

THESE MINUTES ARE DRAFT UNTIL CONFIRMED AT THE NEXT MEETING OF THIS COUNCIL AND/OR COMMITTEE

MINUTES OF PLANNING COMMITTEE MEETING OF THE COUNCIL OF THE CITY OF RANDWICK HELD ON TUESDAY, 12 MARCH 2013 AT 6:26PM

Present:

The Mayor, Councillor T Bowen (East Ward)

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| North Ward | - Councillors K Neilson, L Shurey & K Smith (Chairperson), |
| South Ward | - Councillors R Belleli, D'Souza (arrived 8.45pm) & P Garcia |
| East Ward | - Councillors M Matson & B Roberts |
| West Ward | - Councillors G Moore, S Nash & H Stavrinou |
| Central Ward | - Councillor G Stevenson (Deputy Chairperson) |

Officers Present:

General Manager	Mr R Brownlee
Director City Services	Mr J Frangoplos
Director City Planning	Ms S Truuvert
Director Governance & Financial Services	Mr G Banting
Manager Development Assessment	Mr K Kyriacou
Manager Administrative Services	Mr D Kelly

The meeting was adjourned at 6.27pm and was resumed at 6.45pm.

Apologies/Granting of Leave of Absences

Apologies were received from Crs Andrews and Seng.

RESOLVED: (Nash/Stavrinou) that the apologies received from Crs Andrews 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 12 FEBRUARY 2013

PL16/13

RESOLUTION: (Nash/Garcia) that the Minutes of the Planning Committee Meeting held on Tuesday 12 February 2013 (copies of which were circulated to all Councillors) be and are hereby confirmed as a correct record of the proceedings of that meeting.

Declarations of Pecuniary and Non-Pecuniary Interests

- a) Cr Belleli declared a non significant non pecuniary interest in Item D19/13 as many years ago he worked with the father of a person who signed the petition and as his wife teaches dancing in child care centres.
- b) Cr Neilson declared a significant non pecuniary interest in Item D21/13 as she made submissions to Council in relation to the application as an executive member of the Randwick Precinct Committee and also some of the objectors are known to her as members of the Randwick Precinct Committee. Cr Neilson indicated that she would not take part in the debate or the vote on the matter.
- c) Cr Smith declared a pecuniary interest in Item D21/13 as his employer has a business relationship with the applicant. Cr Smith indicated that he would not take part in the debate or the vote on the matter.
- d) Cr Nash declared a significant non pecuniary interest in Item UB2/13 as he lives across the road from Queens Park. Cr Nash indicated that he would not take part in the debate or the vote on the matter.
- e) Cr Bowen declared a significant non pecuniary interest in Item D15/13 as a relative has property in the vicinity. Cr Bowen indicated that he would not take part in the debate or the vote on the matter.
- f) Cr Bowen declared a non significant non pecuniary interest in Item D19/13 as a number of the objectors are known to him.

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:

D15/13 230A CARRINGTON ROAD, RANDWICK (DA/181/2012)

Objector Karen McKenzie-Wilson

Applicant John Spiteri on behalf of applicant

D16/13 1420 ANZAC PARADE, LITTLE BAY (DA/547/2011/B)

Objector Caroline Mackley

D17/13 7 WINCHESTER ROAD, CLOVELLY (DA/778/2012)

Objector Tina Smith

Applicant Justin Long on behalf of applicant

D18/13 36 MELODY STREET, COOGEE (DA/537/2012)

Objector Eve North

Applicant Alec Pappas

D19/13 158 MOVERLY ROAD, SOUTH COOGEE (DA/584/2012)

Objector Malcolm Bell

Applicant Victor Berk

D21/13 2 ST MARKS ROAD, RANDWICK (DA/98/2010/C)

For Anthony Betros

The meeting was adjourned at 7.58pm and was resumed at 8.16pm.

Urgent Business

See page 44 of these minutes.

Development Application Reports

D15/13 Development Application Report - 230A Carrington Road, Randwick (DA/181/2012)

Note: Having previously declared an interest, the Mayor, Cr Bowen left the chamber during the debate and voting on this item.

PL17/13 **RESOLUTION: (Matson/Nash)** that the application be deferred to allow Councillors to inspect the site and consider further information on this matter.

MOTION: (Matson/Roberts) that the SEPP1 objection not be accepted and the application be refused due to the non conformance of the FSR and building height in light of the unique nature of this site, the excessive bulk and scale of the development and the impacts on adjoining properties. **LOST.**

The **DIVISION** was taken and the names of the Councillors voting FOR and AGAINST were as follows:

FOR	AGAINST
Councillor Garcia	Councillor Belleli
Councillor Matson	Councillor Moore
Councillor Neilson	Councillor Nash
Councillor Roberts	Councillor Smith
Councillor Shurey	Councillor Stavrinou
	Councillor Stevenson
Total (5)	Total (6)

MOTION: (Nash/Stavrinou) –

- A. That Council supports the objections under State Environmental Planning Policy No. 1 – Development Standards in respect to non-compliance with Clauses 20F & 20G of Randwick Local Environmental Plan 1998, relating to Floor space ratios & Building heights respectively, on the grounds that the proposed development complies with the objectives of the above clauses, and will not adversely affect the amenity of the locality, and that the Department of Planning be advised accordingly.
- B. That Council, as the consent authority, grants development consent under Sections 80 and 80A of the Environmental Planning and Assessment Act 1979, as amended, to Development Application No. DA/181/2012 for construction of part 2/part 3 storey detached residential unit with garage to rear of existing building with access from Dolphin Street, at No. 230A Carrington Road, Randwick, subject to the following conditions:

DEVELOPMENT CONSENT CONDITIONS

GENERAL CONDITIONS

The development must be carried out in accordance with the following conditions of consent.

These conditions have been applied to satisfy the relevant requirements of the *Environmental Planning & Assessment Act 1979*, *Environmental Planning & Assessment Regulation 2000* and to provide reasonable levels of environmental amenity.

Approved Plans & Supporting Documentation

1. The development must be implemented substantially in accordance with the plans and supporting documentation listed below and endorsed with Council's approved stamp, except where amended by Council in red and/or by other conditions of this consent:

<i>Plan</i>	<i>Drawn by</i>	<i>Dated</i>	<i>Received</i>
A-01 (Issue A)	John Spiteri - Design & Drafting	11/02/2013	12 Feb 2013
A-02 (Issue A)	John Spiteri - Design & Drafting	11/02/2013	12 Feb 2013
A-03 (Issue A)	John Spiteri - Design & Drafting	11/02/2013	12 Feb 2013
A-04 (Issue A)	John Spiteri - Design & Drafting	11/02/2013	12 Feb 2013

<i>BASIX Certificate</i>	<i>No.</i>	<i>Dated</i>	<i>Received</i>
	417480S_02	20 February 2013	22 February 2013

Amendment of Plans & Documentation

2. The approved plans and documents must be amended in accordance with the following requirements:
 - a. The following windows must have a minimum sill height of 1.5m above floor level or be fixed and provided with translucent, obscured, frosted or sandblasted glazing below this specified height. Alternatively, external louvers must be provided below this specified height and fixed at an angle to prevent overlooking:

East elevation:
The kitchen window opening on the ground floor to the far northern end of the eastern elevation.

West elevation:
The two bathroom window openings on the first floor level.
3. The undercroft area on the lower ground floor plan shall not be used for storage below RL 19.7 AHD.

REQUIREMENTS BEFORE A CONSTRUCTION CERTIFICATE CAN BE ISSUED

The following conditions of consent must be complied with before a 'Construction Certificate' is issued by either Randwick City Council or an Accredited Certifier. All necessary information to demonstrate compliance with the following conditions of consent must be included in the documentation for the construction certificate.

These conditions have been applied to satisfy the relevant requirements of the *Environmental Planning & Assessment Act 1979*, *Environmental Planning & Assessment Regulation 2000*, Council's development consent conditions and to achieve reasonable levels of environmental amenity.

Consent Requirements

4. The requirements and amendments detailed in the 'General Conditions' must be complied with and be included in the construction certificate plans and associated documentation.

External Colours, Materials & Finishes

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

amenity of the building and the 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 Manager Development Assessments prior to issuing a construction certificate for the development.

Section 94A Development Contributions

6. In accordance with Council's Section 94A Development Contributions Plan effective from 2 July 2007, based on the development cost of \$330,000, the following applicable monetary levy must be paid to Council: \$3300.

The levy must be paid in cash, bank cheque or by credit card prior to a construction certificate [or subdivision 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.

Long Service Levy Payments

7. The required Long Service Levy payment, under the *Building and Construction Industry Long Service Payments Act 1986*, must be forwarded to the Long Service Levy Corporation or the Council, 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.

Security Deposit

8. The following damage / civil works security deposit requirement must be complied with prior to a construction certificate being issued for the development, as security for making good any damage caused to the roadway, footway, verge or any public place; and as security for completing any public work; and for remedying any defect on such public works, in accordance with section 80A(6) of the *Environmental Planning and Assessment Act 1979*:

- \$2000.00 - Damage / Civil Works Security Deposit

The damage/civil works security deposit may be provided by way of a cash, cheque or credit card payment and is refundable upon a satisfactory inspection by Council upon the completion of the civil works which confirms that there has been no damage to Council's infrastructure.

The owner/builder is also requested 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.

To obtain a refund of relevant deposits, a *Security Deposit Refund Form* is to be forwarded to Council's Director of City Services upon issuing of an occupation certificate or completion of the civil works.

Design Alignment levels

9. The design alignment level (the finished level of concrete, paving or the like) 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

in Dolphin Street.

The design alignment level/s at the property boundary as issued by Council and their relationship to the footpath must be indicated on the building plans for the construction certificate. The design alignment level at the street boundary, as issued by the Council, must be strictly adhered to.

Any enquiries regarding this matter should be directed to Council's Development Engineer on 9399 0881.

10. The above alignment levels and the site inspection by Council's Development Engineer have been issued at a prescribed fee of \$135.00 (inclusive of GST). This amount is to be paid prior to a construction certificate being issued for the development.

Driveway Design

11. The gradient of the internal access driveway and carspace must be designed and constructed in accordance with AS 2890.1 (2004) – Off Street Car Parking and the levels of the driveway must match the alignment levels at the property boundary (as specified by Council). Details of compliance are to be included in the construction certificate documentation.

Stormwater Drainage & Flood Management

12. Prior to the issue of a construction certificate, detailed drainage plans with levels reduced to Australian Height Datum (AHD), shall be prepared by a suitably qualified Hydraulic Engineer and be submitted to and approved by the certifying authority. A copy of the plans shall be forwarded to Council, if Council is not the certifying authority.

The drainage plans must demonstrate compliance with the Building Code of Australia, Australian Standard AS3500.3:2003 (Plumbing and Drainage - Stormwater Drainage) and the relevant conditions of this development approval.

13. The site stormwater drainage system is to be provided in accordance with the following requirements;
 - a) The stormwater must be discharged (by gravity) either:
 - i. Directly to the kerb and gutter or drainage system located at the front of the subject site in Dolphin Street; or
 - ii. Directly into Council's underground drainage system located in Dolphin Street via a new kerb inlet pit and section of pipe
 - b) Should stormwater be discharged to Council's street drainage system, an on-site stormwater detention system must be provided to ensure that the maximum discharge from the site does not exceed that which would occur during a **1 in 5** year storm of one hour duration for existing site conditions. All other stormwater run-off from the site for all storms up to the 1 in 20 year storm is to be retained on the site for gradual release to the street drainage system, to the satisfaction of the certifying authority.

An overland escape route or overflow system (to Council's street drainage system) must be provided for storms having an average recurrence interval of 100 years (1 in 100 year storm), or, alternatively the stormwater detention system is to be provided to accommodate the 1 in 100 year storm.

- c) Determination of the required cumulative storage (in the on-site

detention and/or infiltration system) must be calculated by the mass curve technique as detailed in Technical Note 1, Chapter 14 of the Australian Rainfall and Run-off Volume 1, 1987 Edition.

Where possible any detention tanks should have an open base to infiltrate stormwater into the ground. Infiltration should not be used if ground water and/or any rock stratum is within 2.0 metres of the base of the tank.

- d) If connecting to Council's underground drainage system, a reflux valve shall be provided (within the site) over the pipeline discharging from the site to ensure that stormwater from Council drainage system does not surcharge back into the site stormwater system.
- e) Any new kerb inlet pits (constructed within Council's road reserve) are to be constructed generally in accordance with Council's standard detail for the design of kerb inlet pits (drawing number SD6 which is available from Council).
- f) 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 (detention/infiltration) system.
- g) A sediment/silt arrestor pit must be provided within the site near the street boundary prior to discharge of the stormwater to Council's drainage system.

Sediment/silt arrestor pits are to be constructed generally in accordance with the following requirements:

- The base of the pit being located a minimum 300mm under the invert level of the outlet pipe.
- The pit being constructed from cast in-situ concrete, precast concrete or double brick.
- A minimum of 4 x 90 mm diameter weep holes (or equivalent) 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 being provided 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 being provided for the access grate (e.g. spring loaded j-bolts or similar).
- Provision of a sign adjacent to the pit stating, "This sediment/silt arrestor pit shall be regularly inspected and cleaned".

Sketch details of a standard sediment/silt arrestor pit may be obtained from Council's Drainage Engineer.

- h) The floor level of all habitable, retail, commercial and storage areas located adjacent to any detention and/or infiltration systems with above ground storage must be a minimum of 300mm above the maximum water level for the design storm or alternately a permanent 300mm high water proof barrier is to be provided.

(In this regard, it must be noted that this condition must not result in any increase in the heights or levels of the building. Any variations to the heights or levels of the building will require a new or amended development consent from the Council prior to a construction certificate being issued for the development).

- i) A childproof and corrosion resistant fastening system shall be installed on access grates over pits/trenches where water is permitted to be temporarily stored.
 - j) Site discharge pipelines shall cross the verge at an angle no less than 45 degrees to the kerb line.
 - k) Any onsite detention areas shall be located in areas easily accessible.
14. The proposed development shall be designed to *structurally* withstand hydrostatic pressure/stormwater inundation from floodwater during the probable maximum flood (PMF) event as defined in the Floodplain Management Manual (New South Wales Government, January 2001). Structural Engineering certification confirming that this condition has been complied with shall be submitted to the certifying authority with the construction certificate.

This requirement does not necessitate the development being flood proof/water tight up to the PMF event, rather the requirement is to ensure that the development will not be *structurally* damaged in manner that could endanger lives during the PMF event.

15. All proposed footings located adjacent to the existing drainage easement shall either be:
- A. Founded on rock, or;
 - B. Extend below a 30 degrees line taken from the level of the pipe invert at the edge of the drainage easement (angle of repose).

Structural details demonstrating compliance with this condition shall be submitted with the construction certificate application.

Street Tree Removal

16. The applicant shall submit a payment of **\$350.00** (including GST), being to cover:
- a. The cost for Council to remove the existing street tree, *Lophostemon confertus* (Brush Box) from the Dolphin Street verge, being the central tree in the row of three towards the western half of the site, so as to accommodate the new vehicle crossing associated with the proposed granny flat as shown;
 - b. The cost for Council to supply and install 1 x 25 litre replacement, *Banksia integrifolia* (Coastal Banksia), further to the east, an equal distance between the existing most eastern tree and the corner of Carrington Road at the completion of all works.

The contribution shall be paid into **Tree Amenity Income** at the Cashier on the Ground Floor of the Administrative Centre, **prior to a Construction Certificate being issued for the development.**

The applicant must contact Council's Landscape Development Officer on 9399-0613 (quoting the receipt number), and giving at least four working weeks notice to arrange for removal of the street tree prior to the commencement of site works, as well as upon completion, to

arrange for planting of the replacement street tree.**Protection of Street Trees**

17. In order to ensure retention of the two remaining street trees on the Dolphin Street verge, being one *Lophostemon confertus* (Brush Box) to the west of the proposed vehicle crossing, in line with the western site boundary, and then another Brush Box to the east of the proposed vehicle crossing in good health, the following measures are to be undertaken:

- a. All documentation submitted for the Construction Certificate application must show the retention of both trees, with the position and diameter of their trunks and canopies to be clearly and accurately shown.
- b. The plans must show that the western edge of the proposed vehicle crossing will be setback a minimum distance of 1.2m off the trunk of the western street tree (measured off its outside edge at ground level), with any other excavations associated with the installation of new services, pipes, stormwater systems or similar over public property to be located along the eastern edge of the crossing.
- c. Both trees are to be physically protected by the installation of 1.8 metre high steel mesh/chainwire fencing, which shall be located a minimum distance of **1 metre** to their east and west (measured off the outside edge of its trunks at ground level), matching up with the back of the kerb to their south, and the pedestrian footpath to their north, in order to completely enclose both trees for the duration of works.
- d. This fencing shall be installed prior to the commencement of demolition and construction works and shall remain in place until all works are completed, to which signage containing the following words shall be clearly displayed and permanently attached: "TREE PROTECTION ZONE (TPZ), DO NOT REMOVE/ENTER".
- e. Within the TPZ, there is to be no storage of materials, machinery or site office/sheds, nor is cement to be mixed or chemicals spilt/disposed of and no stockpiling of soil or rubble, with all Site Management Plans needing to acknowledge these requirements.
- f. The applicant is not authorised to perform any works to these trees, and shall contact Council's Landscape Development Officer on 9399-0613 should pruning or any similar such work appear necessary, with the applicant required to cover all associated costs with such work, to Council's satisfaction, prior to the issue of a Final Occupation Certificate.
- g. A refundable deposit in the form of cash, credit card or cheque for an amount of **\$1,000.00** shall be paid at the Cashier on the Ground Floor of the Administrative Centre, **prior to a Construction Certificate being issued for the development**, in order to ensure compliance with the conditions listed in this consent, and ultimately, preservation of the trees.

The refundable deposit will be eligible for refund following the issue of a Final Occupation Certificate, subject to completion and submission of Council's 'Security Deposit Refund Application Form', and pending a satisfactory inspection by Council's Landscape Development Officer (9399-0613).

Any contravention of Council's conditions relating to the trees at any time during the course of the works, or prior to the issue of a Final Occupation Certificate, may result in Council claiming all or part of the lodged security in order to perform any rectification works necessary, as per the requirements of 80A (6) of the Environmental Planning and Assessment Act 1979.

REQUIREMENTS TO BE INCLUDED IN THE CONSTRUCTION CERTIFICATE

The requirements contained in the following conditions of consent must be complied with and details of compliance must be included in the construction certificate for the development.

These conditions have been applied to satisfy the relevant requirements of the *Environmental Planning & Assessment Act 1979*, *Environmental Planning & Assessment Regulation 2000*, Councils development consent conditions and to achieve reasonable levels of environmental amenity.

Compliance with the Building Code of Australia

18. In accordance with section 80 A (11) of the *Environmental Planning & Assessment Act 1979* and clause 98 of the *Environmental Planning & Assessment Regulation 2000*, it is a *prescribed condition* that all building work must be carried out in accordance with the provisions of the Building Code of Australia (BCA). Details of compliance with the BCA are to be included in the construction certificate application.

Smoke Alarms

19. Smoke alarms are required to be installed in accordance with the relevant provisions of the Building Code of Australia (volume 2) and smoke alarms must comply with AS3786. Smoke alarms must be connected to the consumer mains electric power supply and provided with a battery back-up. Details of compliance are to be included in the construction certificate.

BASIX Requirements

20. In accordance with section 80A(11) of the *Environmental Planning & Assessment Act 1979* and clause 97A of the *Environmental Planning & Assessment Regulation 2000*, the requirements and commitments contained in the relevant BASIX Certificate must be complied with.

The required commitments listed and identified in the BASIX Certificate must be included on the construction certificate plans, specifications and associated documentation, to the satisfaction of the Certifying Authority.

The design of the building must not be inconsistent with the development consent and any proposed variations to the building to achieve the BASIX commitments may necessitate a new development consent or amendment to the existing consent to be obtained, prior to a construction certificate being issued.

REQUIREMENTS PRIOR TO THE COMMENCEMENT OF ANY WORKS

The following conditions of consent must be complied with prior to the commencement of any works on the site. The necessary documentation and information must be provided to the Council or the '*Principal Certifying Authority*' (PCA), as applicable.

These conditions have been applied to satisfy the relevant requirements of the *Environmental Planning & Assessment Act 1979*, *Environmental Planning & Assessment Regulation 2000* and to provide reasonable levels of public health, safety and environmental amenity.

Certification, PCA & other Requirements

21. Prior to the commencement of any building works, the following requirements must be complied with:
- a) 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*.

A copy of the construction certificate, the approved development consent plans and 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.

- b) a *Principal Certifying Authority* (PCA) must be appointed to carry out the necessary building inspections and to issue an *occupation certificate*; and
- c) a *principal contractor* must be appointed for the building work, or in relation to residential building work, an *owner-builder* permit may be obtained in accordance with the requirements of the *Home Building Act 1989*, and the PCA and Council are to be notified accordingly; and
- d) the *principal contractor* must be advised of the required *critical stage inspections* and other inspections to be carried out, as specified by the *Principal Certifying Authority*; and
- e) at least two days notice must be given to the Council, in writing, prior to commencing any works.

Home Building Act 1989

22. In accordance with section 80 A (11) of the *Environmental Planning & Assessment Act 1979* and clause 98 of the *Environmental Planning & Assessment Regulation 2000*, the requirements of the *Home Building Act 1989* must be complied with.

Details of the Licensed Building Contractor and a copy of the relevant Certificate of Home Warranty Insurance or a copy of the Owner-Builder Permit (as applicable) must be provided to the Principal Certifying Authority and Council.

Dilapidation Reports

23. A dilapidation report prepared by a professional engineer, building surveyor or other suitably qualified independent person must be submitted to the satisfaction of the Principal Certifying Authority prior to commencement of any demolition, excavation or building works, in the following cases:

- excavations for new dwellings, additions to dwellings, swimming pools or the like which are proposed to be located within the *zone of influence* of the footings of any dwelling, associated garage or other substantial structure located upon an adjoining premises,
- new dwellings or additions to dwellings sited up to shared property boundaries (e.g. additions to a semi-detached dwelling or terraced dwellings),
- excavations for new dwellings, additions to dwellings, swimming pools or the like which are within rock and may result in vibration and or potential damage to any dwelling, associated garage or other substantial structure located upon an adjoining premises,
- as otherwise may be required by the Principal Certifying Authority.

