

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, 10 FEBRUARY 2015 AT 6:28PM

Present:

The Mayor, Councillor T Seng (Central Ward)

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| North Ward | - Councillors K Neilson, L Shurey & K Smith |
| South Ward | - Councillors R Belleli, N D'Souza & P Garcia (Chairperson) |
| East Ward | - Councillors T Bowen, M Matson & B Roberts |
| West Ward | - Councillors G Moore, S Nash (Deputy 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
Manager Administrative Services	Mr D Kelly
Communications Manager	Mr J Hay

Apologies/Granting of Leave of Absences

Nil.

Confirmation of the Minutes

CONFIRMATION OF THE MINUTES OF THE PLANNING COMMITTEE MEETING HELD ON TUESDAY 2 DECEMBER 2014

PL1/15

RESOLUTION: (Andrews/Stavrinis) that the Minutes of the Planning Committee Meeting held on Tuesday 2 December 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 Shurey declared a significant non pecuniary interest in Item D3/15 as she knows the applicant very well as he was a former member of The Greens. Cr Shurey will be taking no part in the debate or voting on this matter.
- b) Cr Neilson declared a non significant non pecuniary interest in Item D1/15 as she knows some of the objectors.
- c) Cr Neilson declared a non significant non pecuniary interest in Item D3/15 as she knows some of the supporters of this application.
- d) Cr Andrews declared a non significant non pecuniary interest in Item D2/15 as he and the applicant are members of the Maroubra Seals Club.
- e) Cr Andrews declared a non significant non pecuniary interest in Item D5/15 as he and the applicant are members of the Souths Juniors Club.
- f) Cr Matson declared a significant non pecuniary interest in Item D3/15 as he knows the applicant very well as he was a former member of The Greens. Cr Matson will be taking no part in the debate or voting on this matter.
- g) Cr Bowen declared a significant non pecuniary interest in Item D5/15 as he and the applicant are members of the Souths Juniors Club and, as he is a Director of the Randwick Labor Club, he is not comfortable voting on a matter involving another Club. Councillor Bowen will be taking no part in the debate or voting on this matter.
- h) Cr Matson declared a significant non pecuniary interest in Item D6/15 as he knows people involved in this application. Cr Matson will be taking no part in the debate or voting on this matter.
- i) Cr Belleli declared a non significant non pecuniary interest in Item D2/15 as his wife is a member of the Club.
- j) Cr Belleli declared a non significant non pecuniary interest in Item D5/15 as his wife and daughter are members of the Club.
- k) Cr Seng declared a non significant non pecuniary interest in Item D5/15 as he is a member of the Souths Juniors Club.
- l) Cr Neilson declared a non significant non pecuniary interest in Item D6/15 as she knows some of the objectors to this application.
- m) Cr Stavrinou declared a non significant non pecuniary interest in Item D5/15 as he is a member of the Souths Juniors Club.
- n) Cr Stavrinou declared a non significant non pecuniary interest in Item D8/15 as he is a member of the Coogee Diggers Club which is in close proximity to this application.
- o) Cr Nash declared a non significant non pecuniary interest in Item D5/15 as he is a member of the Souths Juniors Club.
- p) Cr Roberts declared a non significant non pecuniary interest in Item D8/15 as he is a member of the Coogee Diggers Club.
- q) Cr Stevenson declared a non significant non pecuniary interest in Item D5/15 as he has accepted hospitality from the Souths Juniors Club in the past.
- r) Cr Garcia declared a non significant non pecuniary interest in Item D1/15 as he knows some of the objectors to this application.
- s) All Councillors declared a non significant non pecuniary interest in Item D2/15 as they all know State Member Michael Daley who has made a submission on this matter.
- t) Cr Garcia declared a non significant non pecuniary interest in Item D5/15 as he knows the President of the Souths Juniors Club.

- u) Cr Garcia declared a significant non pecuniary interest in Item D8/15 as his daughter attends this childcare centre. Cr Garcia will be taking no part in the debate or voting on this matter.
- v) Cr Moore declared a non significant non pecuniary interest in Item D10/15 as he knows an objector to this application.
- w) Cr Smith declared a pecuniary interest in item D5/15 as the proposal involves the sale of alcohol and his employer is part of the liquor industry. Councillor Smith will be taking no part in the debate or voting on this matter.

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:

D1/15 34 MILFORD STREET, RANDWICK (DA/505/2014)

Objector Tony McNamara

Applicant Brian Meyerson on behalf of applicant

D2/15 204-230 MARINE PARADE, MAROUBRA (DA/592/2014)

Objector Con Vafeas

D3/15 26 WENTWORTH STREET, RANDWICK (DA/640/2014)

Applicant Catherine Shand

D7/15 275 BEAUCHAMP ROAD, MATRAVILLE (DA/14/2015)

Applicant Ray Kehlet

D8/15 2 BYRON STREET, COOGEE (DA/24/2008/A)

Applicant Caroline Scott (resident)

D9/15 18 RANDWICK STREET, RANDWICK (DA/373/2014)

Objector James Rogers

Applicant Graeme Forest

D10/15 13 CAIRO STREET, COOGEE (DA/731/2014)

Objector Anthony Vavayas

Applicant Tobey Fogg

The Meeting was adjourned at 7.34pm and was resumed at 7.51pm.

Urgent Business

Nil.

Development Application Reports

D1/15 Development Application Report - 34 Milford Street, Randwick (DA/505/2014)

Note: A rescission motion on this item was submitted by Councillors Bowen, Matson & Neilson in accordance with Council's Code of Meeting Practice and will be considered at the next Ordinary Council Meeting on 24th February, 2015.

PL2/15

RESOLUTION: (Andrews/Stavrinos) 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. 505/2014 for the demolition of an existing dwelling and construction of a new three storey residential flat building containing 5 units and basement parking for seven vehicles, strata subdivision, associated site and landscaping works at No. 34 Milford Street, Randwick, 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:
 - a. A privacy screen having a height of 1.6m above floor level must be provided to the western and northern edges of the balcony at the rear of unit 201 on the second floor. On the northern edge the screen is to extend east to screen the first sliding door window as shown on the northern elevation (drawing DA11 C). 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. The privacy screen provided to the northern edge of the first floor rear unit 102 is to extend east to screen the first of the sliding doors shown on the western elevation (drawing DA11C). The screen is to be semi-operable to preclude opening beyond a 45 degree angle to from right to left. 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.
 - c. Section detail of the amendments required in 2 a. and 2 b. and all privacy screens within the development to a scale of 1:50 is to be submitted to and approved by Councils Manager of Development Assessment prior to issue of a construction certificate.
 - d. The 2 air conditioning units closest to the western boundary as shown on the ground floor plan (drawing DA04 C) are to be relocated north to the inset section of wall. Details are to be included in the construction certificate.
 - e. The washing line area shown at the front of unit 001 on the ground floor (drawing DA04C) is to be removed. Details are to be included in the construction certificate.
 - f. The stormwater pipes shown on the western elevation (drawing DA12 C) shall be relocated to run straight down the stair wall north of the louvre screen. Details are to be included in the construction certificate.

- g. The courtyard shown as allocated to Part lot 1 (ground floor front unit) on the draft Strata plan is to be allocated as common property. An amended draft Strata Plan is to be submitted to and approved by Council's Manager of Development Assessment prior to issue of the construction certificate.

MOTION: (Neilson/Matson) that Council, as the consent authority, refuses development consent to Development Application No. 505/2014 for the following reasons: -

- the overdevelopment of the site;
- the proposal does not comply with Section 3.4 of the Randwick DCP 2013 – Setbacks in that it will not be able to ensure adequate separation between buildings for visual and acoustic privacy, solar access, air circulation and views;
- the proposal does not comply with Section 5.3 of the Randwick DCP 2013 – Visual Privacy in that it does not maintain the existing level of privacy of adjoining and nearby properties;
- the proposal does not comply with Section 5.4 of the Randwick DCP 2013 - Acoustic Impact in that it will not ensure a high level of amenity by providing for reasonable level of acoustic privacy for dwellings and neighbouring properties and it will not be able to maintain the existing level of privacy of adjoining and nearby properties;
- the proposal does not comply with Section 5.5 of the Randwick DCP 2013 - View Sharing as several neighbours will lose ocean views and views of the Coogee basin;
- the proposal creates amenity issues for the neighbouring property to the west, number 32 (which was built for the great cricketer Monti Noble) including loss of light, particularly to rooms with east facing windows, and loss of views from the front verandah, study room and secondary bedroom;
- the proposal would have a negative impact on the streetscape of this section of Milford Street; and
- the proposal is not in the public interest as it does not comply with Section 79c in relation to the history of the site. **LOST.**

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

FOR	AGAINST
Councillor Bowen	Councillor Andrews
Councillor D'Souza	Councillor Belleli
Councillor Garcia	Councillor Moore
Councillor Matson	Councillor Nash
Councillor Neilson	Councillor Roberts
Councillor Shurey	Councillor Seng
Councillor Smith	Councillor Stavrinou
	Councillor Stevenson
Total (7)	Total (8)

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

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

FOR	AGAINST
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Councillor Andrews	Councillor Bowen
Councillor Bellei	Councillor D'Souza
Councillor Moore	Councillor Garcia
Councillor Nash	Councillor Matson
Councillor Roberts	Councillor Neilson
Councillor Seng	Councillor Shurey
Councillor Stavrinou	Councillor Smith
Councillor Stevenson	

