

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, 2 DECEMBER 2014 AT 6:11PM

Present:

The Mayor, Councillor T Seng (Central Ward)

North Ward	- Councillors K Neilson, L Shurey & K Smith
South Ward	- Councillors R Belleli & N D'Souza
East Ward	- Councillors T Bowen, M Matson & B Roberts
West Ward	- Councillors G Moore, S Nash (Chairperson) & H Stavrinis
Central Ward	- Councillors A Andrews & G Stevenson

Officers present:

General Manager	Mr R Brownlee
Director City Services	Mr J Frangoples
Director City Planning	Ms S Truuvert
Director Governance & Financial Services	Mr J Smith
Manager Development Assessment	Mr K Kyriacou
Senior Administrative Coordinator	Ms J Hartshorn
Communications Manager	Mr J Hay

The meeting was adjourned at 6.11pm and was resumed 6.24pm.

Apologies/Granting of Leave of Absences

An apology was received from Cr Garcia.

RESOLVED: (Stavrinis/Andrews) that the apology received from Cr Garcia 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 11 NOVEMBER 2014

PL95/14

RESOLUTION: (Stavrinis/Andrews) that the Minutes of the Planning Committee Meeting held on Tuesday 11 November 2014 (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 Nash declared a non significant non pecuniary interest in Item D110/14 as he is familiar with the speaker on the matter, in a professional capacity.
- b) Cr Nash declared a non significant non pecuniary interest in Item D111/14 as he is familiar with the speaker on the matter, in a professional capacity.
- c) Cr Nash declared a non significant non pecuniary interest in Item D117/14 as he is familiar with the speaker on the matter, in a professional capacity.
- d) Cr Nash declared a significant non pecuniary interest in Item D120/14 as a member of the Joint Regional Planning Panel. Cr Nash indicated that he would not take part in the debate or the vote on the matter.
- e) Cr Matson declared a significant non pecuniary interest in Item D120/14 as a member of the Joint Regional Planning Panel. Cr Matson indicated that he would not take part in the debate or the vote on the matter.
- f) Cr Moore declared a significant non pecuniary interest in Item D120/14 as a member of the Joint Regional Planning Panel. Cr Moore indicated that he would not take part in the debate or the vote on the matter.
- g) Cr Shurey declared a non significant non pecuniary interest in Item D115/14 as the speaker on the matter is a neighbour.
- h) Cr Neilson declared a non significant non pecuniary interest in Item D118/14 as she knows some (2) of the occupants of the building, but has not received any representations from them.
- i) Cr Neilson declared a non significant non pecuniary interest in Item D120/14 as the speaker on the matter is known to her.
- j) Cr Neilson declared a non significant non pecuniary interest in Item NR15/14 as the speaker on the matter is known to her.
- k) Cr Andrews declared a non significant non pecuniary interest in Item D110/14 as he is aware of the applicant from living in the City of Randwick.
- l) Cr Andrews declared a non significant non pecuniary interest in Item D115/14 as he lives in the street.
- m) Cr Andrews declared a non significant non pecuniary interest in Item D118/14 as he is aware of the applicants.
- m) Crs Andrews, Matson, Shurey and Stavrinou declared non significant non pecuniary interests in Item D120/14 as they all know the speaker, former Councillor, Margery Whitehead.

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:

D110/14 263-265 MAROUBRA ROAD, MAROUBRA (DA/366/2014)

Applicant Anthony Betros (representing the applicant)

D111/14 47-53 ANZAC PARADE, KENSINGTON (DA/414/2014)

Applicant Anthony Betros (representing the applicant)

D113/14 34 CARRINGTON ROAD, RANDWICK (DA/407/2012/A)

Objector Ed Pearson

Applicant Jennifer Davidson

D115/14 63 NAGLE AVENUE, MAROUBRA (DA/616/2014)

Applicant Erol Ozdirik (representing the applicant)

D116/14 6 EASTBOURNE AVENUE, CLOVELLY (DA/439/2014)

Objector Michael Branagh

Applicant David Melocco

D117/14 54-56 MARINE PARADE, MAROUBRA (DA/277/2014)

Objector Tony Moody

Applicant Jeff Mead (representing the applicant)

D120/14 JRPP 84-108 ANZAC PARADE, KENSINGTON (DA/320/2013/A)

Note: Having previously declared an interest, Crs Matson, Moore and Nash left the chamber and took no part in the debate or voting on this matter.

