



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, 14 APRIL 2015 AT 6:05PM

Present:

The Mayor, Councillor T Seng (Central Ward)

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| North Ward | - Councillors K Neilson & K Smith |
| South Ward | - Councillors R Belleli & P Garcia (Chairperson) |
| East Ward | - Councillors T Bowen, M Matson & B Roberts |
| West Ward | - Councillors G Moore, S Nash (Deputy Chairperson) & H Stavrinou |
| Central Ward | - Councillors A Andrews & G Stevenson |

Officers present:

General Manager	Mr R Brownlee
Director City Services	Mr J Frangoules
Director City Planning	Ms S Truuvet
Director Governance & Financial Services	Mr J Smith
Manager Development Assessment	Mr K Kyriacou
Senior Administrative Coordinator	Ms J Hartshorn
Communications Manager	Mr J Hay
Economic Development Officer	Ms S Williamson

The meeting was adjourned 6.05pm and was resumed at 6.07pm.

Apologies/Granting of Leave of Absences

Apologies were received from Cr D'Souza and Cr Shurey.

RESOLVED: (Matson/Bowen) that the apologies received from Cr D'Souza and Cr Shurey be accepted and leave of absences from the meeting be granted.

Confirmation of the Minutes

CONFIRMATION OF THE MINUTES OF THE PLANNING COMMITTEE MEETING HELD ON TUESDAY 10 MARCH 2015

PL24/15

RESOLUTION: (Andrews/Stavrinos) that the Minutes of the Planning Committee Meeting held on Tuesday 10 March 2015 (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 Matson declared a significant non pecuniary interest in Item D30/15 as a member of the JRPP. Cr Matson indicated that he would not take part in the debate or the vote on the matter.
- b) Cr Nash declared a significant non pecuniary interest in Item D30/15 as a member of the JRPP. Cr Nash indicated that he would not take part in the debate or the vote on the matter.
- c) Cr Bowen declared a non-significant non pecuniary interest in Item D19/15 as a number of the objectors are known to him.
- d) Cr Neilson declared a non-significant non pecuniary interest in Item D19/15 as a number of the objectors are known to her.
- e) Cr Neilson declared a non-significant non pecuniary interest in Item D24/15 as a number of the objectors are known to her.
- f) Cr Andrews declared a non-significant non pecuniary interest in Items D19/15, D26/15, D27/15 and D29/15 as he is aware of a number of the objectors.
- g) Cr Moore declared a non-significant non pecuniary interest in Item D19/15 as a number of the objectors are known to him.
- h) Cr Seng declared a non-significant non pecuniary interest in Item D28/15 as the applicant is known to him.

PROCEDURAL MOTION: (Neilson/Bowen) that Item D19/15 be brought forward for immediate consideration given the request for the matter to be further deferred until after the school holidays. **LOST.**

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

FOR	AGAINST
Councillor Belleli	Councillor Andrews
Councillor Bowen	Councillor Garcia
Councillor Neilson	Councillor Matson
Councillor Smith	Councillor Moore
	Councillor Nash
	Councillor Roberts
	Councillor Seng
	Councillor Stavrinos
	Councillor Stevenson
Total (4)	Total (9)

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:

- D19/15 263-269 CLOVELLY ROAD, CLOVELLY (DA/566/2014) DEFERRED
- Objector** Lynn Clarke
- Applicant** Graham Pindar (representing the applicant)
- D23/15 369 ARDEN STREET, SOUTH COOGEE (DA/723/2014)
- Objector** James Ingham
- Applicant** Matthew Stubbs (Architect representing the applicant)
- D24/15 29 PARK AVENUE, RANDWICK (DA/855/2014)
- Objector** Shenagh Barnes
- Applicant** Amanda Balding
- D27/15 1179 ANZAC PARADE, MATRAVILLE (DA/994/2011/B)
- Applicant** Peter Flentzeris
- D28/15 8 SIMEON STREET, CLOVELLY (DA/794/2011/D)
- Objector** James Arvanitakis
- Applicant** Nick Skagias
- D29/15 446-448 BUNNERONG ROAD, MATRAVILLE (DA/685/2014)
- Objector** Greg Jex
- Applicant** Max Sgammotta

The meeting was adjourned at 7.18pm and was resumed at 7.34pm.

Urgent Business

Nil.

Development Application Reports

D19/15 Development Application Report - 263-269 Clovelly Road, Clovelly - Deferred (DA/566/2014)

PL25/15

RESOLUTION: (Moore/Andrews) -

- 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 and 4.4 of Randwick Local Environmental Plan 2012, relating to Building Height and Floor Space Ratio respectively, on the grounds that the proposed development complies with the objectives of the above clauses, and will not adversely affect the amenity of the locality, and that the Department of Planning & Environment be advised accordingly.
- B. That Council, as the consent authority, grants development consent under Sections 80 and 80A of the Environmental Planning and Assessment Act 1979, as amended, to Development Application No. 566/2014 for partial demolition, alterations and additions to the existing building for the establishment of a child care centre catering for 90 children including a new parking for 7 vehicles off Susan Lane, at No. 263-269 Clovelly Road, subject to the following conditions:

Development Consent Conditions

GENERAL CONDITIONS

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

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

Approved Plans & Supporting Documentation

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

Plan	Drawn by	Dated	Received by Council
DA02 Issue E	Bongiorno Hawkins	12.01.15	15 January,2015
DA03 Issue E	Bongiorno Hawkins	12.01.15	15 January,2015
DA05 Issue E	Bongiorno Hawkins	12.01.15	15 January,2015
DA06 Issue E	Bongiorno Hawkins	12.01.15	15 January,2015
DA07 Issue E	Bongiorno Hawkins	12.01.15	15 January,2015
DA08 Issue E	Bongiorno Hawkins	12.01.15	15 January,2015
DA09 Issue E	Bongiorno Hawkins	12.01.15	15 January,2015
DA 13 Issue E	Bongiorno Hawkins	12.01.15	15 January,2015
DA14 Issue E	Bongiorno Hawkins	12.01.15	15 January,2015
DA15 Issue E	Bongiorno Hawkins	12.01.15	15 January,2015
DA16 Issue E	Bongiorno Hawkins	12.01.15	15 January,2015
DA17 Issue E	Bongiorno Hawkins	12.01.15	15 January,2015
Landscape Plans 1 of 4 to 4 of 4	Tessa Rose	22 July, 2014	19 August 2014
Sample Boards 1 and 2	Tessa Rose		19 August, 2014

Amendment of Plans & Documentation

2. The approved plans and documents must be amended in accordance with the following requirements:
 - a. The proposed lapped and capped timber paling fencing shown adjacent to the eastern boundary is to be replaced by a masonry wall of a minimum height of 1.8m above existing ground level. Details are to be shown on the Construction Certificate Plans.
 - b. The plans are to be amended to incorporate the existing stage area

including wooden floor and steps in accordance with the plan prepared by City Plan Heritage noted as attachment A to the heritage report prepared for DA/566/2014 dated 25 February 2015. Details demonstrating compliance in this regard are to be submitted to and approved by Council's Manager of Development Assessment prior to issue of the Construction Certificate.

REQUIREMENTS BEFORE A CONSTRUCTION CERTIFICATE CAN BE ISSUED

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

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

Consent Requirements

3. The requirements and amendments detailed in the 'General Conditions' must be complied with and be included in the construction certificate plans and associated documentation.
4. A suitably qualified heritage consultant is to be nominated for the project. The heritage consultant's name and qualifications are to be submitted prior to issue of a Construction Certificate. The consultant is to provide technical heritage advice, conduct heritage inductions and inspect the construction works on site.
5. A Schedule of Conservation Works for the existing building detailing the proposed conservation, repair and reinstatement works to the facades, Dress Circle room and its ceiling as well as the vertical original sign of the former cinema (supported by architectural drawings where applicable) shall be prepared in accordance with the principles embodied in the Australia ICOMOS *Burra Charter* and the methodology outlined in J.S. Kerr's *The Conservation Plan*. This Schedule shall be prepared by an architect suitably qualified and experienced in heritage conservation, and shall be to be submitted to and approved by Council's Manager of Development Assessment, in accordance with Section 80A (2) of the Environmental Planning and Assessment Act 1979 prior to a Construction Certificate being issued for the development.
6. An archival recording of the property shall be prepared and submitted to and approved by Council's Manager of Development Assessment in accordance with Section 80A (2) of the Environmental Planning and Assessment Act 1979 prior to a Construction Certificate being issued for the development. This recording shall be in accordance with the NSW Heritage Office 2006 *Guidelines for Photographic Recording of Heritage Items using Film or Digital Capture*. Two copies of the endorsed archival recording shall be presented to Council, one of which shall be placed in the Local History Collection of Randwick City Library.
7. Details of the proposed paint scheme prepared by a suitably qualified colour consultant are to be submitted to and approved by Council's Manager of Development Assessment in accordance with Section 80A (2) of the Environmental Planning and Assessment Act 1979 prior to a construction certificate being issued for the development.
8. The current 2002 Conservation Management Plan for the site shall be revised and updated to reflect the subject works and be prepared in accordance with the principles embodied in the Australia ICOMOS *Burra Charter* and the methodology outlined in J.S. Kerr's *The Conservation Plan*. The revised CMP

shall be prepared by an architect suitably qualified and experienced in heritage conservation, and is to be submitted to the satisfaction of the Heritage Planner and the Director City Planning within 12 months of any approval for the current development.

External Colours, Materials & Finishes

9. Details of the proposed colours, materials and textures (i.e. a schedule and brochure/s or sample board) are to be submitted to and approved by Council's Manager Development Assessments prior to issuing a construction certificate for the development.

Section 94A Development Contributions

10. In accordance with Council's Section 94A Development Contributions Plan effective from 12 July 2012, based on the development cost of 3,420,000.00 the following applicable monetary levy must be paid to Council: \$32,400.00.

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

11. The required Long Service Levy payment, under the *Building and Construction Industry Long Service Payments Act 1986*, must be forwarded to the Long Service Levy Corporation or the Council, in accordance with Section 109F of the *Environmental Planning & Assessment Act 1979*.

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

Security Deposit

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

- \$10,000.00 - Damage / Civil Works Security Deposit

The damage/civil works security deposit may be provided by way of a cash, cheque or credit card payment and is refundable upon a satisfactory inspection by Council upon the completion of the civil works which confirms that there

has been no damage to Council's infrastructure.

The owner/builder is also requested to advise Council in writing and/or photographs of any signs of existing damage to the Council roadway, footway, or verge prior to the commencement of any building/demolition works.

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

Design Alignment levels

13. 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, shall be:

Susan Lane frontage

- **50mm above the edge of bitumen at all points opposite, along the full site frontage.**

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

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

14. The above alignment levels and the site inspection by Council's Development Engineer have been issued at a prescribed fee of \$150.00 (inclusive of GST). This amount is to be paid prior to a construction certificate being issued for the development.

Carpark Design

15. The internal carspaces must be designed and constructed in accordance with Australian Standard 2890.1 (2004) – Off Street Car Parking and the following additional requirements;

- The carspaces must match the alignment levels at the property boundary (as specified by Council)
- The carspaces must include wheel stops to prevent vehicles colliding with the carpark's southern wall to the requirements of AS 2890.1.

Details of compliance are to be included in the construction certificate documentation.

Stormwater Drainage

16. Surface water/stormwater (from the redeveloped portion of the site) must be drained and discharged to the street gutter in front of the site to the satisfaction of the certifying authority and details of the proposed stormwater drainage system are to be included in the construction certificate details for the development.

Details of any works proposed to be carried out in or on a public road/footway are to be submitted to and approved by Council prior to commencement of works.

Sydney Water

17. 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 Development* then *Building and Renovating*, or telephone 13 20 92.

The Principal Certifying Authority must ensure that a Sydney Water Quick Check Agent has appropriately stamped the plans.

Waste Management

18. A Waste Management Plan detailing the waste and recycling storage and removal strategy for all of the development, is required to be submitted to and approved by Council's Director of City Planning.

The Waste Management plan is required to be prepared in accordance with Council's Waste Management Guidelines for Proposed Development and must include the following details (as applicable):

- The use of the premises and the number and size of occupancies.
- The type and quantity of waste to be generated by the development.
- Demolition and construction waste, including materials to be re-used or recycled.
- Details of the proposed recycling and waste disposal contractors.
- Waste storage facilities and equipment.
- Access and traffic arrangements.
- The procedures and arrangements for the on-going waste management of the childcare centre including collection, storage and removal of waste and recycling of materials.

Further details of Council's requirements and guidelines, including pro-forma Waste Management plan forms can be obtained from Council's Customer Service Centre.

Street Tree Management

19. The applicant must submit a total payment of \$2,851.75 (including GST), to cover the cost for Council to:
- a. Remove, stump-grind and dispose of the row of eight existing *Cupaniopsis anacardioides* (Tuckeroo's) spaced evenly along the length of the Knox Street frontage, between Susan Lane and Clovelly Road (including the 3rd tree back from Clovelly Rd that has already been cut off at stump level), so as to accommodate the external civil works that are required along this frontage, including a relocated/reconstructed kerb, road re-construction, indented parking bays and a widened public footpath;
 - b. Supply, plant and maintain 5 x 25 litre new street trees, *Banksia serrata* (Saw Toothed Banksia's) along the length of the Knox Street frontage, spaced evenly between Susan Lane and Clovelly Road at the completion of all works.

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

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

20. Fully detailed plans and specifications of the proposed rock removal and structural works adjacent to the Susan Lane frontage (including details of any ground anchors if required) as well as certification from a profession Structural Engineer are to be submitted to and approved by the Director of City Services prior to the issuing of a construction certificate. The plans shall demonstrate compliance with the following;

- There must be no loss of support for the roadway in Susan Lane
- The proposed works must eliminate any on-going potential for rock to fall into the development site or neighbouring properties.
- Adequate provision must be made for drainage of seepage and/or stormwater between the rock face and proposed wall.

Design, Construction & Fit-out of Food Premises

21. 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).

The premises is to be designed and constructed in accordance with the Food Act 2003, Food Regulation 2010, Australia & New Zealand Food Standards Code and Australian Standard AS 4674-2004, Design, construction and fit-out of food premises. Details of the design and construction of the premises are to be included in the documentation for the construction certificate to the satisfaction of the certifying authority.

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

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

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

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

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

- d. The ceilings of kitchens, food preparation areas, storerooms and the like are to be of rigid smooth-faced, non absorbent material (i.e. fibrous plaster, plasterboard, fibre cement sheet, cement render or other approved material), with a light coloured washable paint finish. 'Drop-down' ceiling panels must not be provided in food preparation or cooking areas.
- e. All stoves, refrigerators, bain-maries, stock pots, washing machines, hot water heaters, large scales, food mixers, food warmers, cupboards, counters, bars etc must be supported on wheels, concrete plinths a minimum 75mm in height, metal legs minimum 150mm in height, brackets or approved metal framework of the like.
- f. Cupboards, cabinets, benches and shelving may be glass, metal, plastic, timber sheeting or other approved material. The use of particleboard or similar material is not permitted unless laminated on all surfaces.
- g. Fly screens and doors with self-closing devices, are to be provided to all external door and window openings and an electronic insect control device/s are to be provided in suitable locations within the food premises.
- h. A mechanical ventilation exhaust system is to be installed where cooking or heating processes are carried out in the kitchen or in food preparation areas, where required under the provisions of Clause F4.12 of the BCA and Australian Standard AS 1668 Parts 1 & 2.

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

- i. Wash hand basins must be provided in convenient positions located in the food preparation areas, with hot and cold water, together with a sufficient supply of soap and clean towels. The hot and cold water must be supplied to the wash hand basins through a suitable mixing device.
- j. Cool rooms or freezers must have a smooth epoxy coated concrete floor, which is to be sloped to the door. A floor waste connected to the sewer is to be located outside the cool room/freezer. The floor waste should be provided with a removable basket within a fixed basket arrestor and must comply with Sydney Water requirements.
- k. All cool rooms and freezers must be able to be opened from the inside without a key and fitted with an alarm (bell) that can only be operated from within the cool room/freezer.
- l. Any space or gap between the top of any cool room or freezer and the ceiling must be fully enclosed and kept insect and pest proof (e.g. plasterboard partition with gaps sealed).

Sydney Water Requirements

23. 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 Development* then *Building and Renovating*, or telephone 13 20 92.

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

24. Liquid trade waste materials are to be drained to the sewer (via a suitable grease trap) and details of compliance are to be submitted to the Certifying Authority.

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

25. 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.

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

26. 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.

Dilapidation Reports

27. 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

28. Noise and vibration emissions during the construction of the building and associated site works must not result in damage to nearby premises or result in an unreasonable loss of amenity to nearby residents and the relevant 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

29. 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

30. 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.*

Civil Works

31. A separate written approval from Council is required to be obtained in relation to all works which are located externally from the site within the road reserve/public place, in accordance with the requirements of the Roads Act 1993. Detailed plans and specifications of the proposed works are to be submitted to and approved by the Director of City Services & Randwick Traffic Committee prior to commencing of any works within the road reserve.

All works within the road reserve must be carried out to the satisfaction of Council and certification from a certified practicing engineer is to be provided to Council upon completion of the works.

Relevant Council assessment and inspection fees, as specified in Council's adopted Pricing Policy, are required to be paid to Council prior to commencement of the works.

NOTES

- The proposed median on Clovelly Road is not required
- The applicant shall liaise with Council's Coordinator of Engineering Services & Department of Integrated Transport to discuss the above requirements and to arrange placement of item/s on the agenda for the next available meeting of Randwick Traffic Committee.

Construction Traffic Management

32. An application for a 'Works Zone' and Construction Traffic Management Plan must be submitted to Council's Integrated Transport Department, and approved by the Randwick Traffic Committee, for a 'Works Zone' to be provided in Clovelly Road and/or Knox Street for the duration of the demolition & construction works.

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

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

33. A detailed Construction Site Traffic Management Plan must be submitted to and approved by Council, prior to the commencement of any site work.

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

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

The approved Construction Site Traffic Management Plan must be complied with at all times, and any proposed amendments to the approved Construction Site Traffic Management Plan must be submitted to and be approved by Council in writing, prior to the implementation of any variations to the Plan.

34. Any necessary approvals must be obtained from NSW Police, Roads & Maritime Services, Transport, and relevant Service Authorities, prior to commencing work upon or within the road, footway or nature strip.

Public Utilities

35. 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.
36. 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

37. 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

38. 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

39. 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

40. 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

41. 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

42. 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

43. 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

- 44. 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.
- 45. 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.

- 46. 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

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

Tree Management

48. Approval is granted for removal of the self-seeded *Morus nigra* (Mulberry) that is growing out of the wall along the northern site boundary, fronting Susan Lane, as well as the *Banksia integrifolia* (Coastal Banksia) that is growing out of the wall along the western site boundary, fronting Knox Street.

Road/Asset Opening Permit

49. Any openings within or upon the road, footpath, nature strip or in any public place (i.e. for proposed drainage works or installation of services), must be carried out in accordance with the following requirements, to the satisfaction of Council:

- a) A *Road / Asset Opening Permit* must be obtained from Council prior to carrying out any 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.
- b) Council's *Road / Asset Opening Officer* must be notified at least 48 hours in advance of commencing any excavation works and also immediately upon completing the works (on 9399 0691 or 0409 033 921 during business hours), to enable any necessary inspections or works to be carried out.
- c) Relevant *Road / Asset Opening Permit* fees, construction fees, inspection fees and security deposits, must be paid to Council prior to commencing any works within or upon the road, footpath, nature strip or other public place,
- d) The owner/developer must ensure that all works within or upon the road reserve, footpath, nature strip or other public place are completed to the satisfaction of Council, prior to the issuing of a *final occupation certificate* or occupation of the development (whichever is sooner).
- e) Excavations and trenches must be back-filled and compacted in accordance with AUSPEC standards 306U.

- f) Excavations or trenches located upon a road or footpath are required to be provided with 50mm depth of cold-mix bitumen finish, level with the existing road/ground surface, to enable Council to readily complete the finishing works at a future date.
- g) Excavations or trenches located upon turfed areas are required to be back-filled, compacted, top-soiled and re-turfed with Kikuyu turf.
- h) The work and area must be maintained in a clean, safe and tidy condition at all times and the area must be thoroughly cleaned at the end of each days activities and upon completion.
- i) The work can only be carried out in accordance with approved hours of building work as specified in the development consent, unless the express written approval of Council has been obtained beforehand.
- j) Sediment control measures must be implemented in accordance with the conditions of development consent and soil, sand or any other material must not be allowed to enter the stormwater drainage system or cause a pollution incident.
- k) The owner/developer must have a Public Liability Insurance Policy in force, with a minimum cover of \$10 million and a copy of the insurance policy must be provided to Council prior to carrying out any works within or upon the road, footpath, nature strip or in any public place.

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

50. 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.

Food Safety

51. The kitchen must be inspected by Council's Environmental Health Officer to ascertain compliance with relevant Food Safety Standards and the written approval of Council (being the relevant Food Authority for this food business) must be obtained prior to the operation of the food business.
52. The acoustic mitigation measures outlined in acoustic report undertaken by

RSA Acoustics dated 15 January 2015, Doc Reference Report 13260R6 are to be implemented in accordance with section 7 of the acoustic report. Details of acoustic attenuation fixed measures compliance shall be provided to the principal certifying authority prior to issuing a construction certificate.

Council's Infrastructure, Vehicular Crossings, street verge

53. Subject to the approval of Randwick Traffic Committee where appropriate, the applicant must meet the full cost for a Council approved contractor to:
- a. Remove existing kerb & gutter on eastern side of Knox Street as required and construct new kerb and gutter & indented parking bay approximately 3.6m from boundary alignment to Council's requirements & satisfaction.
 - b. Carry out a full depth, minimum 2.0 metre wide, road construction in front of the new kerb and gutter along the Knox street frontage, to Council's specifications and requirements.
 - c. Remove the existing 1.3m wide footpath and replace with a **1.8m** wide concrete footpath along the full site frontage on Knox Street.
 - d. Remove & replace full width concrete footpath on Clovelly Road frontage including any works required for the proposed disabled parking space.
 - e. Adjust centerline markings in Knox Street to ensure compliance with Rule 208 of the Australian road rules
 - f. Install any road signage as required including at the proposed location of the pickup and drop-off zones on Clovelly Road and Knox Street stating "15 minute parking 7:00-9:00am 3:30-6:30pm Mon-Fri" (unless varied by RTC).
 - g. Remove the existing guard rail and construct gutter and layback including any associated roadworks along the Susan Lane frontage for the carpark access.
54. 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.
55. 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 *Civil 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.
56. That part of the nature-strip upon Council's footway which is damaged during the construction of the proposed works shall be excavated to a depth of 150mm, backfilled with topsoil equivalent with 'Organic Garden Mix' as supplied by Australian Native Landscapes, and re-turfed with Kikuyu turf or similar. Such works shall be completed at the applicant's expense.
57. At the completion of works, certification from a certified practicing structural engineer for all structural works adjacent to the Susan Lane frontage is to be submitted to the satisfaction of the PCA and Council (if Council is not the PCA). The certification is to include stated compliance with the relevant conditions of consent.
58. Prior to release of an Occupation Certificate a report by a suitably qualified consultant is to be submitted to the PCA and Council (if Council is not the PCA) demonstrating acceptable levels of potential exposure impact on the centre and its occupants from sources of potentially significant electromagnetic devices within 300m of the site.

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.

External Lighting

59. 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.

Hours of Operation

60. The hours of the operation of the business are restricted to the following:-

Monday – Friday only: 7:00am – 6:00pm.

Deliveries (including the loading and unloading of goods) are restricted to:

Monday to Friday only: 7:00am - 6.00pm

Food Storage

61. All food preparation, cooking, display and storage activities must only be carried out within the approved food premises.

Storage shall be within appropriate shelves, off the floor and in approved storage containers. External areas or structures must not be used for the storage, preparation or cooking of food, unless otherwise approved by Council in writing and subject to any necessary further approvals.

Food Safety Requirements

62. The food premises must be registered with Council's Health, Building &

Regulatory Services Department and the NSW Food Authority in accordance with the Food Safety Standards, prior to commencing business operations.

63. A numerically scaled indicating thermometer or recording thermometer, accurate to the nearest degree Celsius being provided to refrigerators, cool rooms, other cooling appliances and bain-maries or other heated food storage/display appliances. The thermometer is to be located so as to be read easily from the outside of the appliance.

A digital probe type thermometer must also be readily available to check the temperature of food items.

64. All food that is to be kept hot should be heated within one (1) hour from the time when it was prepared or was last kept cold, to a temperature of not less than 60°C and keep this food hot at or above the temperature. Food that is to be kept cold should be cooled, within four (4) hours from the time when it was prepared or was last kept hot, to a temperature of not more than 5°C and keep this food cold at or below that temperature.

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

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

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

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

66. The food premises must be kept in a clean and sanitary condition at all times, including all walls, floors, ceilings, fixtures, fittings, appliances, equipment, fridges, freezers, cool rooms, shelving, cupboards, furniture, crockery, utensils, storage containers, waste bins, light fittings, mechanical ventilation & exhaust systems & ducting, storage areas, toilet facilities, basins and sinks.

Environmental Amenity

67. There are to be no emissions or discharges from the premises which will give rise to a public nuisance or result in an offence under the *Protection of the Environment Operations Act 1997* and *Regulations*.
68. A validation report must be obtained from a suitably qualified and experienced consultant in acoustics three (3) months after the business commences trading 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 area. Any recommendations outlined in the acoustic report are to be implemented in accordance with the report.

69. The operation of the site and the project specific criteria for noise emissions shall be in accordance with the acoustic report by RSA Acoustics dated 15 January 2015, Doc Reference 13260R6 Noise Assessment unless otherwise stated by this development consent.
70. Amplified music is not to be played in the outdoor play areas at any time.
71. The outdoor areas on level 2 (uppermost floor) are not to be used in association with any periodic after hours events.
72. The ROW serving the site from Fewings Street is not to be used for vehicular access in association with the child care centre usage of the site.
73. A detailed plan of management shall be reviewed by a suitably qualified acoustic consultant and submitted for approval by Council's Manager Development Assessment prior to an occupation certificate being issued, which shall include but not be limited to:
 - recommendations included in acoustic report prepared by RSA Acoustics section 7 ref no:13260R6 dated January 2015,
 - shall include approved children numbers for all outdoor areas,
 - ensure compliance with the relevant conditions of approval,
 - minimise the potential impact of the operation of the premises upon nearby residents,
 - effectively manage behaviour of children including but not limited to outdoor areas,
 - clearly state permitted numbers of children in outdoor areas
 - minimise noise emissions and associated nuisances,
 - effectively manage and respond to resident complaints.,
 - detail the frequency and likely duration of periodic after hours events
74. The childcare centre shall not exceed a maximum number of 90 children at any one time.
75. Outdoor areas shall be used in accordance with RSA Acoustic report dated January 2015 doc. Ref: 13260R6 and the approved plan of management at all times.
76. