTRALIAN LEADER IN ECOLOGICALLY SUSTAINABLE DEVELOPMENT. (F2004/07964 XR F2005/00171)**

That:

- 1) Council resolves to take the opportunity afforded by the ongoing revision of our LEP to upgrade the ESD provisions of our DCP's beyond the present scope of BASIX to a level that will ensure that Randwick is recognised as the Australian Local Government leader in implementing ESD principles in development matters; and
- 2) The Director bring a report before the Health, Building and Planning Committee to enable debate and planning for this proposal to commence.

**12.5 MOTION BY COUNCILLOR NOTLEY-SMITH – USE OF SOFT-FALL AROUND TREE BASES. (F2004/06143 XR F2005/00171)**

That Council use soft-fall around the base of trees in all commercial precincts and high pedestrian traffic areas.

**12.6 MOTION BY COUNCILLOR NOTLEY-SMITH – CLEANING OF FOOTPATHS ON COOGEE BAY ROAD AND ARDEN STREET, COOGEE. (F2005/00685 XR F2005/00171)**

That Council immediately undertake high pressure cleaning of the footpaths of Coogee Bay Road and Arden Street and continue such activity when and where required.

**12.7 MOTION BY COUNCILLOR NOTLEY-SMITH – EARTHWATCH SCHOLARSHIPS. (F2004/08357 XR F2005/00171)**

That Council sponsor two Earthwatch Scholarships on an ongoing yearly basis.

**12.8 MOTION BY COUNCILLOR NOTLEY-SMITH – CUSTOMS WATCH TOWER, LA PEROUSE. (F2004/06278 XR F2005/00171)**

That Council obtain from the National Parks & Wildlife Service, the status of the Customs Watch Tower at La Perouse, requesting information such as its internal condition and if and when it will be opened regularly for public inspection.

**12.9 MOTION BY COUNCILLOR NOTLEY-SMITH – MAINTENANCE, ST JUDE'S CEMETERY FENCE. (DA/764/2004-02 XR F2005/00171)**

That the General Manager meets with the rector and representatives of St Jude's Anglican Church, Randwick, regarding the condition of the cemetery fence offering to research local, state and/or federal heritage funding options for the fences replacement.

**12.10 MOTION BY COUNCILLOR BELLELI – OPERATION OF ILLEGAL BROTHELS. (F2004/00755 XR F2005/00171)**

That Council writes to the State Government calling on it to review its policy and to support a Bill to give State and Local Governments more powers to investigate the alleged use of premises as illegal brothels and grant powers to immediately shut down illegal operations and revoke the development consent under which they operate.

**12.11 MOTION BY COUNCILLOR BELLELI – DEMOLITION/REPLACEMENT OF TOILET BLOCK AT LA PEROUSE (SNAKE PIT.) (F2004/07005 XR F2005/00171)**

That Council immediately write to the NSW National Parks & Wildlife Service requesting the immediate demolition and replacement of the toilet block near the snake pit at La Perouse.

**12.12 MOTION BY COUNCILLOR BELLELI – RESURFACING DRIVEWAYS ON BUNNERONG ROAD, MATRAVILLE BETWEEN KEMP AND SHIRLEY STREETS. (F2004/07568 XR F2005/00171)**

That Council include in the 2007/08 Budget, the resurfacing of the un-made section of drive way in Bunnerong Road, Matraville between Kemp and Shirley Streets.