The Mayor, Cr Seng assumed the Chair.

For Margery Whitehead

The Meeting was adjourned at 7.12pm and was resumed at 7.26pm.

Urgent Business

Nil.

RESOLVED: (PROCEDURAL MOTION) (Andrews/Stavrinos) that the matter that was subject to addresses by the public be dealt with as the first items of business.

Development Application Reports

D110/14 Development Application Report - 263-265 Maroubra Road, Maroubra (DA/366/2014)

PL96/14 **RESOLUTION: (Andrews/Stavrinos) –**

- A. That Council supports the exceptions to development standards under Clause 4.6 of Randwick Local Environmental Plan 2012 in respect to non-compliance with Clauses 4.3 of Randwick Local Environmental Plan 2012, relating to Building Height 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 & Environment 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/366/2014 for the construction of a 4 storey residential flat building in two building forms containing 26 units with an affordable rental housing component, at No. 263 Maroubra Road, Maroubra, subject to the following non standard conditions and the standard conditions contained in the development application compliance report attached to this report:

Non standard conditions

Affordable Rental Housing Component

2. A plan to be submitted to Council satisfactory to SEPP (Affordable Rental Housing) identifying what area is dedicated to affordable rental housing. In this regard, a minimum of eight (8) units shall be provided as affordable rental housing.

The specific dwellings identified for affordable rental housing shall be indicated on the stamped approved Construction Certificate plans, a copy of which should be submitted to Council.

- a. The dwellings to be used for the purposes of 'affordable rental housing', as per the provisions of the SEPP shall be used as such for at least 10 years from the date of the issue of the occupation certificate.
- b. The affordable rental housing component (secured for a minimum of 10 years) must be managed by a registered Community Housing Provider (CHP). The CHP must ensure compliance with the occupant restriction and others provisions of the regulatory code established through regulations under the Housing Act 2001.
- c. A restriction must be registered, before the date of the issue of the occupation certificate, against the title of the property, in accordance with Section 88E of the Conveyancing Act 1919, that will ensure that the requirements a. and b. are met and that the terms of restriction may not be varied without Council's consent.
- d. Prior to an occupation certificate being granted, evidence must be provided to Council demonstrating that the section 88E covenant has been registered on the title stating that the affordable rental housing component must be used for affordable rental housing and managed by a registered CHP.

Privacy:

5. The following amendments are to be undertaken and detailed on the plans to be submitted for approval with the application for a Construction Certificate:
- a. A privacy screen having a height of 1.6m above floor level must be provided to the east side balcony openings of Building B, as well as to the return of the balconies, to further improve the amenity of both the Site and neighbouring properties. The privacy screen 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. At least 1m width on the outer side of the outer upper level terrace located along the eastern side of the building be non-trafficable and screen planting be provided or louvre screen treatment be provided along the inner side of the non-trafficable area, so as to minimise downward views from this terrace.
 - c. Screen planting is required to be maintained along the western side of the proposed raised central terrace in order to control overlooking and supplement that on the neighbouring property.

Site Consolidation

45. The subject site shall be consolidated with evidence of registration of the consolidation being provided to the Principal Certifying Authority prior to the issue of the Occupation Certificate.

Waste Management

47. Each dwelling must consist of a waste cupboard or temporary storage area of sufficient size to hold a single day's waste and to enable source separation.
48. A caretaker/or other responsible person is to ensure that all waste bins are transported to and from kerbside collection points immediately before and after collection, that bins do not overflow and that all bins, storage room and kerbside collection zones are maintained in a hygienic condition.