Total (8)

Total (7)

D2/15 Development Application Report - 204-230 Marine Parade, MAROUBRA (DA/592/2014)

PL3/15

RESOLUTION: (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. DA/592/2014 for Construction of a new concrete driveway to the rear of the building at 184-192 Marine Parade at Lot 1 in Deposited Plan 807314 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

Certifier Responsibilities

5. The certifier responsible for the issue of a Construction Certificate shall ensure:
- (i) excavated material is appropriately disposed of at a licensed facility;
 - (ii) necessary soil erosion and sedimentation control measures are in place for the protection of the environment during construction;
 - (iii) all drainage works and concrete structures (including reinforcing) are completed in accordance with the relevant Australian Standards and in accordance with Randwick City Council's Private Stormwater Code; and
 - (iv) that the edges of the new concrete pavement are suitably treated to maintain the structural integrity of, and provide suitable water protection for, all structures (including pavements, buildings, fencing and the like) which abut the boundary of the right of carriageway.

Design Alignment levels

7. 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 McKeon Street.

The design alignment level/s at the property boundary as issued by Council and their relationship to the roadway/kerb/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 0923.

Design

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

Stormwater Drainage

9. A surface water/stormwater drainage system must be provided in accordance with the following requirements, 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 must 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) Any absorption pits or soaker wells should be located not less than 3m from any adjoining premises and the stormwater must not be directed to any adjoining premises or cause a nuisance;
 - d) 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;

Use of right of carriageway

19. The future use of the concreted section of the right of carriageway shall be consistent with the legal terms of access and use as prescribed by the Deposited Plan 807314 and the accompanying Section 88B Instrument.
20. The carriageway to be kept clear for the movement of vehicles and pedestrians in accordance with the terms of the Deposited Plan and Section 88B Instrument.
21. Any drainage of stormwater from private allotment Lot 7 in Deposited Plan 14608 over the right of carriageway is to be formally registered on the title of Lot 1 DP 807314.

MOTION: (Matson/Shurey) that this application be deferred to allow Councillors to meet with local residents onsite and to get input from our local police regarding issues including antisocial behaviour. **LOST.**

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

FOR	AGAINST
Councillor Matson	Councillor Andrews
Councillor Neilson	Councillor Belleli
Councillor Shurey	Councillor Bowen
Councillor Stevenson	Councillor D'Souza
	Councillor Garcia
	Councillor Moore
	Councillor Nash
	Councillor Roberts
	Councillor Seng
	Councillor Smith
	Councillor Stavrinou
Total (4)	Total (11)

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

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

FOR

Councillor Andrews
 Councillor Bellei
 Councillor Bowen
 Councillor D'Souza
 Councillor Garcia
 Councillor Moore
 Councillor Nash
 Councillor Neilson
 Councillor Roberts
 Councillor Seng
 Councillor Smith
 Councillor Stavrinou
 Councillor Stevenson

Total (13)**AGAINST**

Councillor Matson
 Councillor Shurey

Total (2)

D3/15 Development Application Report - 26 Wentworth Street, RANDWICK (DA/640/2014)

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

PL4/15

RESOLUTION: (Smith/Andrews) that Council, as the consent authority, grants development consent under Sections 80 of the Environmental Planning and Assessment Act 1979, as amended, to Development Application No. 640/2014 for alterations and additions to the rear of the existing dwelling including new first floor addition and new double garage with storage shed fronting Dangar Lane (Heritage Conservation Area) at 26 Wentworth Street, Randwick, 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

- 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 by Council</i>
1310 DA01 Location Plan & Site Analysis Plan	Wilkinson & Associated	18.08.14	17 September 2014
1310 DA02 Ground Floor Plan			
1310 DA03 First Floor Plan			
1310 DA04 Roof Floor Plan			
1310 DA05 Elevations			
1310 DA06 Elevations and			

Section AA & BB			
DA-1422-01 Issue E Landscape Concept Plan	Sturt Noble Associates	29.08.14	

<i>BASIX Certificate No.</i>	<i>Dated</i>	<i>Received Council</i>	<i>by</i>
A196874	14 August 2014	17 September 2014	

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

2. a) 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.

- b) 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 Heritage Planner prior to issuing a construction certificate for the development.

Section 94A Development Contributions

3. In accordance with Council's Section 94A Development Contributions Plan effective from 12 July 2012, based on the development cost of \$407,715 the following applicable monetary levy must be paid to Council: \$4,077.15.

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

4. 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 Deposits

5. The following security deposits requirement must be complied with prior to a construction certificate being issued for the development, as security for making good any damage caused to Council's assets and infrastructure; 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*:

- \$600.00 - Damage / Civil Works Security Deposit

Security deposits 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.