The report (including photographs) are required to detail the current condition and status of any dwelling, associated garage or other substantial structure located upon the adjoining premises. A copy of the dilapidation report is to be given to the owners of the premises encompassed in the report/s before commencing any works.

Construction Noise & Vibration Management Plan

24. 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

requirements of the *Protection of the Environment Operations Act 1997* and NSW DECC Guidelines must be satisfied at all times.

Noise and vibration from any rock excavation machinery, pile drivers and all plant and equipment must be minimised, by using appropriate plant and equipment, silencers and the implementation of noise management strategies.

A *Construction Noise Management Plan*, prepared in accordance with the NSW DECC Construction Noise Guideline by a suitably qualified person, is to be implemented throughout the works, to the satisfaction of the Council. A copy of the strategy must be provided to the Principal Certifying Authority and Council prior to the commencement of works on site.

Construction Site Management Plan

25. A *Construction Site Management Plan* must be developed and implemented prior to the commencement of any works. The construction site management plan must include the following measures, as applicable to the type of development:

- location and construction of protective fencing / hoardings to the perimeter of the site;
- location of site storage areas/sheds/equipment;
- location of building materials for construction;
- provisions for public safety;
- dust control measures;
- site access location and construction
- details of methods of disposal of demolition materials;
- protective measures for tree preservation;
- provisions for temporary sanitary facilities;
- location and size of waste containers/bulk bins;
- details of proposed sediment and erosion control measures;
- provisions for temporary stormwater drainage;
- construction noise and vibration management;
- construction traffic management details.

The site management measures must be implemented prior to the commencement of any site works and be maintained throughout the works, to the satisfaction of Council.

A copy of the Construction Site Management Plan must be provided to the Principal Certifying Authority and Council prior to commencing site works. A copy must also be maintained on site and be made available to Council officers upon request.

Demolition Work Plan

26. A Demolition Work Plan must be prepared for the development in accordance with Australian Standard AS2601-2001, Demolition of Structures and relevant environmental/occupational health and safety requirements.

The Demolition 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 (including removal of any asbestos)
- Measures and processes to be implemented to ensure the health & safety of workers and community
- Measures to be implemented to minimise any airborne dust and asbestos
- Methods and location of disposal of any hazardous materials (including

asbestos)

- Other relevant details, measures and requirements to be implemented
- Date the demolition works will commence

The Demolition Work Plan must be submitted to the Principal Certifying Authority (PCA), not less than two (2) working days before commencing any demolition work. A copy of the Demolition Work Plan must be maintained on site and be made available to Council officers upon request.

If the work involves asbestos products or materials, a copy of the Demolition Work Plan must also be provided to Council not less than 2 days before commencing those works.

Notes

- *It is the responsibility of the persons undertaking demolition work to obtain the relevant WorkCover licences and permits.*
- *Refer to the conditions within the "Requirements During Construction & Site Work", for further details and requirements relating to demolition work, removal of any asbestos and public safety.*

Demolition & Construction Waste Plan

27. A *Demolition and Construction Waste Management Plan* (WMP) must be developed and implemented for the development.

The Waste Management Plan must provide details of the type and quantities of demolition and construction waste materials, proposed re-use and recycling of materials, methods of disposal and details of recycling outlets and land fill sites.

Where practicable waste materials must be re-used or recycled, rather than disposed and further details of Council's requirements including relevant guidelines and pro-forma WMP forms can be obtained from Council's Customer Service Centre or by telephoning Council on 9399 0999.

Details and receipts verifying the recycling and disposal of materials must be kept on site at all times and presented to Council officers upon request.

Construction Traffic Management

28. Prior to the commencement of any works on the site, an Application for a 'Works Zone' and Construction Traffic Management Plan must be submitted to Council's Integrated Transport Department, and approved by the Randwick Traffic Committee, for a 'Works Zone' to be provided in Dolphin Street for the duration of the construction works.

The 'Works Zone' must have a minimum length of 12m and extend for a minimum duration of three months. The suitability of the proposed length and duration is to be demonstrated in the application for the Works Zone. The application for the Works Zone must be submitted to Council at least six (6) weeks prior to the commencement of work on the site to allow for assessment and tabling of agenda for the Randwick Traffic Committee.

The requirement for a Works Zone may be varied or waived only if it can be demonstrated in the Construction Traffic Management Plan (to the satisfaction of Council's Traffic Engineers) that all construction related activities (including all loading and unloading operations) can and will be undertaken wholly within the site. The written approval of Council must be obtained to provide a Works Zone or to waive the requirement to provide a Works Zone prior to the commencement of any site work.

29. A detailed *Construction Site Traffic Management Plan* must be submitted to and approved by Council, prior to:
- a) commencement of any site work [or]
 - b) a construction certificate being issued for the development.

The Construction Site Traffic Management Plan must be prepared by a suitably qualified person and must include the following details, to the satisfaction of Council:

- A description of the demolition, excavation and construction works
- A site plan/s showing the site, roads, footpaths, site access points and vehicular movements
- Any proposed road and/or footpath closures
- Proposed site access locations for personnel, deliveries and materials
- Size, type and estimated number of vehicular movements (including removal of excavated materials, delivery of materials and concrete to the site)
- Provision for loading and unloading of goods and materials
- Impacts of the work and vehicular movements on the road network, traffic and pedestrians
- Proposed hours of construction related activities and vehicular movements to and from the site
- Current/proposed approvals from other Agencies and Authorities (including NSW Roads & Traffic Authority, Police and State Transit Authority)
- Any activities proposed to be located or impact upon Council's road, footways or any public place
- Measures to maintain public safety and convenience

Sydney Water

30. Prior to the commencement of excavation or building works, the approved Construction Certificate plans must be submitted to a Sydney Water Quick Check agent or Customer Centre, 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.

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.

The principal certifying authority must ensure that a Quick Check Agent/Sydney Water has appropriately stamped the plans before commencing works.

Public Utilities

31. 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.
32. The applicant must meet the full cost for telecommunication companies, gas providers, Ausgrid, and Sydney Water to adjust/repair/relocate their services as required. The applicant must make the necessary arrangements with the service authority.

REQUIREMENTS DURING CONSTRUCTION & SITE WORK

The following conditions of consent must be complied with during the demolition, excavation and construction of the development.

These conditions have been applied to satisfy the relevant requirements of the *Environmental Planning & Assessment Act 1979*, *Environmental Planning & Assessment Regulation 2000* and to provide reasonable levels of public health, safety and environmental amenity during construction.

Inspections During Construction

33. The building works must be inspected by the *Principal Certifying Authority*, 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 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).

Site Signage

34. 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, or *owner-builder* permit details (as applicable)
 - name, address and telephone number of the *Principal Certifying Authority*,
 - a statement stating that "unauthorised entry to the work site is prohibited".

Restriction on Working Hours

35. Building, demolition and associated site works must be carried out in accordance with the following requirements:

Activity	Permitted working hours
All building, demolition and site work, including site deliveries (except as detailed below)	<ul style="list-style-type: none"> • Monday to Friday - 7.00am to 5.00pm • Saturday - 8.00am to 5.00pm • Sunday & public holidays - No work permitted
Excavating of rock, use of jack-hammers, pile-drivers, vibratory rollers/compactors or the like	<ul style="list-style-type: none"> • Monday to Friday - 8.00am to 5.00pm • Saturday - No work permitted • Sunday & public holidays - No work permitted

An application to vary the abovementioned hours may be submitted to Council's Manager Health, Building & Regulatory Services for consideration and approval to vary the specified hours may be granted in exceptional circumstances and for limited occasions (e.g. for public safety, traffic management or road safety reasons). Any applications are to be made on the standard application form and include payment of the relevant fees and supporting information. Applications must be made at least 10 days prior to the date of the proposed work and the prior written approval of Council must be obtained to vary the standard permitted working hours.

Demolition Work Requirements

36. All work and activities must be carried out in accordance with the relevant regulatory requirements and Randwick City Council policies, including:

- Work Health and Safety Act 2011
- 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
- Protection of the Environment Operations (Waste) Regulation 2005
- Relevant Office of Environment & Heritage / 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 in the Building & Development section or a copy can be obtained from Council's Customer Service Centre.

Sediment & Erosion Control

37. Sediment and erosion control measures, must be implemented throughout the site works in accordance with the manual for Managing Urban Stormwater – Soils and Construction, published by Landcom, to Council's satisfaction.

Details must be shown in a *Sediment and Erosion Control Plan*, including; a site plan; indicating the slope of land, access points & access control measures, location and type of sediment & erosion controls, location of existing vegetation to be retained, location of material stockpiles and storage areas, location of building operations and equipment, methods of sediment control, details of drainage systems and details of existing and proposed vegetation.

A copy of the Sediment and Erosion Control Plan must be provided to the Principal Certifying Authority and a copy must be maintained on site and be made available to Council officers upon request.

Public Safety & Site Management

38. Public safety and convenience must be maintained at all times during demolition, excavation and construction works and the following requirements must be complied with:

- a) Public access to the building site and materials must be restricted by existing boundary fencing or temporary site fencing having a minimum height of 1.5m, to Council's satisfaction.

Temporary site fences are required to be constructed of cyclone wire fencing material and be structurally adequate, safe and constructed in a professional manner. The use of poor quality materials or steel reinforcement mesh as fencing is not permissible.

- b) Building materials, sand, soil, waste materials, construction equipment or other articles must not be placed upon the footpath, roadway or nature strip at any time.
- c) The road, footpath, vehicular crossing and nature strip must be maintained in a good, safe, clean condition and free from any excavations, obstructions, trip hazards, goods, materials, soils or debris

at all times. Any damage caused to the road, footway, vehicular crossing, nature strip or any public place must be repaired immediately, to the satisfaction of Council.

- d) 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.
- e) Sediment and erosion control measures, must be implemented throughout the site works in accordance with the manual for Managing Urban Stormwater – Soils and Construction, published by Landcom, to Council's satisfaction.
- f) Site fencing, building materials, bulk bins/waste containers and other articles 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 and Regulatory Services department.
- g) Adequate provisions must be made to ensure pedestrian safety and traffic flow during the site works and traffic control measures are to be implemented in accordance with the relevant provisions of the Roads and Traffic Manual "Traffic Control at Work Sites" (Version 4), to the satisfaction of Council.
- h) Temporary safety fencing is to be provided to any swimming pools under construction, 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.

Support of Adjoining Land, Excavations & Retaining Walls

39. In accordance with section 80 A (11) of the *Environmental Planning & Assessment Act 1979* and clause 98 E of the *Environmental Planning & Assessment Regulation 2000*, it is a prescribed condition that the adjoining land and buildings located upon the adjoining land must be adequately supported at all times.

40. 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 must 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.

Details of proposed retaining walls, shoring, piling or other measures are to be submitted to and approved by the Principal Certifying Authority.

41. Prior to undertaking any demolition, excavation or building work in the following circumstances, a report must be obtained from a *professional engineer* which details the methods of support for the dwelling or associated structure on the adjoining land, to the satisfaction of the *Principal Certifying Authority*:

- when undertaking excavation or building work within the zone of

influence of the footings of a dwelling or associated structure that is located on the adjoining land;

- when undertaking demolition work to a wall of a dwelling that is built to a common or shared boundary (e.g. semi-detached or terrace dwelling);
- when constructing a wall to a dwelling or associated structure that is located within 900mm of a dwelling located on the adjoining land.

The demolition, excavation and building work and the provision of support to the dwelling or associated structure on the adjoining land, must also be carried out in accordance with the abovementioned report, to the satisfaction of the *Principal Certifying Authority*.

Survey Requirements

42. A Registered Surveyor's check survey certificate or other suitable documentation must be obtained at the following stage/s of construction to demonstrate compliance with the approved setbacks, levels, layout and height of the building to the satisfaction of the Principal Certifying Authority (PCA):

- prior to construction (pouring of concrete) of the footings or first completed floor slab,
- upon completion of the building, prior to issuing an occupation certificate,
- as otherwise may be required by the PCA.

The survey documentation must be forwarded to the Principal Certifying Authority and a copy is to be forwarded to the Council, if the Council is not the Principal Certifying Authority for the development.

Building Encroachments

43. There must be no encroachment of any structures or building work onto Council's road reserve, footway, nature strip or public place.

Road/Asset Opening Permit

44. A *Road / Asset Opening Permit* must be obtained from Council prior to commencing any excavations or works within or upon a road, footpath, nature strip or in any public place, in accordance with section 138 of the *Roads Act 1993* and all of the conditions and requirements contained in the *Road / Asset Opening Permit* must be complied with.

For further information, please contact Council's Road / Asset Opening Officer on 9399 0691 or 9399 0999.

Site Amenities

45. Temporary toilet facilities are to be provided, at or in the vicinity of the work site throughout the course of demolition and construction, to the satisfaction of WorkCover NSW and the toilet facilities must be connected to a public sewer or other sewage management facility approved by Council.

Road/Asset Opening Permit

46. A *Road / Asset Opening Permit* must be obtained from Council prior to commencing any excavations or works within or upon a road, footpath, nature strip or in any public place, in accordance with section 138 of the *Roads Act 1993* and all of the conditions and requirements contained in the *Road / Asset Opening Permit* must be complied with.

For further information, please contact Council's Road / Asset Opening Officer on 9399 0691 or 9399 0999.

Tree Removals

47. Approval is granted for removal of the stand of *Erythrina x sykesii* (Coral

Trees) located centrally in the rear yard, due to their poor condition, being recognised as environmental weeds, as well as due to their direct conflict with the proposed granny flat as shown.

Tree Replacement

48. The approval described above is subject to the planting of at least 1 x 100 litre (pot/bag size at the time of planting) native tree (not a palm) in the rear yard, which shall be located a minimum distance of 3m from any building, and must be a species which will achieve a minimum height of 6 metres at maturity.

Landscaping

49. In order to maintain reasonable levels of environmental amenity at this site, the existing planter box along the southern site boundary, between the proposed granny flat and existing unit block, shall either be retained in-situ along with the existing *Dypsis lutescens* (Golden Cane Palms); or; shall be re-constructed, to provide a minimum soil width and depth of 1m, to which, species which will achieve a similar size and function to the existing Palms shall be planted.
50. So as to maximise both the amount and usability of private open space that is available to future occupants, the steep fall of the land to the north shall be addressed through terracing to create a level area in the lower, northern half of the rear yard, with details explaining how this will be achieved to be provided to the satisfaction of the PCA.

Footings adjacent to easements

51. Any footings adjacent to the drainage easement/s must be inspected by the applicant's engineer to ensure that these footings are either founded on rock or extend below the "angle of repose". Documentary evidence of compliance with this condition is to be submitted to certifying authority, prior to proceeding to the subsequent stages of construction.

REQUIREMENTS PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE

The following conditions of consent must be complied with prior to the 'Principal Certifying Authority' issuing an 'Occupation Certificate'.

Note: For the purpose of this consent, any reference to 'occupation certificate' shall also be taken to mean 'interim occupation certificate' unless otherwise stated.

These conditions have been applied to satisfy the relevant requirements of the *Environmental Planning & Assessment Act 1979*, *Environmental Planning & Assessment Regulation 2000*, Council's development consent and to maintain reasonable levels of public health, safety and amenity.

Occupation Certificate Requirements

52. 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 relevant requirements of the *Environmental Planning & Assessment Act 1979* and conditions of development consent must be satisfied prior to the issuing of an occupation certificate.

BASIX Requirements

53. In accordance with Clause 154B of the *Environmental Planning & Assessment*

Regulation 2000, a Certifying Authority must not issue an Occupation Certificate for this development, unless it is satisfied that each of the required BASIX commitments have been fulfilled.

Relevant documentary evidence of compliance with the BASIX commitments is to be forwarded to the Council upon issuing an Occupation Certificate.

Occupant Safety

54. Openable windows to a room, corridor, stairway or the like with a floor level more than 4m above the external ground/surface level, must be designed and constructed to reduce the likelihood of a child accessing and falling through the window opening.

Options may include one or more of the following measures:

- The window having a minimum sill height of 1.5m above the internal floor level,
- Providing a window locking device at least 1.5m above the internal floor level,
- Fixing or securing the window (e.g. by screws or a window locking device) to restrict or to be able to secure the extent of the opening to a maximum width of 125mm,
- Installing a fixed heavy-duty gauge metal screen over the opening (excluding upon any front or street elevation of the building) e.g. A metal security screen or metal security mesh and frame system, but not standard fly-screen material,
- Other appropriate effective safety measures or barrier.

The relevant measures must be implemented prior to issue of an *occupation certificate*.

Council's Infrastructure, Vehicular Crossings, street verge

55. Prior to the issuing of an occupation certificate the applicant must meet the full cost for Council or a Council approved contractor to:
- a) Construct a concrete vehicular crossing and layback at kerb opposite the vehicular entrance to the site.
56. 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.
57. All external civil work to be carried out on Council property (including the installation and repair of roads, footpaths, vehicular crossings, kerb and guttering and drainage works), must be carried out in accordance with Council's Policy for "Vehicular Access and Road and Drainage Works" and the following requirements:
- a) All work on Council land must be carried out by Council, unless specific written approval has been obtained from Council to use non-Council contractors.
 - b) Details of the proposed civil works to be carried out on Council land must be submitted to Council in a Pre-paid Works Application Form, prior to issuing an occupation certificate, together with payment of the relevant fees.
 - c) If it is proposed to use non-Council contractors to carry out the civil

works on Council land, the work must not commence until the written approval has been obtained from Council and the work must be carried out in accordance with the conditions of consent, Council's design details and payment of a Council design and supervision fee.

- d) The civil works must be completed in accordance with Council's conditions of consent and approved design and construction documentation, prior to occupation of the development, or as otherwise approved by Council in writing.

58. That part of the nature-strip 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 applicant's expense prior to the issue of a final Occupation Certificate.

Sydney Water Requirements

59. A *Section 73 Compliance Certificate* under the *Sydney Water Act 1994* must be obtained from Sydney Water Corporation.

Application for a Section 73 Certificate must be made through an authorised Water Servicing Co-ordinator. For details, please refer to the "Your Business" section of Sydney Water's web site www.sydneywater.com.au then refer to "Water Servicing Coordinator" under "Developing Your Land" or telephone 13 20 92.

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

The Section 73 Compliance Certificate must be submitted to the Principal Certifying Authority prior to issuing of an *Occupation Certificate* or *Strata certificate* (whichever the sooner).

Stormwater Drainage

60. Upon completion of the works and prior to the issuing of an Occupation Certificate, a works-as-executed drainage plan prepared by a registered surveyor and approved by a suitably qualified and experienced hydraulic consultant/engineer must be forwarded to the Principal Certifying Authority and the Council. The works-as-executed plan must include the following details (as applicable):

- The location of any detention basin/s with finished surface levels;
- Finished site contours at 0.2 metre intervals;
- Volume of storage available in any detention areas;
- The location, diameter, gradient and material (i.e. PVC, RC etc) of all stormwater pipes;
- The orifice size/s (if applicable);
- Details of any pumping systems installed (including wet well volumes).

61. 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 Australian Standard 3500.3:2003 (Plumbing & Drainage- Stormwater Drainage) and the conditions of this development approval. 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.

REQUIREMENTS PRIOR TO THE ISSUE OF A SUBDIVISION/STRATA CERTIFICATE

The following conditions of consent must be complied with prior to the *'Principal Certifying Authority'* issuing a *'Subdivision certificate'* or *'Strata Certificate'*.

These conditions have been applied to satisfy the provisions of Council's environmental plans, policies and codes for subdivision works.

62. A formal subdivision application is required to be submitted to and approved by the Council or an accredited certifier and all relevant conditions of this development consent are required to be satisfied prior to the release of the strata subdivision plans.
63. All floors, external walls and ceilings depicted in the proposed strata plan must be constructed prior to the issue of a strata certificate.
64. All floors, external walls and ceilings depicted in the proposed strata plan must correspond to those depicted in this development consent and construction certificate for the new building.
65. Details of critical stage inspections carried out by the principal certifying authority, together with any other certification relied upon, must be provided to Council or the accredited certifier prior to the issuing of a *Subdivision Certificate* or *Strata Certificate*.
66. Prior to the issuing of a strata certificate or occupation of the development (whichever the sooner), a "restriction on the use of land" and "positive covenant" (under section 88B or 88E of the Conveyancing Act 1919) shall be placed on the title of the subject property to ensure that the onsite detention system is maintained and that no works which could affect the design function of the detention system are undertaken without the prior consent (in writing) from Council. Such restriction and positive covenant shall not be released, varied or modified without the consent of the Council.

Notes:

- a. The "restriction on the use of land" and "positive covenant" are to be to the satisfaction of Council. A copy of Council's standard wording/layout for the restriction and positive covenant may be obtained from Council's Development Engineer.
 - b. The works as executed drainage plan and hydraulic certification must be submitted to Council prior to the "restriction on the use of land" and "positive covenant" being executed by Council.
67. Prior to the issuing of a strata certificate or occupation of the development (whichever the sooner), a "restriction on the use of land" (under section 88B or 88E of the Conveyancing Act 1919) shall be placed on the title of the subject property to ensure the subfloor area below the new dwelling must not be enclosed or used for the storage of goods. Such restriction shall not be released, varied or modified without the consent of the Council.
 - a) The "restriction on the use of land" is to be to the satisfaction of Council.
 68. The applicant shall create suitable right of carriageway, easements for services

and internal stormwater lines, as required. The applicant shall be advised that the minimum easement width for any internal stormwater line is 0.9 metres.

69. The conditions of this development consent must be satisfied and all public roads and reserves must be satisfactorily restored prior to endorsement of the strata subdivision plans.

OPERATIONAL CONDITIONS

The following operational conditions must be complied with at all times, throughout the use and operation of the development.

These conditions have been applied to satisfy the relevant requirements of the *Environmental Planning & Assessment Act 1979*, *Environmental Planning & Assessment Regulation 2000*, Council's development consent and to maintain reasonable levels of public health and environmental amenity.

Use of premises

70. The premises is to be used as a single residential dwelling only at all times and must not be used for dual or multi-occupancy purposes.

External Lighting

71. External lighting to the premises must be designed and located so as to minimise light-spill beyond the property boundary or cause a public nuisance.

Street Numbering

72. Street numbering must be provided to the front of the premises in a prominent position, in accordance with the Australia Post guidelines and AS/NZS 4819 (2003) to the satisfaction of Council.

Waste Management

73. Adequate provisions are to be made within the premises for the storage and removal of waste and recyclable materials, to the satisfaction of Council.

Plant & Equipment

74. The operation of all plant and equipment on the premises 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 plant and equipment shall not give rise to an $L_{Aeq, 15 \text{ min}}$ sound pressure level at any affected premises that exceeds the background $L_{A90, 15 \text{ min}}$ noise level, measured in the absence of the noise source/s under consideration by more than 5dB(A) in accordance with relevant NSW Office of Environment & Heritage (EPA) Noise Control Guidelines.

Air Conditioners

75. Air conditioning plant and equipment shall not be operated during the following hours if the noise emitted can be heard within a habitable room in any other residential premises, or, as otherwise specified in relevant Noise Control Regulations:

- before 8.00am or after 10.00pm on any Saturday, Sunday or public holiday; or
- before 7.00am or after 10.00pm on any other day.

Rainwater Tanks

76. The operation of plant and equipment associated with rainwater tanks are to be restricted to the following hours if the noise emitted can be heard within a habitable room in any other residential premises:

- before 8.00am or after 8.00pm on weekends or public holiday; or
- before 7.00am or after 8.00pm on weekdays.

77. The site stormwater system must be regularly cleaned and maintained to ensure it operates as required by the design.

ADVISORY NOTES

The following information is provided for your assistance to ensure compliance with the *Environmental Planning & Assessment Act 1979*, *Environmental Planning & Assessment Regulation 2000*, or other relevant legislation and Council's policies. This information does not form part of the conditions of development consent pursuant to Section 80A of the Act.

A1 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 requirements is an offence, which renders the responsible person liable to a maximum penalty of \$1.1 million. Alternatively, Council may issue a penalty infringement notice (for up to \$1,500) for each offence. Council may also issue notices and orders to demolish unauthorised or non-complying building work, or to comply with the requirements of Council's development consent.

A2 Demolition, building or excavation work must not be commenced until;

- A Construction Certificate has been obtained from Council or an Accredited Certifier
- Council or an Accredited Certifier has been appointed as the Principal Certifying Authority for the development
- Council and the Principal Certifying Authority have been given at least 2 days notice (in writing) prior to commencing any works.

A3 This determination does not include an assessment of the proposed works under the Building Code of Australia (BCA) and other relevant Standards. All new building work (including alterations and additions) must comply with the BCA and relevant Standards and you are advised to liaise with your architect, engineer and building consultant prior to lodgement of your construction certificate.

A4 Council's *Building Approvals & Certification team* can issue Construction Certificates and be your Principal Certifying Authority for the development, to undertake inspections and ensure compliance with the development consent, relevant building regulations and standards of construction. For further details contact Council's *Building Approvals & Certification team* on 9399 0944.

A5 A Local Approval application must be submitted to and be approved by Council's Building Approvals & Certification team 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 or any other container or article.

For further information please contact Council's Building Approvals & Certification team on 9399 0944.

A6 Specific details of the location of the building/s should be provided in the Construction Certificate to demonstrate that the proposed building work will

not encroach onto the adjoining properties, Council's road reserve or any public place, to the satisfaction of the Certifying Authority.

A7 This consent does not authorise any trespass or encroachment upon any adjoining or supported land or building whether private or public. Where any underpinning, shoring, soil anchoring (temporary or permanent) or the like is proposed to be carried out upon any adjoining or supported land, the land owner or principal contractor must obtain:

- the consent of the owners of such adjoining or supported land to trespass or encroach, or
- an access order under the *Access to Neighbouring Land Act 2000*, or
- an easement under section 88K of the *Conveyancing Act 1919*, or
- an easement under section 40 of the *Land & Environment Court Act 1979*, as appropriate.

Section 177 of the *Conveyancing Act 1919* creates a statutory duty of care in relation to support of land. Accordingly, a person has a duty of care not to do anything on or in relation to land being developed (the supporting land) that removes the support provided by the supporting land to any other adjoining land (the supported land).

A8 The finished ground levels external to the building must be consistent with the development consent and are not to be raised, other than for the provision of approved paving or the like on the ground.

A9 Prior to commencing any works, the owner/builder should contact *Dial Before You Dig* on 1100 or www.dialbeforeyoudig.com.au and relevant Service Authorities, for information on potential underground pipes and cables within the vicinity of the development site.

A10 Prior to commencing any works, the owner/builder should contact *Dial Before You Dig* on 1100 or www.dialbeforeyoudig.com.au and relevant Service Authorities, for information on potential underground pipes and cables within the vicinity of the development site.

A11 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. **LOST.**

A **DIVISION** was taken and the names of the Councillors voting FOR and AGAINST were as follows:

FOR	AGAINST
Councillor Belleli	Councillor Garcia
Councillor Moore	Councillor Matson
Councillor Nash	Councillor Neilson
Councillor Smith	Councillor Roberts
Councillor Stevenson	Councillor Shurey
	Councillor Stavrinou
Total (5)	Total (6)

MOTION: (Matson/Nash) CARRIED – SEE RESOLUTION.

A **DIVISION** was taken and the names of the Councillors voting FOR and AGAINST were as follows:

FOR	AGAINST
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Councillor Belleli
 Councillor Garcia
 Councillor Matson
 Councillor Moore
 Councillor Nash
 Councillor Neilson
 Councillor Roberts
 Councillor Shurey
 Councillor Smith
 Councillor Stavrinou

Councillor Stevenson

Total (10)

Total (1)

Cr D/Souza arrived at the meeting at this point (8.45pm).

Cr Bowen returned to the meeting at this point (8.45pm).

**D16/13 Development Application Report - 1420 Anzac Parade, Little Bay
 (DA/547/2011/B)**

PL18/13

RESOLUTION: (Nash/Neilson) that Council's Coordinator/Manager Development Assessment under delegated authority from the General Manager, as the consent authority, grant its consent under Section 96 of the Environmental Planning and Assessment Act 1979 as amended to modify Development Consent No DA/547/2011/B for altering the internal layout and external envelope of the Brodie Avenue ground floor wing including reduction in the number of bedrooms from 15 to 12, new external access pathway with associated fence and gates on the western side of Brodie Avenue Wing, deletion of the extension to the southern room and changes to the lounge and dining rooms at first floor level of Brodie Avenue Wing, conversion of the lounge room at the second floor level to a bedroom with modification to northern facade, deletion of the roof garden on Brodie Avenue Wing and extension of the existing rooftop plant area on Brodie Avenue Wing at 1420 Anzac Parade, Little Bay in the following manner:

Amend Condition No. 1 to read:

1. The development must be implemented substantially in accordance with the plans and supporting documentation listed below and endorsed with Council's approved stamp, except where amended by Council in red and/or by other conditions of this consent:

Plan	Drawn by	Dated
DA.01 Issue B, DA.02 Issue B, DA.03 Issue B, DA.04 Issue B dated 11/7/11, DA.05 Issue C dated 18/7/11, DA.06 Issue B, DA.07 Issue B, DA.08 Issue B dated 18/7/11, DA.09 Issue A, DA.10 Issue A dated 15/7/11, DA.19 Issue B, DA.20 Issue B, DA.21 Issue B, DA.22 Issue B dated 15/7/11 dated 18/7/11, DA.25 Issue A dated 18/7/11 as amended by detail plan DA.23 Issue A dated 13/10/11.	Eeles Trelease Pty Ltd Architects	Various. Refer to plan nos.
Landscape Drawing Nos. 11016-DA01 Rev A, 110016-DA02 Rev A, 11016-DA03 Rev A, 11016-DA07 Rev A, 11016-DA08 Rev A	Aspect Studios	All dated 15 July 2011
Equinox: Shadow study isometric, Shadow study in Plan; Winter Solstice; Shadow Study in Isometric; Winter solstice Shadow Study in Plan; Summer Solstice Shadow Study in Isometric; Summer solstice shadow Study in Plan.		

Statement of Heritage Impact (SHI)	prepared by Graham Brooks and Associates Pty Ltd	dated July 2011.
Statement of Environmental Effect (SEE) Planning	prepared by HMUP Urban	dated 18 July 2011.
Visual Impact Study: Setting of Henry's Trading Post	Eeles Trelease Pty Ltd.	
Traffic and Parking Report	Halcrow.	dated 15/07/2011
Storm Water Concept Plan No. 16740 Issue 1 by	Wallis & Spratt.	
BCA Compliance Report	Blackett Maguire + Goldsmith.	dated 14/07/2011

As amended by the Section 96'A' plan numbered DA.03 Issue C, dated 1 June 2012 and received by Council on 4 June 2012, only in so far as they relate to the modifications highlighted on the Section 96 plans and detailed in the Section 96 application.

As amended by the Section 96 'B' plans numbered DA 00, DA01, DA02, DA03, DA04, DA05, DA19, DA20, DA22, issue E, dated 22 February 2013 and received by Council on 25 February 2013, including all accompanying documentation which forms part of this consent, in particular the letter and attachments dated 23 February 2013 from Thinc Projects, the Acoustic Report by Marshall Day Acoustics, dated 23 February 2013 and the Plan of Management for Onsite Waste Storage and Handling by Thinc Projects, endorsed by Council's approval stamp. The plans associated with the S96B application shall prevail over the plans for the previous Section 96 A application and the original development application in the case of any inconsistency.

Except as may be amended by the following conditions:

B. Add the new Conditions:

25A. The location and height of the discharge of mechanical ventilation and exhaust systems are required to satisfy the relevant provisions of the Building Code of Australia and AS 1668 and details are to be provided in the relevant plans / specifications for the construction certificate.

25B. Emission control equipment shall be provided in the mechanical exhaust system serving the cooking appliances, to effectively minimise the emission of odours, vapours and oils.

Details of the proposed emission control equipment must be provided in the relevant plans and specifications for the construction certificate for the development, to the satisfaction of the certifying authority.

40A. Any new information which comes to light during demolition or construction works which has the potential to alter previous conclusions about site contamination shall be notified to the Council immediately. The written concurrence of Council must be obtained prior to implementing any changes to managing and dealing with land contamination.

62A. An Operating Procedures Plan of Management that addresses the matters outlined in the email to Council dated 25 February 2013 must be submitted to Council for approval prior to the issuing of an occupation certificate.

- 62B. Upon completion of the work, the commercial kitchen 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 issuing of an occupation certificate.
- 62C. A report, prepared by a suitably qualified and experienced consultant in acoustics, shall be submitted to the Council prior to an occupation certificate being issued for the development, which demonstrates and certifies that noise and vibration from the development satisfies the relevant provisions of the Protection of the Environment Operations Act 1997, NSW EPA/DECC Noise Control Manual & Industrial Noise Policy, Council's conditions of consent (including any relevant approved acoustic report and recommendations), to the satisfaction of Council. The assessment and report must include all relevant fixed and operational noise sources.
- 83A. The premises is to be designed, constructed and operated in accordance with the Food Act 2003, Food Regulation 2010, Australia & New Zealand Food Standards Code and Australian Standard AS 4674-2004, Design, construction and fit-out of food premises.
86. 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.

The project specific criteria for noise emissions shall be in accordance with the acoustical report titled 'Mark Moran at Little Bay - Acoustic Report for Section 96 Application Rp 002 2012436SY' dated 23 February 2013, prepared by Marshall Day Acoustics, when measured at the nearest affected boundary:

	Day (7am – 6pm)	Evening (6pm – 10pm)	Night (10pm – 7am)
28 Florey St Little Bay	43 L _{Aeq} (15mins)	36 L _{Aeq} (15mins)	36 L _{Aeq} (15mins)

87. The proprietor shall establish and maintain a formal and documented system for the recording and resolution of complaints made to the premises by nearby residents. All complaints are to be attended to in a courteous and efficient manner and referred promptly to the operations manager. The appropriate remedial action, where possible, is to be implemented as soon as possible and the Operations Manager is to contact the complainant within 48 hours to confirm details of action taken.

Upon reasonable prior notice, the operations manager must make available the incident book to authorised Council officers.

88. 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.
89. Recommendations contained within the Acoustic Report by Marshal Day Acoustics dated 23 February 2013, form part of this consent, namely (but not limited to):
- Replace toilet exhaust fans on roof top of the Brodie Ave Wing
 - Outdoor VRV heat recovery units are to be installed on the roof top of the Brodie Ave Wing; these are to be provided with a three sided acoustic screen, 500mm above the height of the nearest condenser

- Kitchen outdoor air supply fan; the two existing fans are to be replaced with substantially quieter ones
 - Provide a new basement level outdoor air fan
 - Replacement of the kitchen exhaust fan including the exhaust being equipped with a silencer/duct attenuator
 - Replacement of an additional compressor in the basement refrigeration plant room together with full height acoustic louvers.
 - Existing A/C condenser deck on roof top of Anzac Pde Wing is to be provided with acoustic screening around the south western boundary of the condenser compound, extending 500mm above the height of the nearest condensers if necessary.
90. The hours of Aged Care facility operation for the loading bay are restricted to:
- (a) 7:00am to 6:00pm daily.**
91. Waste collection and compactor bin deliveries are restricted to occur between:
- (a) Monday to Saturday: 7:00am – 6:00pm
- (b) Sundays and Public Holidays- Not Permitted (unless in the case of an emergency or the prior written approval from the Council is received).
92. The loading bay area is to be adequately fenced and secured so as to restrict unauthorised access to the area/compactor from the public and residents of the facility. The access gate is to remain closed at all times unless a servicing vehicle requires access.
93. The wash bay is to be used solely for the purposes of washing bins and washing ancillary objects.
94. An additional acoustic report/ acoustic statement, prepared by a suitably qualified and experienced consultant in acoustics, must be provided to the Council within 6 months of issuing an occupation certificate, which demonstrates and confirms that the relevant provisions of the Protection of the Environment Operations Act 1997 and the noise criteria and requirements contained in this consent has been satisfied (including any relevant approved acoustic report and recommendations). The assessment and report must include all relevant fixed and operational noise sources.
95. The “Plan of Management for onsite Waste Storage and Handling” for the site as prepared by Thinc Projects dated 23 February 2013 forms part of this consent. Operational management and staff responsible for handling waste must be made aware of the requirements and procedures outlined in this Plan of Management.

MOTION: (Nash/Neilson) CARRIED UNANIMOUSLY - SEE RESOLUTION.

**D17/13 Development Application Report - 7 Winchester Road, Clovelly
(DA/778/2012)**

PL19/13

RESOLUTION: (Nash/Mayor, Cr Bowen) that Council, as the consent authority, grants development consent under Sections 80 and 80A of the Environmental Planning and Assessment Act 1979, as amended, to Development Application No. 778/2012 for alterations and additions to the existing dwelling at 7 Winchester Road Clovelly subject to the following conditions:

GENERAL CONDITIONS

The development must be carried out in accordance with the following conditions of

consent.

These conditions have been applied to satisfy the relevant requirements of the *Environmental Planning & Assessment Act 1979*, *Environmental Planning & Assessment Regulation 2000* and to provide reasonable levels of environmental amenity.

Approved Plans & Supporting Documentation

1. The development must be implemented substantially in accordance with the plans and supporting documentation listed below and endorsed with Council's approved stamp, except where amended by Council in red and/or by other conditions of this consent:

Plan	Drawn by	Dated	Received by Council
A01	MZ	22.11.12	28 th November 2012
A03	MZ	22.11.12	28 th November 2012
A04	MZ	22.11.12	28 th November 2012
A05	MZ	22.11.12	28 th November 2012
A06	MZ	22.11.12	28 th November 2012
A07	MZ	22.11.12	28 th November 2012
A08	MZ	22.11.12	28 th November 2012

BASIX Certificate No.	Dated	Received by Council
A151590	27 November 2012	28 November 2012

Amendment of Plans & Documentation

2. The approved plans and documents must be amended in accordance with the following requirements:
 - a. Privacy screens to a height of 1.5m above the floor level must be provided to the northern and southern sides of the upper level rear terrace. The privacy screens must be constructed of metal or timber and the total area of any openings within the privacy screen must not exceed 25% of the area of the screen. Alternatively, the privacy screen may be constructed with translucent, obscured, frosted or sandblasted glazing in a suitable frame.
 - b. The depth of the upper level rear terrace must be reduced to a maximum of 2m, with the total depth of the terrace and planter box being a maximum of 2.91m.

REQUIREMENTS BEFORE A CONSTRUCTION CERTIFICATE CAN BE ISSUED

The following conditions of consent must be complied with before a 'Construction Certificate' is issued by either Randwick City Council or an Accredited Certifier. All necessary information to demonstrate compliance with the following conditions of consent must be included in the documentation for the construction certificate.

These conditions have been applied to satisfy the relevant requirements of the *Environmental Planning & Assessment Act 1979*, *Environmental Planning & Assessment Regulation 2000*, Council's development consent conditions and to achieve reasonable levels of environmental amenity.

Consent Requirements

3. The requirements and amendments detailed in the 'General Conditions' must be complied with and be included in the construction certificate plans and associated documentation.

External Colours, Materials & Finishes

4. The colours, materials and finishes of the external surfaces are to be consistent with the External Colour Scheme dated November 2012 and

received with the Development Application on the 28th November 2012.

Section 94A Development Contributions

5. In accordance with Council's Section 94A Development Contributions Plan effective from 2 July 2007, based on the development cost of \$302 500, the following applicable monetary levy must be paid to Council: \$3 025.00.

The levy must be paid in cash, bank cheque or by credit card prior to a construction certificate [or subdivision 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.

Long Service Levy Payments

6. The required Long Service Levy payment, under the *Building and Construction Industry Long Service Payments Act 1986*, must be forwarded to the Long Service Levy Corporation or the Council, 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.

Sydney Water

7. All building, plumbing and drainage work must be carried out in accordance with the requirements of the Sydney Water Corporation.

The approved plans must be submitted to a Sydney Water Quick Check agent, to determine whether the development will affect Sydney Water's waste water and water mains, stormwater drains and/or easements, and if any further requirements need to be met.

If suitable, the plans will be appropriately stamped. For details please refer to the Sydney Water web site at www.sydneywater.com.au for:

- Quick Check agents details - see *Building and Developing* then Quick Check and
- Guidelines for Building Over/Adjacent to Sydney Water Assets – see *Building and Developing* then *Building and Renovating*, or telephone 13 20 92.

The Principal Certifying Authority must ensure that a Sydney Water Quick Check Agent has appropriately stamped the plans prior to issuing the construction certificate.

Security Deposit

8. The following damage / civil works security deposit requirement must be complied with as security for making good any damage caused to the roadway, footway, verge or any public place; and as security for completing any public work; and for remedying any defect on such public works, in accordance with section 80A(6) of the *Environmental Planning and Assessment Act 1979*:

- \$1000.00 - Damage / Civil Works Security Deposit

The damage/civil works security deposit may be provided by way of a cash,

cheque or credit card payment and is refundable upon a satisfactory inspection by Council upon the completion of the civil works which confirms that there has been no damage to Council's infrastructure.

The owner/builder is also requested 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.

To obtain a refund of relevant deposits, a *Security Deposit Refund Form* is to be forwarded to Council's Director of City Services upon issuing of an occupation certificate or completion of the civil works.

Design Alignment levels

9. The design alignment level (the finished level of concrete, paving or the like) 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.
10. The above alignment levels and the site inspection by Council's Development Engineer have been issued at a prescribed fee of \$135.00 (inclusive of GST). This amount is to be paid prior to a construction certificate being issued for the development.

Street Tree management

11. The applicant shall submit a total payment of **\$415.25** (including GST) being to:
 - a. Cover the cost for Council to remove, stump grind and dispose of the existing street tree, *Hibiscus tileaceus* (Cottonwood), located on the Winchester Road verge, centrally across the width of the site, so as to accommodate the new vehicle crossing and internal hardstand as shown, and
 - b. Being the cost for Council to supply and install 1 x 25 litre tree of the same species at the completion of all works, back on the verge, in line with the southern site boundary.

This fee shall be paid into **Tree Amenity Income** at the Cashier on the Ground Floor of the Administrative Centre, prior to a **Construction Certificate** being issued for the development.

The applicant must contact Council's Landscape Development Officer on 9399-0613 (quoting the receipt number), and giving at least four working weeks notice to arrange for removal of the street tree prior to the commencement of site works, as well as upon completion, to arrange for planting of the replacement tree.

REQUIREMENTS TO BE INCLUDED IN THE CONSTRUCTION CERTIFICATE

The requirements contained in the following conditions of consent must be complied with and details of compliance must be included in the construction certificate for the development.

These conditions have been applied to satisfy the relevant requirements of the *Environmental Planning & Assessment Act 1979*, *Environmental Planning & Assessment Regulation 2000*, Councils development consent conditions and to achieve reasonable levels of environmental amenity.

Compliance with the Building Code of Australia

12. In accordance with section 80 A (11) of the *Environmental Planning & Assessment Act 1979* and clause 98 of the *Environmental Planning & Assessment Regulation 2000*, it is a *prescribed condition* that all building work must be carried out in accordance with the provisions of the Building Code of

Australia (BCA). Details of compliance with the BCA are to be included in the construction certificate application.

Structural Adequacy

13. Certificate of Adequacy supplied by a *professional engineer* shall be submitted to the certifying authority (*and the Council, if the Council is not the certifying authority*), certifying the structural adequacy of the existing structure to support the additional storey.

Smoke Alarms

14. Smoke alarms are required to be installed in dwellings in accordance with the relevant provisions of the Building Code of Australia (volume 2), smoke alarms must comply with AS3786. Smoke alarms must be connected to the consumer mains electric power supply and provided with a battery back-up. Details of compliance are to be included in the construction certificate.

BASIX Requirements

15. In accordance with section 80A(11) of the *Environmental Planning & Assessment Act 1979* and clause 97A of the *Environmental Planning & Assessment Regulation 2000*, the requirements and commitments contained in the relevant BASIX Certificate must be complied with.

The required commitments listed and identified in the BASIX Certificate must be included on the construction certificate plans, specifications and associated documentation, to the satisfaction of the Certifying Authority.

The design of the building must not be inconsistent with the development consent and any proposed variations to the building to achieve the BASIX commitments may necessitate a new development consent or amendment to the existing consent to be obtained, prior to a construction certificate being issued.

REQUIREMENTS PRIOR TO THE COMMENCEMENT OF ANY WORKS

The following conditions of consent must be complied with prior to the commencement of any works on the site. The necessary documentation and information must be provided to the Council or the '*Principal Certifying Authority*' (PCA), as applicable.

These conditions have been applied to satisfy the relevant requirements of the *Environmental Planning & Assessment Act 1979*, *Environmental Planning & Assessment Regulation 2000* and to provide reasonable levels of public health, safety and environmental amenity.

Certification, PCA & other Requirements

16. Prior to the commencement of any building works, the following requirements must be complied with:

- a) 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*.

A copy of the construction certificate, the approved development consent plans and 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.

- b) a *Principal Certifying Authority* (PCA) must be appointed to carry out the necessary building inspections and to issue an *occupation certificate*; and

- c) a *principal contractor* must be appointed for the building work, or in relation to residential building work, an *owner-builder* permit may be obtained in accordance with the requirements of the *Home Building Act 1989*, and the PCA and Council are to be notified accordingly; and
- d) the *principal contractor* must be advised of the required *critical stage inspections* and other inspections to be carried out, as specified by the *Principal Certifying Authority*; and
- e) at least two days notice must be given to the Council, in writing, prior to commencing any works.

1. *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.*

Home Building Act 1989

17. In accordance with section 80 A (11) of the *Environmental Planning & Assessment Act 1979* and clause 98 of the *Environmental Planning & Assessment Regulation 2000*, the requirements of the *Home Building Act 1989* must be complied with.

Details of the Licensed Building Contractor and a copy of the relevant Certificate of Home Warranty Insurance or a copy of the Owner-Builder Permit (as applicable) must be provided to the Principal Certifying Authority and Council.

Dilapidation Reports

18. A dilapidation report prepared by a professional engineer, building surveyor or other suitably qualified independent person must be submitted to the satisfaction of the Principal Certifying Authority prior to commencement of any demolition, excavation or building works, in the following cases:

- excavations for new dwellings, additions to dwellings, swimming pools or the like which are proposed to be located within the *zone of influence* of the footings of any dwelling, associated garage or other substantial structure located upon an adjoining premises,
- new dwellings or additions to dwellings sited up to shared property boundaries (e.g. additions to a semi-detached dwelling or terraced dwellings),
- excavations for new dwellings, additions to dwellings, swimming pools or the like which are within rock and may result in vibration and or potential damage to any dwelling, associated garage or other substantial structure located upon an adjoining premises,
- as otherwise may be required by the Principal Certifying Authority.

The report (including photographs) are required to detail the current condition and status of any dwelling, associated garage or other substantial structure located upon the adjoining premises, which may be affected by the subject works. A copy of the dilapidation report is to be given to the owners of the premises encompassed in the report/s before commencing any works.

Construction Site Management Plan

19. A *Construction Site Management Plan* must be developed and implemented prior to the commencement of any works. The construction site management plan must include the following measures, as applicable to the type of development:

- location and construction of protective fencing / hoardings to the perimeter of the site;

- location of site storage areas/sheds/equipment;
- location of building materials for construction;
- provisions for public safety;
- dust control measures;
- site access location and construction
- details of methods of disposal of demolition materials;
- protective measures for tree preservation;
- provisions for temporary sanitary facilities;
- location and size of waste containers/bulk bins;
- details of proposed sediment and erosion control measures;
- provisions for temporary stormwater drainage;
- construction noise and vibration management;
- construction traffic management details.

The site management measures must be implemented prior to the commencement of any site works and be maintained throughout the works, to the satisfaction of Council.

A copy of the Construction Site Management Plan must be provided to the Principal Certifying Authority and Council prior to commencing site works. A copy must also be maintained on site and be made available to Council officers upon request.

Public Utilities

20. A *Public Utility Impact Assessment* must be carried out to identify all public utility services located on the site, roadway, nature strip, footpath, public reserve or any public areas associated with and/or adjacent to the building works.

Documentary evidence from the relevant public utility authorities confirming that their requirements have been or are able to be satisfied, must be submitted to the Principal Certifying Authority prior to the commencement of any works.

The owner/builder must make the necessary arrangements and meet the full cost for telecommunication companies, gas providers, Energy Australia, Sydney Water and other authorities to adjust, repair or relocate their services as required.

21. The applicant must meet the full cost for telecommunication companies, gas providers, Ausgrid, and Sydney Water to adjust/repair/relocate their services as required. The applicant must make the necessary arrangements with the service authority.

REQUIREMENTS DURING CONSTRUCTION & SITE WORK

The following conditions of consent must be complied with during the demolition, excavation and construction of the development.

These conditions have been applied to satisfy the relevant requirements of the *Environmental Planning & Assessment Act 1979*, *Environmental Planning & Assessment Regulation 2000* and to provide reasonable levels of public health, safety and environmental amenity during construction.

Inspections During Construction

22. The building works must be inspected by the *Principal Certifying Authority*, 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 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).

Site Signage

23. 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, or *owner-builder* permit details (as applicable)
- name, address and telephone number of the *Principal Certifying Authority*,
- a statement stating that "unauthorised entry to the work site is prohibited".

Restriction on Working Hours

24. Building, demolition and associated site works must be carried out in accordance with the following requirements:

Activity	Permitted working hours
All building, demolition and site work, including site deliveries (except as detailed below)	<ul style="list-style-type: none"> • Monday to Friday - 7.00am to 5.00pm • Saturday - 8.00am to 5.00pm • Sunday & public holidays - No work permitted
Excavating of rock, use of jack-hammers, pile-drivers, vibratory rollers/compactors or the like	<ul style="list-style-type: none"> • Monday to Friday - 8.00am to 5.00pm • Saturday - No work permitted • Sunday & public holidays - No work permitted

An application to vary the abovementioned hours may be submitted to Council's Manager Health, Building & Regulatory Services for consideration and approval to vary the specified hours may be granted in exceptional circumstances and for limited occasions (e.g. for public safety, traffic management or road safety reasons). Any applications are to be made on the standard application form and include payment of the relevant fees and supporting information. Applications must be made at least 10 days prior to the date of the proposed work and the prior written approval of Council must be obtained to vary the standard permitted working hours.

Removal of Asbestos Materials

25. Work involving the demolition, storage or disposal of asbestos products and materials must be carried out in accordance with the following requirements:

- Relevant Occupational Health & Safety legislation and WorkCover NSW requirements
- Randwick City Council's Asbestos Policy
- A WorkCover licensed demolition or asbestos removal contractor must undertake removal of more than 10m² 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. A copy of the relevant licence must be provided to the Principal Certifying Authority.
- On sites involving the removal of asbestos, a 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.

- 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 2005*. Details of the landfill site (which must be lawfully able to receive asbestos materials) must be provided to the Principal Certifying Authority.
- A Clearance Certificate or Statement, prepared by a suitably qualified person (i.e. an occupational hygienist, licensed asbestos removal contractor, building consultant, architect or experienced licensed building contractor), must be provided to Council and the Principal certifying authority upon completion of the asbestos related works which confirms that the asbestos material have been removed appropriately and the relevant conditions of consent have been satisfied.

A copy of Council's Asbestos Policy is available on Council's web site at www.randwick.nsw.gov.au in the Building & Development Section or a copy can be obtained from Council's Customer Service Centre.

Public Safety & Site Management

26. Public safety and convenience must be maintained at all times during demolition, excavation and construction works and the following requirements must be complied with:

- a) Public access to the building site and materials must be restricted by existing boundary fencing or temporary site fencing having a minimum height of 1.5m, to Council's satisfaction.

Temporary site fences are required to be constructed of cyclone wire fencing material and be structurally adequate, safe and constructed in a professional manner. The use of poor quality materials or steel reinforcement mesh as fencing is not permissible.

- b) Building materials, sand, soil, waste materials, construction equipment or other articles must not be placed upon the footpath, roadway or nature strip at any time.
- c) The road, footpath, vehicular crossing and nature strip must be maintained in a good, safe, clean condition and free from any excavations, obstructions, trip hazards, goods, materials, soils or debris at all times. Any damage caused to the road, footway, vehicular crossing, nature strip or any public place must be repaired immediately, to the satisfaction of Council.
- d) 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.
- e) Sediment and erosion control measures, must be implemented throughout the site works in accordance with the manual for Managing Urban Stormwater – Soils and Construction, published by Landcom, to Council's satisfaction.
- f) Site fencing, building materials, bulk bins/waste containers and other articles 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 and Regulatory Services department.

- g) Temporary safety fencing is to be provided to any swimming pools under construction, 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.

Landscaping

27. Landscaping shall be provided to the site to enhance its amenity and reduce the impact of the development upon both the streetscape and neighbouring properties, with a predominance of species that are not reliant on high quantities of moisture and fertilizer for survival to be used, with a high quality selection and arrangement of decorative species to be provided throughout the front setback so as to assist with presentation of the development to the streetscape.

REQUIREMENTS PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE

The following conditions of consent must be complied with prior to the 'Principal Certifying Authority' issuing an 'Occupation Certificate'.

Note: For the purpose of this consent, any reference to 'occupation certificate' shall also be taken to mean 'interim occupation certificate' unless otherwise stated.

These conditions have been applied to satisfy the relevant requirements of the *Environmental Planning & Assessment Act 1979*, *Environmental Planning & Assessment Regulation 2000*, Council's development consent and to maintain reasonable levels of public health, safety and amenity.

Occupation Certificate Requirements

28. An Occupation Certificate must be obtained from the Principal Certifying Authority prior to any occupation of the building work encompassed in this development consent (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 relevant requirements of the *Environmental Planning & Assessment Act 1979* and conditions of development consent must be satisfied prior to the issuing of an occupation certificate.

BASIX Requirements

29. In accordance with Clause 154B of the *Environmental Planning & Assessment Regulation 2000*, a Certifying Authority must not issue an Occupation Certificate for this development, unless it is satisfied that each of the required BASIX commitments have been fulfilled.

Relevant documentary evidence of compliance with the BASIX commitments is to be forwarded to the Council upon issuing an Occupation Certificate.

Council's Infrastructure, Vehicular Crossings, street verge

30. The applicant must meet the full cost for Council or a Council approved contractor to:
- a. Construct a concrete vehicular crossing and layback at kerb opposite the vehicular entrance to the site.
31. 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.
32. All external civil work to be carried out on Council property (including the installation and repair of roads, footpaths, vehicular crossings, kerb and guttering and drainage works), must be carried out in accordance with Council's Policy for "Vehicular Access and Road and Drainage Works" and the following requirements:
- a) All work on Council land must be carried out by Council, unless specific written approval has been obtained from Council to use non-Council contractors.
 - b) Details of the proposed civil works to be carried out on Council land must be submitted to Council in a Pre-paid Works Application Form, prior to an occupation certificate being issued for the development, together with payment of the relevant fees.
 - c) If it is proposed to use non-Council contractors to carry out the civil works on Council land, the work must not commence until the written approval has been obtained from Council and the work must be carried out in accordance with the conditions of consent, Council's design details and payment of a Council design and supervision fee.
 - d) The civil works must be completed in accordance with Council's conditions of consent and approved design and construction documentation, prior to occupation of the development, or as otherwise approved by Council in writing.
33. That part of the nature-strip 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 applicant's expense.

ADVISORY NOTES

The following information is provided for your assistance to ensure compliance with the *Environmental Planning & Assessment Act 1979*, *Environmental Planning & Assessment Regulation 2000*, or other relevant legislation and Council's policies. This information does not form part of the conditions of development consent pursuant to Section 80A of the Act.

- A1 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 requirements is an offence, which renders the responsible person liable to a maximum penalty of \$1.1 million. Alternatively, Council may issue a penalty infringement notice (for up to \$1,500) for each offence. Council may also issue notices and orders to demolish unauthorised or non-complying building work, or to comply with the requirements of Council's development consent.

- A2 Demolition, building or excavation work must not be commenced until;
- A Construction Certificate has been obtained from Council or an Accredited Certifier
 - Council or an Accredited Certifier has been appointed as the Principal Certifying Authority for the development
 - Council and the Principal Certifying Authority have been given at least 2 days notice (in writing) prior to commencing any works.

- A3 This determination does not include an assessment of the proposed works under the Building Code of Australia (BCA) and other relevant Standards. All new building work (including alterations and additions) must comply with the BCA and relevant Standards and you are advised to liaise with your architect, engineer and building consultant prior to lodgement of your construction certificate.
- A4 Council's *Building Approvals & Certification team* can issue Construction Certificates and be your Principal Certifying Authority for the development, to undertake inspections and ensure compliance with the development consent, relevant building regulations and standards of construction. For further details contact Council's *Building Approvals & Certification team* on 9399 0944.
- A5 A Local Approval application must be submitted to and be approved by Council's Building Approvals & Certification team 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 or any other container or article.
- For further information please contact Council's Building Approvals & Certification team on 9399 0944.
- A6 Specific details of the location of the building/s should be provided in the Construction Certificate to demonstrate that the proposed building work will not encroach onto the adjoining properties, Council's road reserve or any public place, to the satisfaction of the Certifying Authority.
- A7 Prior to commencing any works, the owner/builder should contact *Dial Before You Dig* on 1100 or www.dialbeforeyoudig.com.au and relevant Service Authorities, for information on potential underground pipes and cables within the vicinity of the development site.
- A8 This consent does not authorise any trespass or encroachment upon any adjoining or supported land or building whether private or public. Where any underpinning, shoring, soil anchoring (temporary or permanent) or the like is proposed to be carried out upon any adjoining or supported land, the land owner or principal contractor must obtain:
- the consent of the owners of such adjoining or supported land to trespass or encroach, or
 - an access order under the *Access to Neighbouring Land Act 2000*, or
 - an easement under section 88K of the *Conveyancing Act 1919*, or
 - an easement under section 40 of the *Land & Environment Court Act 1979*, as appropriate.
- Section 177 of the *Conveyancing Act 1919* creates a statutory duty of care in relation to support of land. Accordingly, a person has a duty of care not to do anything on or in relation to land being developed (the supporting land) that removes the support provided by the supporting land to any other adjoining land (the supported land).
- A9 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.
- A10 Further information and details on Council's requirements for trees on development sites can be obtained from the recently adopted Tree Technical Manual, which can be downloaded from Council's website at the following link,

<http://www.randwick.nsw.gov.au> - Looking after our environment – Trees – Tree Management Technical Manual; which aims to achieve consistency of approach and compliance with appropriate standards and best practice guidelines.

MOTION: (Neilson/Shurey) that the recommendation be adopted subject to condition 2(b) being amended as follows:

2(b) To address the privacy concerns of neighbours the rear upper floor balcony at the first floor level is to be reduced in depth to a maximum of 1.2m plus the planter box of 0.91m, resulting in an overall depth of 2.11m. **LOST.**

A **DIVISION** was taken and the names of the Councillors voting FOR and AGAINST were as follows:

FOR	AGAINST
Councillor D'Souza	Councillor Belleli
Councillor Matson	Councillor Bowen
Councillor Neilson	Councillor Garcia
Councillor Shurey	Councillor Moore
	Councillor Nash
	Councillor Roberts
	Councillor Smith
	Councillor Stavrinou
	Councillor Stevenson
Total (4)	Total (9)

MOTION: (Nash/Mayor, Cr Bowen) CARRIED UNANIMOUSLY - SEE RESOLUTION.

**D18/13 Development Application Report - 36 Melody Street, Coogee
(DA/537/2012)**

PL20/13

RESOLUTION: (Matson/Mayor, Cr Bowen) that the application be deferred to allow mediation to consider the aspects of the site, possible relocation of the building and possible changes to various components of the proposal.

MOTION: (Matson/Mayor, Cr Bowen) CARRIED - SEE RESOLUTION.

A **DIVISION** was taken and the names of the Councillors voting FOR and AGAINST were as follows:

FOR	AGAINST
Councillor Belleli	Councillor Moore
Councillor Bowen	
Councillor D'Souza	
Councillor Garcia	
Councillor Matson	
Councillor Nash	
Councillor Neilson	
Councillor Roberts	
Councillor Shurey	
Councillor Smith	
Councillor Stavrinou	
Councillor Stevenson	
Total (12)	Total (1)

The meeting was adjourned at 8.47pm and was resumed at 8.52pm.

D19/13 Development Application Report - 158 Moverly Road, South Coogee (DA/584/2012)

Note: A Rescission Motion in relation to this item was submitted in accordance with Council's Code of Meeting Practice and will be considered at the Council Meeting to be held on 26 March 2013.

PL21/13

RESOLUTION: (Matson/Mayor, Cr Bowen) that Council, as the consent authority, refuse development consent under Sections 80 and 80A of the Environmental Planning and Assessment Act 1979, as amended, to Development Application No. DA/584/2012 for ground and lower ground floor alterations and additions to the existing dwelling and conversion to child care centre with 46 children, hours of 8.30am to 5pm weekdays with associated works, at No. 158 Moverly Road, South Coogee, for the following reasons:

1. The nature of the site (including the location on a sweeping curved road and problems with the line of site, making the site dangerous for drop off and pick ups for the proposed Child Care Centre).
2. The proposal is not considered to be in the public interest.
3. The lack of on street parking in front of site.
4. The lack of an existing footpath to the west of the site.

MOTION: (Matson/Mayor, Cr Bowen) CARRIED - SEE RESOLUTION.

A **DIVISION** was taken and the names of the Councillors voting FOR and AGAINST were as follows:

FOR	AGAINST
Councillor Belleli	Councillor Garcia
Councillor Bowen	Councillor Moore
Councillor D'Souza	Councillor Nash
Councillor Matson	Councillor Neilson
Councillor Roberts	Councillor Shurey
Councillor Stavrinou	Councillor Smith
Councillor Stevenson	
Total (7)	Total (6)

D20/13 Development Application Report - 6 Barrett Place, Randwick (DA/668/2008/B)

PL22/13

RESOLUTION: (Nash/Neilson) 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/668/2008 for the Section 96 modification of the approved development by amending the roof design of the eco-shop and making changes to the approved windows and doors for 6 Barrett Place, Randwick in the following manner: -

Amend Condition No. 1 to read:

1. The development must be implemented substantially in accordance with the plans numbered 05 -10 Rev A Drawn HB dated 30 July 2008 and received by Council 18 September 2008, the application form and on any supporting information received with the application, **as amended by the Section 96'B' plans numbered CC.01 (Revision A), CC.02 (Revision A) and CC.03**

(Revision A), dated 9 September 2012 and received by Council on 21 December 2012, 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: (Nash/Neilson) CARRIED UNANIMOUSLY - SEE RESOLUTION.

**D21/13 Development Application Report - 2 St Marks Road, Randwick
(DA/98/2010/C)**

Having declared interests in this matter earlier in the meeting, Crs Neilson and Smith left the meeting during the debate and the vote on the matter. Cr Stevenson assumed the Chair for the debate and vote in relation to this item in Cr Smith's absence.

PL23/13

RESOLUTION: (Nash/Roberts) that Council, as the responsible Consent Authority, grant consent under Section 96(2) of the Environmental Planning and Assessment Act 1979 to modify Development Consent No DA/98/2010 by relocating an internal lift and constructing a new storeroom at No. 2 St Marks Road, Randwick, subject to the following conditions:

Amend Condition No. 1 to read:

1. The development must be implemented substantially in accordance with the plans numbered DA01 to DA05, stamped received by Council 18 February 2010, the application form and on any supporting information received with the application, as amended by the following: -
 - Section 96 'A' plans numbered DA01, DA02, DA04, DA05, stamped and received by Council on the 24th of December 2010 and DA03 Rev A stamped and received by Council on the 27th of January 2011
 - Section 96 'B' plans numbered DA2.20, DA3.10, and DA3.20 all dated 7/08/2012, drawn by Philip Leamon and Associates, stamped and received by Council on 27 August 2012, and
 - ***Section 96 'C' plans numbered DA2.10C, DA2.20C and DA3.20C, all dated 5 November 2012, prepared by Philip Leamon and Associates and received by Council in 30 November 2012, 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:***

Add the following conditions

113. The existing windows which will be affected by the lift installation must be retained (including interior joinery details including architraves and sills) and blanked off to obscure the view of the lift shaft from the exterior.
114. Hydraulic details are to be submitted of the proposed lift installation indicating the extent of the required over-run above the proposed lift to confirm that there is no penetration of the existing roof. Details 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.
115. Any additional false ceilings and cladding to walls and columns must be installed to ensure that original surfaces such as plaster cornices are not damaged and so that these elements can be removed in future.

The following conditions are applied to ensure compliance with the *Food Act*

2003 and to ensure public health and safety:

116. The store room must be designed, constructed and operated in accordance with the *Food Act 2003*, *Food Regulation 2010*, Australia & New Zealand Food Standards Code and Australian Standard AS 4674-2004, Design, construction and fit-out of food premises.

MOTION: (Nash/Roberts) CARRIED UNANIMOUSLY - SEE RESOLUTION.

Crs Neilson and Smith returned to the meeting at this point and Cr Smith resumed the Chair.

Miscellaneous Reports**M3/13 Miscellaneous Report - Recent Land and Environment Court Decisions (F2006/00383)**

PL24/13 **RESOLUTION: (Nash/Neilson)** that the report be received and noted.

MOTION: (Nash/Neilson) CARRIED UNANIMOUSLY - SEE RESOLUTION.

M4/13 Miscellaneous Report - Former NSW Sea Level Rise Benchmarks (F2006/00362)

PL25/13 **RESOLUTION: (Nash/Neilson)** that Council endorse the Council's continued application of the former NSW Sea Level Rise Policy Statement pending further state government guidelines and a review of their application to Randwick City.

MOTION: (Nash/Neilson) CARRIED UNANIMOUSLY - SEE RESOLUTION.

Urgent Business**UB2/13 Cr Kathy Neilson - Proposed Function Centre in Queens Park (F2004/07906)**

Having declared an interest in this matter earlier in the meeting, Cr Nash left the meeting during the debate and the vote on the matter.

PL26/13 **RESOLUTION: (Neilson/Matson)** that Council oppose the inclusion of a function centre in Queens Park and that the proposed café operate in daytime hours only.

MOTION: (Neilson/Matson) CARRIED - SEE RESOLUTION.

Notice of Rescission Motions

Note: A rescission motion on item 'D19/13 – 158 Moverly Road, South Coogee' was submitted by Councillors Nash, Moore and Neilson in accordance with Council's Code of Meeting Practice and will be considered at the Ordinary Council Meeting to be held on 26 March 2013.

The meeting closed at 9.15pm.

The minutes of this meeting were confirmed at the Planning Committee Meeting of the Council of the City of Randwick held on Tuesday, 9 April 2013.

CHAIRPERSON