MOTION: (Andrews/Stavrinou) CARRIED UNANIMOUSLY - SEE RESOLUTION.

Note: Crs Neilson and Stevenson were not present at the meeting during the vote on the above resolution.

D111/14 Development Application Report - 47-53 Anzac Parade, Kensington (DA/414/2014)

PL97/14

RESOLUTION: (Andrews/Roberts) 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. 414/2014 for Demolition of existing buildings and erection of seven storey shop top housing development (6 storeys with roof level) comprising ground floor retail, 33 dwellings and basement car parking for 48 vehicles, at No. 47-53A Anzac Parade, Kensington, subject to the following non-standard conditions and the standard conditions contained in the development application compliance report attached to this report:

Non standard conditions**Amendment of Plans & Documentation**

2. The approved plans and documents must be amended in accordance with the following requirements:
 - a. A minimum 20% of dwellings in the development must be adaptable dwellings and designed and constructed to a minimum Class C Certification under AS 4299 Adaptable Housing.
 - b. Design details for privacy screens (louvre system) for west facing units' within Level 4 and 5 must be submitted to Council's Director of City Planning for approval before a Construction Certificate is issued. The approved design must be shown on the Construction Certificate plans.

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

Note: Crs Neilson and Stevenson were not present at the meeting during the vote on the above resolution.

Cr Neilson and Stevenson arrived at the meeting at this point (7.28pm).

D112/14 Development Application Report - 4R Coast Hospital Road, Little Bay (DA/633/2014)

PL98/14

RESOLUTION: (Andrews/Smith) 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/633/2014 for alterations and additions to the existing amenities building adjacent to Little Bay Beach including additional unisex toilet, relocate shower platform, and new timber louvers to north eastern sides (Integrated development), subject to the standard conditions contained in the development application compliance report attached to this report.

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

**D113/14 Development Application Report - 34 Carrington Road, Randwick
(DA/407/2012/A)**

PL99/14

RESOLUTION: (Andrews/Stavrinos) 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/407/2012/A by altering internal configuration of the dwelling; increase the size of the first floor addition and new attic level; adding bathroom to studio above garage; and changes to roof design of the rear outbuilding, windows on elevations and height of the dwelling house at 34 Carrington Road, Randwick in the following manner:

A. Amend the following Conditions to read:

Approved Plans & Supporting Documentation

- 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>
Sheet 1	Peter Banfield	12/9/2012
Sheet 2	Peter Banfield	12/9/2012

<i>BASIX Certificate</i>	<i>No.</i>	<i>Dated</i>
	A140955	18 June 2012

As amended by the Section 96 "A" plans and supporting documentation listed below:

<i>Plan</i>	<i>Drawn by</i>	<i>Dated</i>	<i>Received by Council</i>
DA01 B	Gelder Architecture	21/11/2014	21 November 2014
DA02 B			
Material Schedule (Dry Pressed Face Bricks)	N/A	N/A	18 November 2014

<i>BASIX Certificate</i>	<i>No.</i>	<i>Dated</i>	<i>Received by Council</i>
Alterations and additions	A200168	30 September 2014	1 October 2014

Only in so far as they relate to the modifications highlighted on the section 96 plans and detailed in the Section 96 application, except as may be amended by the following conditions and as may be shown in red on the attached plans:

B. Delete the following Conditions:

- Condition 3
- Condition 3A
- Condition 4

C. Add the following Conditions:

Privacy measures

47. Privacy measures shall be provided in accordance with the commitments detailed on the approved plans and the following additions;
- a. Windows labelled W05 and W09 on the approved plans shall be raised or obscured to a minimum height of 1600mm above finished floor level.
 - b. A privacy screen of 1600mm in height above the finished floor level shall be provided to the length of the northern and southern side aspects of the ground floor deck connected to the dining area.