Sydney Water

6. 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.

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

7. 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

8. 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.

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.

The design alignment level/s at the property boundary as issued by Council and their relationship to the roadway/kerb/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 0923.

BASIX Requirements

10. 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.

Stormwater Drainage

11. A surface water/stormwater drainage system must be provided in accordance with the following requirements, 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 must 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) Any absorption pits or soaker wells should be located not less than 3m from any adjoining premises and the stormwater must not be directed to any adjoining premises or cause a nuisance;
 - d) 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;
 - e) 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.

Dilapidation Reports

14. 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 Noise & Vibration Management Plan

15. 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.

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 EPA Construction Noise Guideline by a suitably qualified person, is to be implemented throughout the works. 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

16. 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

17. 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
- Details of re-use, recycling and disposal of waste demolition/building materials
- 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.*

Public Utilities

18. 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.
19. 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

20. 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

21. 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

22. 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

23. The demolition of buildings and the removal, storage, handling and disposal of building materials must be carried out in accordance with the relevant requirements of WorkCover NSW, the NSW Department of Environment, Climate Change & Water and Randwick City Council policies, including:

- Work Health & Safety Act 2011 and Regulations
- WorkCover NSW Code of Practice for the Safe Removal of Asbestos
- WorkCover NSW Guidelines and Codes of Practice
- Australian Standard 2601 (2001) – Demolition of Structures
- The Protection of the Environment Operations Act 1997 and Regulations
- Relevant EPA Guidelines
- Randwick City Council Asbestos Policy

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.

Removal of Asbestos Materials

24. 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.

Sediment & Erosion Control

25. 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 are to be included in the *Construction Site Management Plan*.

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.

Support of Adjoining Land, Excavations & Retaining Walls

27. 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.
28. 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.

29. 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;
- as may be required by the *Principal Certifying Authority*.

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*.

Building Encroachments

30. 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

31. 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.

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

32. 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

33. 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

34. 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.
35. 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.

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

36. The premises must only be used as a single residential dwelling and must not be used for dual or multi-occupancy purposes.

External Lighting

37. 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.

Plant & Equipment

38. The operation of all plant and equipment upon 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

39. 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

40. 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.

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 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.

For further information please contact Council 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.
- 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 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.
- A10 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.*
- A11 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.
- 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 Council's assessment of this application does not include an assessment of compliance with the *Swimming Pool Act 1992*. All pool barriers, fences and structures within properties containing a swimming pool must comply with the

requirements of the *Swimming Pool Act 1992*, BCA and relevant Australian Standards.

Details of compliance with the *Swimming Pool Act 1992*, Building Code of Australia and relevant Standards must be included in the Construction Certificate to the satisfaction of the Building Certifier.

- A14 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.
- A15 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.
- A16 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: (Smith/Andrews) CARRIED - SEE RESOLUTION.

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

FOR	AGAINST
Councillor Andrews	Councillor Bowen
Councillor Belleli	Councillor D'Souza
Councillor Garcia	Councillor Moore
Councillor Nash	Councillor Neilson
Councillor Roberts	Councillor Stevenson
Councillor Seng	
Councillor Smith	
Councillor Stavrinou	
Total (8)	Total (5)

D4/15 Development Application Report - 43 Murrabin Avenue, MATRAVILLE (DA/774/2014)

PL5/15

RESOLUTION: (Andrews/Stavrinou)

- A. 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. D0774/2014 for demolition of an existing carport and construction of a new carport and awning to be attached to the existing dwelling house at No. 43 Murrabin Avenue, Matraville 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

- a. The colours and finishes of the awning, carport and side boundary fence shall match the exterior colours of the dwelling to maintain the integrity

and amenity of the building and the streetscape.

- b. The height of the side boundary fence is to be tapered within the front setback to match the height of the existing masonry boundary fence to be retained.

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

**D5/15 Development Application Report - 558A-580 Anzac Parade,
Kingsford (DA/698/2013)**

Note: Having previously declared an interest, Councillors Bowen and Smith left the chamber and took no part in the debate or voting on this matter.

PL6/15

RESOLUTION: (Andrews/Matson)

- A. 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. 698/2013 for construction of a new detachable second floor terrace projecting over the foot path on the Anzac Parade frontage at 558A-580 Anzac Parade, Kingsford subject to the following nonstandard conditions and the standard conditions contained in the development application compliance report attached to this report :

Non standard conditions

10. Prior to the release of the Construction Certificate, the Development Consent and all stamped plans and documentation for DA/526/2014 are to be surrendered to Council.
14. A qualified structural engineer shall certify that the balcony structure is self-supporting. Such certification must be provided prior to the issuing of a Construction Certificate. Upon completion of the construction of the balcony, certification of the structural adequacy of the balcony must be provided to the Council.
15. The Applicant shall provide proof of current liability and indemnity insurance to \$20 million to the Council, prior to the issuing of a construction certificate. The insurance is to be extended to include the RMS being indemnified against any action that could result in litigation following any accident involving an errant motor vehicle colliding with the structure.

