



**MINUTES OF PLANNING COMMITTEE MEETING OF THE COUNCIL
OF THE CITY OF RANDWICK HELD ON TUESDAY, 8 JULY 2008 AT
6.40 PM.**

Present:

North Ward	- Councillors J Kenny, P Tracey & M Woodsmith
South Ward	- Councillor R Belleli & A White
East Ward	- Councillors M Matson (Deputy Chairperson) & D Sullivan
West Ward	- Councillors S Nash (Chairperson) & J Procopiadis
Central Ward	- Councillors A Andrews & C Bastic

Officers Present:

General Manager	Mr R Brownlee
Director City Services	Mr J Frangoples
Director Governance & Financial Services	Mr G Banting
Acting Director City Planning	Mr K Kyriacou
Manager Administrative Services	Mr D Kelly
Media Officer	Ms A Power
Acting Manager Sustainability	Mr R Wilson

Apologies/Granting of Leave of Absences

Apologies were received from the Mayor, Cr B. Notley-Smith (as he was representing Randwick City Council as a key note speaker at the National Local Government Environment Conference) and Crs Daley, Hughes and Seng.

RESOLVED: (White/Tracey) - that the apologies received from the Mayor, Cr. B. Notley-Smith and Crs Daley, Hughes and Seng be accepted and leave of absence from the meeting be granted.

Confirmation of the Minutes

**CONFIRMATION OF THE MINUTES OF THE PLANNING COMMITTEE MEETING
HELD ON TUESDAY 10 JUNE 2008**

PL11/08

RESOLUTION: (Belleli/Andrews) that the Minutes of the Planning Committee Meeting held on Tuesday 10 June 2008 (copies of which were circulated to all Councillors) be and are hereby confirmed as a correct record of the proceedings of that meeting, subject to Cr Belleli's declaration of non pecuniary interest in items D32/08 and D33/08 being amended to read "volunteer of his and his wife's musical school".

Declarations of Pecuniary and Non-Pecuniary Interests

- (a) Cr Belleli declared a non pecuniary interest in item D35/08 as one of the objectors is a volunteer of his and his wife's musical school.
- (b) Cr Nash declared a non pecuniary interest in item D38/08 as his grandparents live in close proximity to the proposed development.

Address of Council by Members of the Public

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

D34/08 8A KITCHENER STREET MAROUBRA

Against Mr Randall Parsons

For Mr Adam Capon

Applicant Ms Melissa Jackson

D36/08 102 - 104 BROOK STREET, COOGEE (RANDWICK RUGBY CLUB)

Objector Andrew Wilson

Applicant Simon Fallon - (PMDL Architects)

D37/08 52 CUZCO STREET, SOUTH COOGEE

Objector Mr William Lee

Applicant Ms Jude Tarra

D38/08 1603 ANZAC PARADE LA PEROUSE

Applicant Mr Peter Lonergan - Cracknell & Lonergan Architects

D39/08 354 CLOVELLY ROAD, CLOVELLY

Applicant Mr Paul Denton

The meeting was adjourned at 7.25 pm and was resumed at 7.37 pm.

Urgent Business

Nil.

Development Application Reports

D34/08 Development Application Report - 8A Kitchener Street, Maroubra (DA/72/2005/A)

PL12/08

RESOLUTION: (Bastic/Andrews)

That Council as the responsible authority grant its consent under Section 96 of the Environmental Planning and Assessment Act 1979 (as amended) to modify Development Consent No DA/72/2005 for permission to install an air conditioning unit on the roof of the existing dwelling for 8A Kitchener Street, MAROUBRA in the following manner:

Amend Condition 1 to read:

1. The development must be implemented substantially in accordance with the amended plans numbered DA/1a to DA/3a, dated March 2005 and received by Council on 5 April 2005, the application form and on any supporting information received with the application, as amended by the ***Section 96 plans numbered CC/2b & CC/4T, dated July 2005 and received by Council on 30 October 2007, 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.

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

D35/08 Development Application Report - 2-40 Gumara Street, Randwick (DA/71/2008)

PL13/08

RESOLUTION: (Andrews/Kenny) that Council defer the determination of DA 71/2008 until the proposed Section 96 application to modify the development consent for DA 73/2008 is determined by Council.

MOTION: (Woodsmith/Nil) that this application be refused as the other development application submitted is the approved option and this is not in the public interest. **LAPSED FOR WANT OF A SECONDER.**

MOTION: (Andrews/Kenny) CARRIED - SEE RESOLUTION.

D36/08 Development Application Report - 102 - 104 Brook Street, Coogee (Randwick Rugby Club) (DA/194/2008)

PL14/08

RESOLUTION: (Bastic/White)

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. DA/194/2008 for permission to construct internal and external alterations to the existing club at 102-104 Brook Street, 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 DA101, DA102, DA103 and DA201 dated December 2007 and received by Council on 26 March 2008, 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 on the attached plans:
2. The external stair to the existing outdoor terrace must be installed with a gate that allows general egress and 'member's only' access in accordance with plan numbered DA201 revision B. The gate must match the height and style of the timber batten screen described in condition 3.
3. The proposed timber batten screen on the eastern edge of the existing terrace must be 2 metres high above the level of the terrace. The timber battens must be spaced evenly and such that the surface area of the screen is not more than 25% open.

4. The operating hours of the Club shall be limited to 11am – 11pm Sunday – Thursday and 11am to 12 midnight Friday and Saturday.
5. The covered smoker's terrace may remain open for the duration of the approved operating hours of the Club.
6. The existing outdoor terrace facing Brook Street must only be used between the hours of 11am and 6pm. Access or egress (except for fire egress) onto the existing outdoor terrace must not be permitted after 6:00pm.
7. Any gaming machine located in the new smoker's area must be silent. All sound effects must be turned off.
8. The normal operation of the automatic sliding glass doors must not be obstructed. The doors must not be held open.
9. The floor of the new smoker's area must be carpeted.
10. The ceiling of the new smoker's area must be installed with 5 square metres of a proprietary acoustic panel in accordance with the acoustic assessment submitted with the application.
11. Building work must not compromise the acoustic integrity of the existing ceiling. New penetrations through the ceiling must be minimised and acoustically treated.
12. External lighting must not cause a nuisance to nearby residents.

The following condition/s are applied to meet additional demands for public facilities

13. In accordance with Council's Section 94A Development Contributions Plan effective from 2 July 2007, the following monetary levy must be paid to Council.

Category	Cost	Applicable Levy	S94A Levy
Development cost \$100,001 - \$200,000		0.5%	
Development Cost More than \$200,000	\$219,397.00	1.0%	\$2193.97

The levy must be paid in cash, bank cheque or by credit card prior to a construction certificate being issued for the proposed development. The development is subject to an index to reflect quarterly variations in the Consumer Price Index (CPI) from the date of Council's determination to the date of payment.

Council's Section 94A Development Contribution Plans may be inspected at the Customer Service Centre, Administrative Centre, 30 Frances Street, Randwick or at www.randwick.nsw.gov.au.

The following conditions have been applied to ensure that noise emissions from the development satisfy legislative requirements and maintain reasonable levels of amenity to the area:

14. The proposed use of the premises and the operation of all plant and equipment shall not give rise to an 'offensive noise' as defined in the Protection of the Environment Operations Act 1997 and Regulations.

In this regard, the operation of the premises and plant and equipment shall not

give rise to a sound pressure level at any affected premises that exceeds the background (LA90), 15 min noise level, measured in the absence of the noise source/s under consideration by more than 5dB(A). The source noise level shall be assessed as an LAeq, 15 min and adjusted in accordance with the NSW Environmental Protection Authority's Industrial Noise Policy 2000 and Environmental Noise Control Manual (sleep disturbance).

15. The L10 noise level emitted from the licensed premises shall not exceed the background noise level (L90) in any Octave Band Centre Frequency (31.5Hz – 8kHz inclusive) by more than 5dB between 7.00am and 12.00 midnight at the boundary of any affected residence. The background noise level shall be measured in the absence of noise emitted from the licensed premises.

The LA10 noise level emitted from the licensed premises shall not exceed the background noise level (LA90) in any Octave Band Centre Frequency (31.5Hz – 8kHz inclusive) between 12.00 midnight and 7.00am at the boundary of any affected residence. The background noise level shall be measured in the absence of noise emitted from the licensed premises.

16. Notwithstanding compliance with the above, the noise from the licensed premises shall not be audible within any habitable room in any residential premises between the hours of 12.00 midnight and 7.00am.
17. The licensee must establish and maintain a formal and documented system for the recording and resolution of complaints made to the licensed premises by residents. All complaints are to be attended to in a courteous and efficient manner and referred promptly to the licensee or duty manager. The appropriate remedial action, where possible, is to be implemented immediately and the licensee or duty manager is to contact the complainant within 48 hours to confirm details of action taken.
18. Upon reasonable prior notice, the licensee must make available the incident book to the police and Council officers.
19. The use of the premises shall be generally in accordance with the Operational Plan of Management submitted with the development application.
20. The use of the premises and the operation of plant and equipment shall not give rise to the transmission of a vibration nuisance or damage to other premises.
21. The acoustic report submitted in support of this application, prepared by Wilkinson Murray, titled Randwick Rugby Club, Acoustic Assessment of Proposed Smokers Lounge, report No. 02093-R, Version A, dated February 2008 and the noise control s stated in this report form part of this development consent.

The following conditions are applied to satisfy the relevant pollution control criteria and to maintain reasonable levels of health, safety and amenity to the locality:

22. The use and operation of the premises shall not give rise to an environmental health nuisance to the adjoining/nearby premises or environment.
23. There are to be no emissions or discharges from the premises, which will give rise to a public nuisance or result in an offence under the Protection of the Environment Operations Act 1997 and Regulations.

The following conditions are applied to ensure compliance with the Food Act 2003 and to ensure public health and safety:

24. The premises is to be designed, constructed and operated in accordance with the

Food Act 2003, Food Regulation 2004, Australia & New Zealand Food Standards Code and Australian Standard AS 4674-2004, Design, construction and fit-out of food premises and details of compliance are to be included in the documentation for the construction certificate to the satisfaction of the certifying authority.

25. Food safety practices and operation of the food premises must be in accordance with the Food Act 2003, Food Regulation 2004, Food Standards Code and Food Safety Standards at all times, including the requirements and provisions relating to:

- Food handling – skills, knowledge and controls.
- Health and hygiene requirements.
- Requirements for food handlers and businesses.
- Cleaning, sanitising and maintenance.
- Design and construction of food premises, fixtures, fitting and equipment.

A failure to comply with the relevant food safety requirements is an offence and may result in legal proceedings, service of notices and/or the issuing of on-the-spot penalty infringement notices.

26. The food premises must be registered with Council's Environmental Health section and the NSW Food Authority must also be notified of the food business in accordance with the Food Safety Standards, prior to commencement of food business operations.

27. Upon completion of the work and prior to the issuing of an occupation certificate, the premises must be inspected by Council's Environmental Health Officer to ascertain compliance with relevant Food Safety Standards and the written approval of Council (being the relevant Food Authority for this food business) must be obtained prior to the operation of the food business.

28. The Proprietor of the food business and all staff carrying out food handling and food storage activities must have appropriate skills and knowledge in food safety and food hygiene matters, as required by the Food Safety Standards.

29. The design and construction of food premises must comply with the following requirements, as applicable: -

- The floors of kitchens, food preparation areas and the like are to be constructed of materials which are impervious, non slip and non abrasive. The floor is to be finished to a smooth even surface, graded and drained to a floor waste connected to the sewer.
- The intersection of walls with floor and plinths is to be coved, to facilitate cleaning.
- Walls of the kitchen preparation areas and the like are to be of suitable construction finished in a light colour with glazed tiles, stainless steel, laminated plastics or similar approved material adhered directly to the wall adjacent to cooking and food preparation facilities or areas, to provide a smooth even surface.

The glazed tiling or other approved material is to extend up to the underside of any mechanical exhaust ventilation hoods and a minimum of 450mm above bench tops or other facilities and equipment.

- Walls where not tiled are to be cement rendered or be of rigid smooth faced non-absorbent material (i.e. fibrous cement sheeting, plasterboard or other approved material) and finished to a smooth even surface, painted with a

washable paint of a light colour or sealed with other approved materials.

- The ceilings of kitchens, food preparation areas, storerooms and the like are to be of rigid smooth-faced, non absorbent material i.e., fibrous plaster, plasterboard, fibre cement sheet, cement render or other approved material.
 - All stoves, refrigerators, bain-maries, stock pots, washing machines, hot water heaters, large scales, food mixers, food warmers, cupboards, counters, bars, etc to be supported on wheels, concrete plinths a minimum 75mm in height, metal legs minimum 150mm in height, brackets or approved metal framework of the like.
 - Cupboards, cabinets, benches and shelving may be glass, metal, plastic, timber sheeting or other approved material. The use of particleboard or similar material is not permitted unless laminated on all surfaces.
 - Adequate fly screens and doors with self-closing devices, (where applicable), are to be provided to all external door and window openings. An electronic insect control device must also be provided within the food premises.
 - Garbage storage enclosures are to be fitted with a hose cock and the floor is to be graded and drained to an approved floor waste connected to the sewer.
 - Wash hand basins must be provided in convenient positions, with hot and cold water, together with a sufficient supply of soap and clean towels. Such hot and cold water shall be supplied to the wash hand basins through an approved mixing device.
 - Ceramic tiles being provided to a height of 450mm above bench tops, wash hand basins and similar fittings.
 - A numerically scaled indicating thermometer or recording thermometer, accurate to the nearest degree Celsius being provided to refrigerators, cool rooms, other cooling appliances and bain-maries or other heated food storage/display appliances. The thermometer is to be located so as to be read easily from the outside of the appliance.
 - All food that is to be kept hot should be heated within one (1) hour from the time when it was prepared or was last kept cold, to a temperature of not less than 60°C and keep this food hot at or above the temperature. Food that is to be kept cold should be cooled, within four (4) hours from the time when it was prepared or was last kept hot, to a temperature of not more than 5°C and keep this food cold at or below that temperature.
30. Liquid trade waste materials are to be disposed of in accordance with the requirements of the Sydney Water, Trade Waste Department and details of compliance are to be submitted to the certifying authority prior to the commencement of works.
31. Trade/commercial waste materials must not be disposed via council's domestic garbage service. All trade/commercial waste materials must be collected by Council's Trade Waste Service or a waste contractor authorised by the Waste Service of New South Wales and details of the proposed waste collection and disposal service are to be submitted to Council prior to occupation of the building.
32. Adequate provisions are to be made within the premises for the storage, collection and disposal of trade/commercial waste and recyclable materials, to the satisfaction of Council.

The following conditions are applied to ensure that the development satisfies the provisions of the Environmental Planning and Assessment Act 1979 and Regulations and to provide for reasonable levels of safety and amenity:

33. 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.
34. 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.
35. 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.
36. Prior to the commencement of any building works (including fit-out works), a construction certificate must be obtained from the Council's Building Certification Services or an Accredited Certifier, in accordance with the provisions of the Environmental Planning & Assessment Act 1979 and Environmental Planning & Assessment Regulation 2000.
37. 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.
38. Prior to the commencement of any building works, the person having the benefit of the development consent must:-
 - i) appoint a Principal Certifying Authority, and
 - ii) appoint a principal contractor for the building work and notify the Principal Certifying Authority and Council accordingly in writing, and
 - iii) 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 person's intention to commence building works.
39. 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.
40. 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).
41. 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.

42. 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.
43. A sign must be erected and maintained in a prominent position on the site for the duration of the works, 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,
 - name, address and telephone number of the Principal Certifying Authority,
 - a statement stating that "unauthorised entry to the work site is prohibited".
44. 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.
45. 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.
46. 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.
47. 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.
48. All building, plumbing and drainage work must be carried out in accordance with the requirements of the Sydney Water Corporation.
49. The approved Construction Certificate plans must be submitted to a Sydney Water Quick Check agent or Customer Centre prior to commencing any building or excavation works, to determine whether the development will affect Sydney Water's sewer and water mains, stormwater drains and/or easements, and if any further requirements need to be met.
50. If suitable, the plans will be appropriately stamped. For Quick Check agent details please refer to Sydney Water's web site at www.sydneywater.com.au and go to the Building, Developing and Plumbing, then Quick Check or Building and Renovating or telephone 13 20 92.
51. The principal certifying authority must ensure that a Quick Check Agent/Sydney

Water has appropriately stamped the plans before commencing any works.

Fire safety

52. A Fire Safety Certificate must be submitted to Council prior to the issuing of an Occupation Certificate, in accordance with the requirements of the Environmental Planning and Assessment Regulation 2000.

A single and complete Fire Safety Certificate must be provided which includes details of all of the fire safety measures contained in the building and as detailed in the fire safety schedule attached to the Construction Certificate.

Prior to issuing any Occupation Certificate the Principal Certifying Authority must be satisfied that all of the relevant fire safety measures have been included and are sufficiently detailed within the Fire safety Certificate.

A copy of the fire safety certificate must be displayed in the building near the entrance and a copy must be forwarded to Council and to the NSW Fire Brigades.

Structural adequacy

53. A Certificate prepared by a professional engineer, shall be submitted to the Council prior to the issuing of an occupation certificate, certifying the structural adequacy of the awnings.

Building & demolition works

54. Demolition work and the removal, storage, handling and disposal of building materials must be carried out in accordance with the following requirements (as applicable):

- 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 and Guidelines
- Australian Standard 2601 (2001) – Demolition of Structures
- The Protection of the Environment Operations Act 1997 and Protection of the Environment Operations (Waste) Regulation 1996.
- Randwick City Council Asbestos Policy (adopted 13 September 2005)

55. 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 (except as detailed below) between 8.00am to 5.00pm on Saturdays.

All building, demolition and associated site works are strictly prohibited on Sundays, Public Holidays and also on Saturdays adjacent to a Public Holiday.

In addition, the use of any rock excavation machinery or any mechanical pile drivers or the like is restricted to the hours of 8.00am to 5.00pm (maximum) on Monday to Friday only, to minimise the noise levels during construction and loss of amenity to nearby residents.

56. 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.

57. Public safety and convenience must be maintained at all times during demolition, excavation and construction works.

a) 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.

b) 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.

c) 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.

d) 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. Applications to place a waste container in a public place can be made to Council's Health, Building & Regulatory Services department.

e) 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. Sediment and erosion control measures must be implemented prior to the commencement of any site works and be maintained throughout construction.

f) Public safety must be maintained at all times and public access to demolition/building works, materials and equipment on the site is to be restricted. If required, a temporary 1.8m high safety fence or hoarding is to be provided to protect the public, located between the work site and the public place. An awning may also be required to prevent any substance from, or in connection with, the work from falling into the public place or adjoining premises.

Temporary fences or hoardings or the like 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 or hoardings must be in place prior to the commencement of any demolition, excavation or building works and be maintained throughout construction.

If it is proposed to locate any hoardings, site fencing or amenities upon any part of the footpath, nature strip or any public place, the written consent from Council's Health, Building & Regulatory Services department 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.

g) A separate local approval application must be submitted to and be approved by Council's Building Services section prior to commencing any of the following activities upon any part of the 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 or any other container or article on the road, footpath or nature strip.

58. A plan detailing the revised Place of Public Entertainment and the relevant registration form being completed and submitted to Council and approved by the Manager of Health Building and Regulatory Services prior to an occupation certificate being issued.

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

59. 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.

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

60. 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.

Advisory Conditions

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.

The applicant is advised that the Construction Certificate plans and specification must comply with the provisions of the Building Code of Australia (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 also advised to ensure that the development is not inconsistent with Council's consent and if necessary consult with Council's Building Certification Services or your accredited certifier prior to submitting your construction certificate application to enable these matters to be addressed accordingly.

The applicant/owner is advised that this approval does not guarantee compliance with the provisions of the Disability Discrimination Act 1992 and the applicant should therefore consider their liability under the Act. In this regard, the applicant is advised that compliance with the requirements of the Building Code of Australia and Australian Standard 1428.1 - Design for Access and Mobility does not necessarily satisfy the objectives of the Disability Discrimination Act 1992.

The applicant/owner is requested to give consideration to providing access and facilities for people with disabilities in accordance with Australian Standard 1428 Parts 1, 2, 3 and 4 - Design for Access and Mobility, which may be necessary to satisfy the objectives of the Disability Discrimination Act 1992.

MOTION: (Woodsmith/Matson) that this application be refused as it is against the public interest and will have an adverse impact on the amenity of the surrounding neighbourhood. **LOST.**

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

Councillors Matson and Woodsmith requested that their names be recorded as opposed to the resolution.

**D37/08 Development Application Report - 52 Cuzco Street, South Coogee
(DA/197/2008)**

PL15/08

RESOLUTION: (Procopiadis/Tracey)

That:

- A. Council supports the objections under State Environmental Planning Policy No. 1 – Development Standards in respect to non-compliance with Clause 32(1) of the Randwick Local Environmental Plan 1998, relating to floor space ratio, on the grounds that the proposed development complies with the objectives of the above clause, and will not adversely affect the amenity of the locality.
- B. Council, as the consent authority, grants development consent under Sections 80 and 80A of the Environmental Planning and Assessment Act, as amended, to Development Application DA/197/2008 for the use of part of the existing dwelling for a bed & breakfast accommodation for 52 Cuzco Street, SOUTH COOGEE NSW 2034, 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 'Plan 1', received by Council on 16 June 2008, 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. 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.
3. The maximum number of visitors to be accommodated within the bed & breakfast accommodation at any time shall not exceed two (2).
4. One (1) off-street car space within the existing garage shall be provided for the exclusive use of visitors staying at the bed & breakfast accommodation, only at times when the bed & breakfast accommodation is occupied.

The following conditions have been applied to ensure that noise emissions from the development satisfy legislative requirements and maintain reasonable levels of amenity to the area:

5. The proposed use of the premises and the operation of all plant and equipment shall not give rise to an 'offensive noise' as defined in the Protection of the Environment Operations Act 1997 and Regulations.

In this regard, the operation of the premises and plant and equipment shall not give rise to a sound pressure level at any affected premises that exceeds the background (LA90), 15 min noise level, measured in the absence of the noise source/s under consideration by more than 5dB(A). The source noise level shall be assessed as an LAeq, 15 min and adjusted in accordance with the NSW Environmental Protection Authority's Industrial Noise Policy 2000 and Environmental Noise Control Manual (sleep disturbance).

The following conditions are applied to satisfy the relevant pollution control criteria and to maintain reasonable levels of health, safety and amenity to the locality:

6. The use and operation of the premises shall not give rise to an environmental health nuisance to the adjoining/nearby premises or environment.
7. There are to be no emissions or discharges from the premises, which will give rise to a public nuisance or result in an offence under the Protection of the Environment Operations Act 1997 and Regulations.

The following conditions are applied to ensure compliance with the Food Act 2003 and to ensure public health and safety:

8. Food safety practices and operation of the premises must be in accordance with the Food Act 2003, Food Regulation 2004, Food Standards Code and Food Safety Standards at all times, in relation to the requirements and provisions for:
 - Food handling – skills, knowledge and controls.
 - Health and hygiene requirements.
 - Requirements for food handlers and businesses.
 - Cleaning, sanitising and maintenance.
9. The premises must be registered with Council's Environmental Health section and the NSW Food Authority must also be notified of the food business in accordance with the Food Safety Standards, prior to commencement of the business.
10. Any persons carrying out any food handling and/or food storage activities must have appropriate skills and knowledge in food safety and food hygiene matters, as required by the Food Safety Standards.
11. A numerically scaled indicating thermometer or recording thermometer, accurate to the nearest degree Celsius being provided to refrigerators, cool rooms, other cooling appliances or other heated food storage/display appliances.
12. All food that is to be kept hot should be heated within one (1) hour from the time when it was prepared or was last kept cold, to a temperature of not less than 60°C and keep this food hot at or above the temperature. Food that is to be kept cold should be cooled, within four (4) hours from the time when it was prepared or was last kept hot, to a temperature of not more than 5°C and keep this food cold at or below that temperature.
13. Adequate provisions are to be made within the premises for the storage, collection and disposal of trade/commercial waste and recyclable materials, to the satisfaction of Council.
14. The bed and breakfast facilities, including the kitchen facilities and associated equipment must be maintained in a safe, clean and healthy condition at all times.

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

15. 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.

16. All 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.
17. 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.

MOTION: (Procopiadis/Tracey) CARRIED - SEE RESOLUTION.

**D38/08 Development Application Report - 1603 Anzac Parade La Perouse
(DA/520/2006/B)**

PL16/08

RESOLUTION: (Procopiadis/Tracey)

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/520/2006/B to alter the parapet and balustrade at the front of the building, extend the roof terrace and alter the drainage within the roof terrace at 1603 Anzac Parade, La Perouse in the following manner:

The development must be implemented substantially in accordance with the plans numbered DA01 to DA04, dated 2 June 2006 and received by Council on the 20 June 2006, the application form and on any supporting information received with the application, as amended by the Section 96 plans dated 23/4/07 and received by Council on the 30th April 2007, **as further amended by the Section 96 plans dated 31st January 2008 received by Council on the 25th February 2008, 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.

MOTION: (Procopiadis/Tracey) CARRIED - SEE RESOLUTION.

**D39/08 Development Application Report - 354 Clovelly Road, Clovelly
(DA/814/2007)**

PL17/08

RESOLUTION: (Sullivan/Andrews)

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/814/2007/B for permission to reinstate car spaces 1 and 4 which were originally proposed at 354 Clovelly Road, CLOVELLY in the following manner: -

A Deferred Commencement Conditions:

Condition 1 is deleted.

B Development Consent Conditions**Amend Condition 1 to read:**

1. The development must be implemented substantially in accordance with the following plans:

Plan Number / Title	Prepared by	Dated	Received
No. 1 – Site Plan (Amended 2)	Designer Group Pty. Ltd.	December 2007	27 December 2007
No. 2 – Section A-A, Lower Ground Floor Plan (Amended 2)	Designer Group Pty. Ltd.	December 2007	27 December 2007
No. 3 – Upper Ground Floor Plan (Amended 2)	Designer Group Pty. Ltd.	December 2007	27 December 2007
No. 4 – First Floor Plan (Amended 2)	Designer Group Pty. Ltd.	December 2007	27 December 2007
No. 5 – Front (North) Street Elevation, Rear (South) Elevation (Amended 2)	Designer Group Pty. Ltd.	December 2007	27 December 2007
No. 6 – Left (East) Elevation, Right (West) Elevation (Amended 2)	Designer Group Pty. Ltd.	December 2007	27 December 2007
07-2003A Sheet 1/1 – Detailed Landscape Plan	Zenith Landscape Designs	07.01.08	11 January 2008
Draft Strata Plan – Surveyor's Reference 2396 DRAFT, Strata Plan Form 2 Sheets 1 & 2 and Strata Plan Form 3 Sheets 1 & 2	Jonathan Charles Keen	Undated	7 February 2008

as amended by the ***Section 96 application received by Council on the 1st May 2008, 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:***

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

Notices of Rescission Motions

Nil.

The meeting closed at 7.51 pm.

The minutes of this meeting were confirmed at the Planning Committee Meeting of the Council of the City of Randwick held on Tuesday, 12 August 2008.

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CHAIRPERSON