Where louvres are being used for obscuring treatment, a minimum of 75% of the required obscured area shall remain obstructed at all times through spacing and fixing of the louvres.

Details demonstrating compliance with the above privacy requirements shall be incorporated into the Construction Certificate documentation.

48. The proposed blade wall extensions of 1.2m in length to the rear of the dwelling on the northern and southern sides extending from the ground to the upper floor level must be deleted from the plans. Details of compliance are to be demonstrated in construction certificate plans.

MOTION: (Andrews/Stavrinou) CARRIED UNANIMOUSLY - SEE RESOLUTION.

**D114/14 Development Application Report - 4/104-112 Maroubra Road,
Maroubra (DA/694/2014)**

PL100/14

RESOLUTION: (Andrews/Smith) 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. 694/2014 to authorise the fitout and use of the premises to a traditional Thai massage premises with hours of operation from 8am to 10pm Monday to Sunday, subject to the following non standard conditions and the standard conditions contained in the development application compliance report attached to this report:

Non standard conditions

2. All current massage therapists are required to submit the relevant remedial and therapeutic massage qualifications for approval by Council's Manager Development Assessment within one month of the date of this determination.

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

**D115/14 Development Application Report - 63 Nagle Avenue, Maroubra
(DA/616/2014)**

PL101/14

RESOLUTION: (Andrews/Roberts) 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. 616/2014 for alterations and first floor additions to the existing semi-detached dwelling at No. 63 Nagle Avenue, Maroubra, subject to the following conditions of consent:

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

- 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>
035/14 Sheet 1 of 4	Classic Plans	1/9/2014	8 September 2014
035/14 Sheet 2 of 4			
035/14 Sheet 3 of 4			
035/14 Sheet 4 of 4			

<i>BASIX Certificate</i>	<i>Dated</i>	<i>Received</i>
A198330	29 August 2014	8 September 2014

Amendment of Plans & Documentation

- A section/detail plan at 1:20scale demonstrating that the approved development does not encroach or interfere with the existing gutter of the adjoining semi-detached dwelling shall be submitted to and approved by Council's Director of City Planning, in accordance with section 80A (2) of the *Environmental Planning & Assessment Act 1979* prior to a construction certificate being issued for the relevant building works.

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

- 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

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

External materials, finishes and colours of the building are required to match, as closely as possible, the existing building and any metal roof sheeting is to be pre-painted (e.g. Colourbond) to limit the level of reflection and glare.

Section 94A Development Contributions

5. In accordance with Council's Section 94A Development Contributions Plan effective from 12 July 2012, based on the development cost of \$244,750 the following applicable monetary levy must be paid to Council: \$2,447.50

The levy must be paid in **cash, bank cheque** or by **credit card** prior to a construction certificate being issued for the proposed development. The development is subject to an index to reflect quarterly variations in the Consumer Price Index (CPI) from the date of Council's determination to the date of payment. Please contact Council on telephone 9399 0999 or 1300 722 542 for the indexed contribution amount prior to payment.

To calculate the indexed levy, the following formula must be used:

$$\mathbf{IDC = ODC \times CP2/CP1}$$

Where:

IDC = the indexed development cost

ODC = the original development cost determined by the Council

CP2 = the Consumer Price Index, All Groups, Sydney, as published by the ABS in respect of the quarter ending immediately prior to the date of payment

CP1 = the Consumer Price Index, All Groups, Sydney as published by the ABS in respect of the quarter ending immediately prior to the date of imposition of the condition requiring payment of the levy.

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.

Where applicable, 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 Development* 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.

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

8. 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.

BASIX Requirements

9. 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.

Structural Adequacy

10. 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/upper floor addition.

Stormwater Drainage

11. Surface water from building work and structures must satisfy the following requirements (as applicable), to the satisfaction of the Certifying Authority and details are to be included in the construction certificate:-
 - a) Surface water/stormwater drainage systems must be provided in accordance with the relevant requirements of the Building Code of Australia (Volume 2);
 - b) The surface water/stormwater is to be drained and discharged to the street gutter or, subject to site suitability, the stormwater may be drained to a suitably designed absorption pit;
 - c) External paths and ground surfaces are to be constructed at appropriate levels and be graded and drained away from the building and adjoining premises, so as not to result in the entry of water into the building, or cause a nuisance or damage to the adjoining premises;
 - d) Details of any proposed drainage systems or works to be carried out in the road, footpath or nature strip must be submitted to and approved by

Council before commencing these works.

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

12. 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.

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

13. 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.

Construction Noise & Vibration

14. 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 EPA Guidelines must be satisfied at all times.

Public Utilities

15. 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.
16. 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

17. 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.

Site Signage

18. 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

19. 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-	<ul style="list-style-type: none"> • Monday to Friday - 8.00am to

hammers, pile-drivers, vibratory rollers/compactors or the like	5.00pm <ul style="list-style-type: none"> • Saturday - No work permitted • Sunday & public holidays - No work permitted
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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

20. The demolition of buildings must be carried out in accordance with Australian Standard 2601 (2001) – Demolition of Structures and the relevant requirements of WorkCover NSW, Randwick City Council's Asbestos Policy and the *Protection of the Environment Operations Act 1997*.

Removal of Asbestos Materials

21. 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 and 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). 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, in accordance with the relevant conditions of consent.

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

22. 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.

Support of Adjoining Land, Excavations & Retaining Walls

23. Excavations and adjoining land must be adequately supported at all times and the following requirements must be satisfied:

- a) 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.
- b) 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.
- c) 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 demolishing or constructing a wall of a dwelling that is built to a common or shared boundary (e.g. semi-detached or terrace dwelling);
- as otherwise required by the *Principal Certifying Authority*.

The work and provision of support to the adjoining land, must be carried out in accordance with the abovementioned report, to the satisfaction of the *Principal Certifying Authority*.

Building Encroachments

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

Landscaping

25. Landscaping shall be provided to the front yard of the site to enhance its amenity and reduce the impact of the development upon the streetscape, with a high quality selection and arrangement of decorative species that are not reliant on high quantities of moisture and fertilizer for survival to be used.

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

26. 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*.

BASIX Requirements

27. 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

28. The applicant must meet the full cost for a Council approved contractor to:
- a) Construct a concrete vehicular crossing and layback at kerb opposite the vehicular entrance to the site, to Council's specifications and requirements.

- b) Remove, adjust, remark the on street parking bays, if required by Council's Traffic Engineers.
29. The applicant must meet the full cost for Council or a Council approved contractor to repair/replace any damaged sections of Council's footpath, kerb & gutter, nature strip etc which are due to building works being carried out at the above site. This includes the removal of cement slurry from Council's footpath and roadway.
30. 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.

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 \$3,000) 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 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.

A3 In accordance with the requirements of the *Environmental Planning & Assessment Act 1979*, building works, including associated demolition and excavation works (as applicable) must not be commenced until:

- A *Construction Certificate* has been obtained from an Accredited Certifier or Council,
- An Accredited Certifier or Council 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.

A4 Council's Building Certification & Fire Safety team can issue your *Construction Certificate* 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 on 9399 0944.

A5 Smoke alarms are required to be installed in all residential dwellings, in accordance with the relevant provisions of the *Environmental Planning & Assessment Act 1979* and the Building Code of Australia. Details should be included in the construction certificate application.

A6 A Local Approval application must be submitted to and be approved by Council 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 in a public place.

For further information please contact Council on 9399 0944.

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 Demolition work and removal of asbestos materials:

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

A10 Any external lighting to the premises should be designed and located so as to minimise light-spill beyond the property boundary or cause a public nuisance.

A11 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.

A12 Building owners and occupiers should consider implementing appropriate measures to prevent children from falling from high-level window openings and balconies (e.g. by installing window locking devices; installing heavy-duty screens to window openings; limiting the dimensions of any openings to 125mm; ensuring balustrades to balconies are at least 1m high and; locating fixtures, fittings and furniture away from high-level windows and balconies).

For further information about preventing falls from windows and balconies refer to www.health.nsw.gov.au/childsafety or pick-up a brochure from Council's Customer Service Centre.

A13 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.

A14 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.

(Note reasons for approval: Satisfied that the application can be approved having noted the proposed reasons for refusal and the applicants representations and submissions)

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

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

FOR	AGAINST
Councillor Andrews	Councillor Bowen
Councillor Bellei	Councillor D'Souza
Councillor Matson	Councillor Moore
Councillor Nash	Councillor Neilson
Councillor Roberts	Councillor Shurey
Councillor Seng	
Councillor Smith	
Councillor Stavrinou	
Councillor Stevenson	
Total (9)	Total (5)

D116/14 Development Application Report - 6 Eastbourne Avenue, Clovelly (DA/439/2014)

PL102/14

RESOLUTION: (Neilson/Shurey) that the application be deferred to allow for the submission of amended plans that provide for the deletion of the upper level of the proposal (due to unacceptable view loss impacts and the size and scale of the proposed development) and that the matter be reported back to Council for determination.

MOTION: (Andrews/Roberts) –

- A. That Council supports the exceptions to development standards under Clause 4.6 of Randwick Local Environmental Plan 2012 in respect to non-compliance with Clause 4.3(2) of Randwick Local Environmental Plan 2012, relating to Height of Buildings, 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 & Infrastructure 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/439/2014 for substantial alterations and additions to the existing attached dual occupancy and conversion to a dwelling house with rear swimming pool and roof terrace, at No. 6 Eastbourne Avenue, Clovelly, subject to the following non standard conditions and the standard conditions contained in the development application compliance report attached to this report:

Non standard conditions

Amendment of Plans & Documentation

2. The approved plans and documents must be amended in accordance with the following requirements:
- a. To prevent overlooking into neighbouring properties the following must be implemented:
 - i) Window W17 must be provided with obscure glazing and shall not be operable by more than 45 degree.
 - ii) The casement window W20 shall be replaced with an awning hung window. The window must be of obscure glazing and shall not be operable by more than 45 degree.
 - iii) To the eastern side of the roof terrace vertical metal or timber screening to a height of 500mm shall be provided above the balustrade.
 - iv) The roof garden to the front of the dwelling shall not be trafficable.

AMENDMENT: (Neilson/Shurey) CARRIED AND BECAME THE MOTION.

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

FOR	AGAINST
Councillor Belleli	Councillor Andrews
Councillor D'Souza	Councillor Bowen
Councillor Matson	Councillor Moore
Councillor Nash	Councillor Roberts
Councillor Neilson	Councillor Seng
Councillor Shurey	

Councillor Smith	
Councillor Stavrinou	
Councillor Stevenson	
Total (9)	Total (5)

MOTION: (Neilson/Shurey) CARRIED – SEE RESOLUTION.

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

FOR	AGAINST
Councillor Andrews	Councillor Roberts
Councillor Belleli	
Councillor Bowen	
Councillor D'Souza	
Councillor Matson	
Councillor Moore	
Councillor Nash	
Councillor Neilson	
Councillor Seng	
Councillor Shurey	
Councillor Smith	
Councillor Stavrinou	
Councillor Stevenson	
Total (13)	Total (1)

D117/14 Development Application Report - 54-56 Marine Parade, Maroubra (DA/277/2014)

PL103/14

RESOLUTION: (Matson/Shurey) that the application be deferred to allow Council staff time to assess the proposed amended conditions of consent and to advise Councillors of the appropriateness of the proposed conditions, via a late General Manager's report to the 9 December 2014 Council Meeting, and to allow members of the public to provide feedback to the Councillors on the matter.

MOTION: (Andrews/Stavrinou) 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. 277/2014 for demolition of existing structures and construction of a part 2 and part 4 storey residential development containing 11 units and 7 townhouses, basement parking for 27 vehicles and associated landscaping and works at No. 54-56 Marine Parade, Maroubra, subject to the following non standard conditions and the standard conditions contained in the development application compliance report attached to this report:

Non standard conditions

2. The approved plans and documents must be amended in accordance with the following requirements and details are to be included in the *Construction Certificate*:
 - a. All privacy screens as indicated on the above plans 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 provided with translucent, obscured, frosted or sandblasted glazing in a suitable frame.
 - b. The screens on the southern facade to the lobby at first, second floor levels must have an operable and open design. When operated the louvres shall maintain a minimum openness of 50% so as not to

- constitute floor area. Detailed drawings at a scale of 1:50 demonstrating compliance are to be submitted to and approved by Council's Manager Development Assessment prior to issue of the construction certificate.
- c. The maximum height of the spa, swimming pool and associated deck areas are not to exceed RL 21.7m AHD. Details demonstrating compliance are to be included in the construction certificate.
 - d. The swimming pool and spa area is not to be used outside the hours of 7.00am and 10.00pm so to ensure reasonable amenity to occupants of the development and those on surrounding properties. The above restrictions must be incorporated into the By-Laws of any Strata Scheme for the development. Documentation of compliance in this regard is to be provided to the Principal Certifying Authority prior to issue of an occupation certificate.
3. The plans shall be amended to provide for the removal of the proposed roof covering over the rear balcony to South Western top floor unit, purpose to improve solar access to 58 Marine Parade (the required amendment to be shown on the Construction Certificate plans prior to issuing of the Construction Certificate).
 4. The maturity height of the proposed landscaping shall be fixed to a maximum height of 4m above natural ground level so as to ensure that the maturity height of proposed landscaping adjacent to 58 Marine Parade does not increase overshadowing arising from the proposed development onto 58 Marine Parade. The approved height of landscaping shall be maintained at all times.
 5. The roof and external Walls of the approved development shall be of non-reflective colours and materials. Amended plans shall be provided as part of the Construction Certificate plans for the approval of Council demonstrating compliance with this condition prior to the issuing of the Construction Certificate.
 6. All plant and equipment shall be acoustically treated so as to ensure that noise from proposed plant and equipment shall not exceed 5dBA above ambient background noise levels at the residential property boundary with 58 Marine Parade. An Acoustic Report prepared by a qualified Acoustic Consultant shall be submitted to Council for its consideration and approval demonstrating compliance with this condition prior to the issuing of the Construction Certificate.
 7. The proposed diving board shall be deleted and this deletion shall be reflected in the Construction Certificate plans prior to issuing of the Construction Certificate.
 8. The proposed external decks associated with the swimming pool shall be provided with sound absorptive surface material as recommended by a qualified Acoustic Consultant so that pedestrian movement/activities on the deck shall not create noise which exceeds 5dBA above ambient background noise levels at the residential property boundary with 58 Marine Parade. The required Acoustic Report referred to in 4 above shall incorporate the required absorptive surface material and confirmation that the absorptive material will comply with this condition.
 9. All proposed lighting shall be of a low profile nature and shall not be allowed to "spill" or be reflected onto 58 Marine Parade and other adjoining properties. Details of proposed lighting shall be provided in the Construction Certificate plans for the approval of Council prior to the issue of the Construction Certificate.

10. Dilapidation Report to be prepared on 58 Marine Parade prior to commencement of works at the Applicant's cost and this report is to be undertaken by a qualified Building Surveyor. A copy of the Dilapidation Report is to be provided to the owners of 58 Marine Parade prior to commencement of works.
11. Common boundary fencing is to be constructed along the southern boundary with 58 Marine Parade in materials and to a height satisfactory to the Applicant and the owners of 58 Marine Parade. The height of the proposed common boundary shall ensure that there is no overlooking from persons at ground level (either in the units or in the recreation areas) into 58 Marine Parade.
12. All roofs shall be non-trafficable at all times, except for maintenance purposes.

AMENDMENT: (Matson/Shurey) CARRIED AND BECAME THE MOTION.

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

FOR	AGAINST
Councillor Belleli	Councillor Andrews
Councillor Bowen	Councillor D'Souza
Councillor Matson	Councillor Roberts
Councillor Moore	Councillor Seng
Councillor Nash	Councillor Stavrinou
Councillor Neilson	
Councillor Shurey	
Councillor Smith	
Councillor Stevenson	
Total (9)	Total (5)

MOTION: (Matson/Shurey) CARRIED UNANIMOUSLY - SEE RESOLUTION.

D118/14 Development Application Report - 5/96-98 St Pauls Street, Randwick (DA/683/2014)

PL104/14 **RESOLUTION: (Andrews/Smith) -**

- A. That Council supports the exceptions to development standards under Clause 4.6 of Randwick Local Environmental Plan 2012 in respect to non-compliance with Clauses 4.4(2) of Randwick Local Environmental Plan 2012, relating to maximum floor space ratio, 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 & Environment 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/683/2014 for increase the floor area to Unit 5, relocated doors and provide a retractable clear plastic blind, at No. 5/96-98 St Payls Street, Randwick, subject to the standard conditions contained in the development application compliance report.

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

**D119/14 Development Application Report - 77-85LH Cooper Street,
Maroubra (DA/730/2014)**

PL105/14 **RESOLUTION: (Andrews/Smith)** 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. 730/2014 for stabilization works to the existing retaining wall, at Nos. 77-85LH Cooper Street, Maroubra, subject to the following standard conditions contained in the development application compliance report.

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

**D120/14 Development Application Report - JRPP 84-108 Anzac Parade,
Kensington (DA/320/2013/A)**

Note: Having previously declared an interest, Crs Matson, Moore and Nash left the chamber and took no part in the debate or voting on this matter.

The Mayor, Cr Seng assumed the Chair.

PL106/14 **RESOLUTION: (Andrews/Stavrinos)** that

- a) the assessment report for the Joint Regional Planning Panel in relation to DA/320/2013/A (84-108 Anzac Parade, Kensington) be endorsed by Council.
- b) send a transcript of the speaker's concerns to the JRPP as part of Council's submission on the application.

MOTION: (Andrews/Stavrinos) CARRIED UNANIMOUSLY - SEE RESOLUTION.

Miscellaneous Reports

**M8/14 Miscellaneous Report - Draft Section 94A Development
Contributions Plan 2014 and Draft Development Control Plan 2013-
Undergrounding Powerlines (F2014/00358)**

PL107/14 **RESOLUTION: (Andrews/Smith)** that:

- a) the attached draft s94A Development Contributions Plan (2014) be placed on public exhibition in accordance with the Environmental Planning and Assessment Act 1979 and the Environmental Planning and Assessment Regulation 2000;
- b) the attached draft DCP provisions on the undergrounding of overhead power lines be placed on public exhibition in accordance with the Environmental Planning and Assessment Act 1979 and the Environmental Planning and Assessment Regulation 2000;
- c) Council agree that the Director City Planning may rectify any minor numerical, typographical, interpretation and formatting errors if required, in preparation for public exhibition of the draft s94A Plan and draft DCP consistent with Council's resolution outlined above.

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

Notice of Rescission Motions

Nil.

The meeting closed at 7.55pm.

The minutes of this meeting were confirmed at the Planning Committee Meeting of the Council of the City of Randwick held on Tuesday, 10 February 2015.

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CHAIRPERSON