Any traffic control during construction must be carried out by accredited RMS approved traffic controllers.

24. The following acoustic recommendations detailed in Acoustic Statement project no: 13797 dated 15th September 2014 are to be incorporated into the construction certificate:

Glazed balustrades achieving and overall height of 2.0 metres above FFL provided along the perimeter of the 2nd floor terrace;

The underside of the ceiling above the 2nd floor Terrace will be finished with a suitably absorptive acoustic panel (minimum NRC 0.70);

Details of compliance are to be provided to the private certifier and Council prior to a construction certificate being issued.

25. The contractor must keep a policy of public risk insurance with respect to the works on Council property. The limit of public risk shall be not less than \$20,000,000 or such other sum as the Council may reasonably nominate in writing from time to time as the amount, which may be paid arising out of any one single accident or event.

NOTES:

- a. The policy shall extend to cover death or injury to any person and damage to property of any person sustained when such person is using or entering the proposed balcony area or the public footway directly beneath the balcony.
 - b. The policy must name the Council as the owner and the contractors undertaking the work as the insured and must contain a clause that the insurer will not change the insurance without first giving the Council ten (10) days prior written notice.
 - c. The insurance must be with an insurer approved by the Council and a copy of the policy or a certificate of insurance shall be submitted to Council prior to the commencement of work on Council property.
26. A minimum 2 metre wide unimpeded pedestrian footway shall be maintained along the Anzac Road site frontage at all times during the construction works.
27. Prior to erecting any scaffolding/formwork to facilitate works on the balcony structures, the applicant shall obtain an A-class hoarding permit. The applicant is advised to Contact Council Building Certification Unit (9399 0878) regarding this matter.
29. A Certificate prepared by a professional engineer, shall be submitted to the Council / Accredited Certifier prior to the issuing of an occupation certificate certifying the structural adequacy of the balustrades to the external balconies. A copy of the certificate is to be submitted to Council.
34. Prior to the issue of an occupation certificate, the applicant shall enter into a formal lease agreement with Council for use of the balconies located over the footpath (in public airspace). All costs associated with the rental evaluation, ongoing lease fees, lease preparation and legal costs incurred by the lessor (and lessee) shall be covered by the lessee. It is noted that the lease must be approved by the Department of Planning in accordance with Section 149 of the Roads Act 1993.
- The applicant is advised to contact Council's Property Compliance Officer, (9399-0936), regarding Council's requirements for the formal lease agreement.
35. Prior to an occupation certificate being issued for the development, a positive covenant under section 88E of the Conveyancing Act 1919 shall be registered on the title of the subject property, which provides for: -
- i. The registered proprietors of the Lot(s) burdened to clean, maintain, renew and repair the balconies located over the public footway along the Anzac Parade site frontage, with all works being undertaken to the satisfaction of Council. The area shall be maintained in a clean, tidy and safe condition at all times;
 - ii. The registered proprietors of the Lot(s) burdened to hold full public liability in relation to any claims, demands, writs etc. sustained as a result of the balconies located over the public footway along the Anzac

Parade site frontage;

- iii. The registered proprietors of the Lot(s) burdened to keep a policy of public risk insurance with respect to the balconies along the Anzac Parade site frontage. The limit of public risk shall be not less than \$20,000,000 or such other sum as the Council may reasonably nominate in writing from time to time as the amount, which may be paid arising out of any one single accident or event.

NOTES:

- a. The policy shall extend to cover death or injury to any person and damage to property of any person sustained when such person is using or entering the balcony areas, the public footway beneath the balcony.
 - b. The policy must name the Council as the owner and the registered proprietors of the Lot(s) burdened as the insured and must contain a clause that the insurer will not change the insurance without first giving the Council ten (10) days prior written notice.
 - c. The insurance must be with an insurer approved by the Council and a copy of the policy or a certificate of insurance shall be delivered by the registered proprietors of the Lot(s) burdened to the Council.
- iv. The registered proprietors of the Lot(s) burdened to ensure that no structures are erected, nor goods stored, nor any work carried out in, on or over the public footway other than those approved by Council and the RMS.
 - v. The registered proprietors of the Lot(s) burdened to meet the full cost for the balconies located over Council's footpath to be removed (and the area reinstated to the satisfaction of Council), if either: -
 - The duration of the lease agreement (for use of public airspace) expires and a new lease is not entered into; or
 - The lessee fails to comply with the terms of the lease agreement and/or Council determines that the balconies are posing a safety hazard.

The positive covenant must not be released, varied or modified without the consent of the Council.

The proposed wording for the positive covenant shall be prepared by suitably qualified legal advisors and shall be to the satisfaction of Council. All costs associated with creating, reviewing and registering the positive covenant shall be met by the applicant.

36. 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.
38. A report, must be obtained from a suitably qualified and experienced consultant in acoustics, which demonstrates and certifies that noise and vibration from the development (including all external terraces, plant and

equipment and general operational noise sources) satisfies the relevant provisions of the *Protection of the Environment Operations Act 1997*, NSW Office of Environment & Heritage/Environment Protection Authority Noise Control Manual & Industrial Noise Policy and conditions of Council's development consent. A copy of the report is to be forwarded to Council within 1 month of commencing the operation of the outdoor terrace.

The acoustic report is to include (but not be limited to);

- Noise emission from the proposed development (e.g. operational noise, mechanical noise, monitoring from nearest affected residential premises during the use and operation of the premises when there is maximum occupancy to satisfy intrusiveness and amenity criteria)
- Patron noise from the development having regard to the outdoor terraces and the proposed hours of operation.
- Accumulative patron noise from maximum occupancy of the new outdoor terraces with the existing outdoor terraces.
- Background noise levels shall be taken after 10:00pm in the absence of any other commercial premises operating in the area.

Any recommendations outlined in this report are to be implemented after appropriate approval by Council.

41. There is to be no entertainment, amplified music or general announcements on any part of the outdoor terrace.
42. The maximum number of patrons able to be accommodated on the 2nd floor Function Terrace is 40.
43. The premises shall be operated in accordance with plan of management dated 1 June 2014 titled "Souths Juniors Management Plan" at all times.
44. The hours of the operation for the 2nd floor Terrace is restricted to:

Monday – Thursday:	9:00am – Midnight
Friday - Sunday:	9:00am – 1: 00am
45. Accesses to all terraces are to be sign posted with signage stating "Quiet Area".
46. Security guards or a specially appointed members of staff must be provided at all times when entertainment or functions are held, identified as such by uniform (or the like), to take all reasonable steps to prevent noisy and unruly behaviour of patrons attending or departing the premises. The security guards are to patrol the locality until half an hour after close or until the last patron leaves the vicinity of the premises, whichever is the later. The number of security guards/personnel must be in accordance with the number specified in the Liquor License.
47. The handrails and balustrades located on the terraces shall be designed so as to not facilitate the placing and/or storing of articles, glasses and the like.
48. The licensee must establish and maintain a formal and documented system for the recording and resolution of complaints made to the licensed premises by residents. All complaints are to be attended to in a courteous and efficient manner and referred promptly to the licensee or duty manager. The appropriate remedial action, where possible, is to be implemented immediately

and the licensee or duty manager is to contact the complainant within 48 hours to confirm details of action taken.

Upon reasonable prior notice, the licensee must make available the incident book to the police and Council officers.

49. There are to be air locks installed onto all outside terraces. Both internal and external doors within the air locks are to be fitted with self-closing devices as recommended in the acoustic report.
50. Council and the Roads and Maritime Services shall be suitable indemnified against any claim and provision for future removal of the protruding detachable terrace if required.

MOTION: (Neilson/Shurey) that Council, as the consent authority, refuses development consent to Development Application No. 698/2013 for construction of a new detachable second floor terrace projecting over the foot path on the Anzac Parade frontage at 558A-580 Anzac Parade, Kingsford for the following reasons: -

- the possibility of injury should vehicles collide with structure;
- the provision of free airspace is not appropriate; and
- RMS regulations do not allow additions above awnings. **LOST.**

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

FOR	AGAINST
Councillor Neilson	Councillor Andrews
Councillor Shurey	Councillor Belleli
	Councillor D'Souza
	Councillor Garcia
	Councillor Matson
	Councillor Moore
	Councillor Nash
	Councillor Roberts
	Councillor Seng
	Councillor Stavrinou
	Councillor Stevenson
Total (2)	Total (11)

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

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

FOR	AGAINST
Councillor Andrews	Councillor Neilson
Councillor Belleli	Councillor Shurey
Councillor D'Souza	
Councillor Garcia	
Councillor Matson	
Councillor Moore	
Councillor Nash	
Councillor Roberts	
Councillor Seng	
Councillor Stavrinou	
Councillor Stevenson	
Total (11)	Total (2)

**D6/15 Development Application Report - 32-34 Carr Street, Coogee
(DA/725/2012/B)**

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

PL7/15

RESOLUTION: (Andrews/Stavrinos)

A. That Council, as the consent authority, grants consent under Section 96 of the Environmental Planning and Assessment Act 1979, as amended, to modify Development Consent No. 725/2012/B which required undergrounding of power at No. 32-34 Carr Street, Coogee, in the following manner:

B. Amend Condition No. 62 to read:

62. The applicant shall meet the full cost for the overhead power lines located along the Carr Street site frontage to be aerial bundled. The applicant shall liaise directly with the relevant service utility authorities to organise for the cables to be aerial bundled. All wires/cables must be aerial bundled to the satisfaction of the relevant service utility authority prior to the issuing of an occupation certificate for the development.

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

**D7/15 Development Application Report - 275 Beauchamp Road, Matraville
(DA/14/2015)**

PL8/15

RESOLUTION: (Smith/Moore)

A. That Council does not support the exceptions to development standards under Clause 4.6 of Randwick Local Environmental Plan 2012 in respect to non-compliance with Clause 4.1(4) of Randwick Local Environmental Plan 2012, relating to Minimum subdivision lot size for strata plan schemes in Zone R2, on the grounds that the proposed development does not comply with the objectives of the above clause, and will adversely affect the amenity of the locality, and that the Department of Planning & Infrastructure be advised accordingly.

B. That Council, as the consent authority, refuses development consent under Sections 80 and 80A of the Environmental Planning and Assessment Act 1979, as amended, to Development Application No. 14/2015 for strata subdivision, at No. 275 Beauchamp Road, Matraville, for the following reasons:

1. The proposed development is inconsistent with aims of the Randwick Local Environmental Plan 2012 in that it discourages the provision of affordable housing options.

2. The proposed subdivision does not comply with Clause 4.1(A) minimum allotment size standard under Randwick Local Environmental Plan 2012 in that the proposed Lot 1 will fragment the land by subdivision that would create additional dwelling entitlements and the Clause 4.6 variation to the development standard is not well founded.

3. The proposed development is inconsistent with the objectives of the R2 zone under RLEP 2012 in that it will not encourage housing affordable or protect the amenity of residents.

4. The proposed subdivision is inconsistent with the objective under Section 2.1 of

the Randwick Comprehensive Development Control Plan 2013 in that the proposed strata subdivision does not respect the predominant subdivision pattern of the locality.

5. The proposal is not in the public interest and does not satisfy Section 79C(i)(e) of the Environmental Planning and Assessment Act 1979.

MOTION: (Stavrinos/Andrews) that this application be approved as the proposal doesn't meet the standard by only 16 square metres so in this case we should relax the development standard. **LOST.**

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

FOR	AGAINST
Councillor Andrews	Councillor Bowen
Councillor Belleli	Councillor D'Souza
Councillor Nash	Councillor Garcia
Councillor Roberts	Councillor Matson
Councillor Stavrinos	Councillor Moore
	Councillor Neilson
	Councillor Seng
	Councillor Shurey
	Councillor Smith
	Councillor Stevenson
Total (5)	Total (10)

MOTION: (Smith/Moore) CARRIED - SEE RESOLUTION.

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

FOR	AGAINST
Councillor Bowen	Councillor Andrews
Councillor D'Souza	Councillor Belleli
Councillor Garcia	Councillor Nash
Councillor Matson	Councillor Stavrinos
Councillor Moore	
Councillor Neilson	
Councillor Roberts	
Councillor Seng	
Councillor Shurey	
Councillor Smith	
Councillor Stevenson	
Total (11)	Total (4)

D8/15 Development Application Report - 2 Byron Street, Coogee (DA/24/2008/A)

Note: Having previously declared an interest, Councillor Garcia left the chamber and took no part in the debate or voting on this matter.

PL9/15

RESOLUTION: (Smith/Bowen)

- A. That Council, as the consent authority, grants development consent under Section 96 of the Environmental Planning and Assessment Act 1979, as amended, to modify approved Development Application No. DA/24/2008/A to

amend condition 3 to allow for a maximum of 90 children at the child care centre at No. 2 Byron Street, Coogee, subject to the following conditions:

Amend Condition No.'s 1 & 3 to read:

1. The development must be implemented substantially in accordance with the plans prepared by Robertson and Marks, project number 6556, being Rev A drawings numbered DA01 to DA11 consecutively, dated as received by Council 21 January 2008, the application form and any supporting information received with the application, except as amended by the Section 96 "A" plans and supporting documentation ***received by Council on 21 July 2014 & 31 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.

Condition No. 3 is amended to read:

Environmental Amenity

3. The childcare centre indoor and outdoor areas shall not exceed a maximum number of 90 children at any one time and the children numbers shall be managed in accordance with the approved plan of management.

The following conditions are added:

85. A validation report must be obtained from a suitably qualified and experienced consultant in acoustics three (3) months after the business commences the use of the premises with 90 children and from time to time as reasonably requested by Council. The report should demonstrate and certify that noise and vibration from the development satisfies the relevant provisions of the *Protection of the Environment Operations Act 1997*, NSW Office of Environment & Heritage/Environment Protection Authority Noise Control Manual & Industrial Noise Policy and conditions of Council's development consent.

The report is to be forwarded to and approved by Council. This report must address (but not limited to) the accumulation effect of mechanical plant and equipment and noise generated from children in the outdoor play areas. Any recommendations outlined in the acoustic report are to be implemented in accordance with the report.

86. Music is not to be played in the outdoor play areas at any time.
87. The operation of the child care centre shall be in accordance with the Plan of Management dated 29 October 2014 titled proposed childcare centre "Coogee Diggers 2 Byron Street Coogee" unless otherwise stated by this development consent.

GENERAL 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 requirements. This information does not form part of the conditions of development consent pursuant to Section 80A of the Act.

- A4 The applicant and operator are also advised to engage the services of a suitably qualified and experienced Acoustic consultant, prior to finalising the design and construction of the development, to ensure that the relevant noise

criteria and conditions of consent can be fully satisfied.

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

**D9/15 Development Application Report - 18 Randwick Street, Randwick
(DA/373/2014)**

PL10/15

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 Height of Buildings 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 & 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.373/2014 for alteration and additions to the existing dwelling at No. 18 Randwick Street Randwick subject to the following non standard conditions and the standard conditions contained in the development application compliance report attached to this report:

Non standard condition

Amendment of Plans & Documentation

2. The approved plans and documents must be amended in accordance with the following requirements:
- a. A privacy screen having a height of 1600mm above the floor level of the deck must be provided to southern side of the rear deck. 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.

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

**D10/15 Development Application Report - 13 Cairo Street, Coogee
(DA/731/2014)**

PL11/15

RESOLUTION: (Stavrinos/Bowen)

- 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 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 & 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. 731/2014 for alterations and additions to the dwelling at 13 Cairo Street Coogee 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 privacy screen to a minimum height of 1600mm above the floor level of the deck is to be installed to the eastern side of the ground level deck for a distance of 6m measured from the rear corner of the deck. Any openings in the privacy screen are not to exceed 25mm in size and the total area of openings is not to exceed 25% of the area of the screen.
 - b. The upper level balcony off the eastern side of the dwelling is to be reduced in depth to a maximum of 1500mm and the pergola above deleted and replaced with a roof cover to a maximum depth of 900mm.

MOTION: (Matson/Andrews) that this matter be deferred to allow for the submission of amended plans to achieve a 3000mm floor to floor separation on the ground floor. **LOST.**

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

FOR	AGAINST
Councillor Andrews	Councillor Belleli
Councillor Matson	Councillor Bowen
Councillor Moore	Councillor D'Souza
Councillor Neilson	Councillor Garcia
	Councillor Nash
	Councillor Roberts
	Councillor Seng
	Councillor Shurey
	Councillor Smith
	Councillor Stavrinou
	Councillor Stevenson
Total (4)	Total (11)

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

AMENDMENT: (Andrews/Moore) that the floor to floor separation on the ground floor be 3000mm. **LOST.**

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

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

Total (3)**Total (12)****D11/15 Development Application Report - 496-504 Malabar Road, Maroubra (DA/9/2015)**

PL12/15

RESOLUTION: (Andrews/Stavrinos)

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. 9/2015 for the addition of massage services to the existing health centre at No.3/496-504 Malabar Road, Maroubra, 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:

<i>Plan No.</i>	<i>Drawn by</i>	<i>Dated</i>	<i>Received</i>
Plan 2	Mary Lynch	11/01/2012	09/01/2015

2. All new massage therapists are required to submit the relevant remedial and therapeutic massage qualifications for approval by Council's Manager Development Assessment.

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.

3. The owner of the subject site must advise Council in writing of any change in the tenant that is operating the massage shop and advise the new tenant that they must provide Council with the qualifications of all staff involved in providing massage services prior to commencing the new operation.
4. The premises must not to be used for the purposes of a brothel and in this regard, no sexual services of any kind are to be offered in association with the massage use.
5. The hours of the operation of the business are restricted to:
Monday – Sunday 8.30am – 6.30pm
6. All new massage therapists are required to submit the relevant remedial and therapeutic massage qualifications for approval by Council's Manager

Development Assessment.

7. This consent must be implemented in conjunction with Development Consent No. 14/2012.

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

Miscellaneous Reports

Nil.

Notice of Rescission Motions

A rescission motion on item D1/15 (Development Application Report – 34 Milford Street, Randwick) was submitted by Councillors Bowen, Matson and Neilson in accordance with Council’s Code of Meeting Practice and will be considered at the next Ordinary Council Meeting on 24th February, 2015.

The meeting closed at 9.21pm.

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

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CHAIRPERSON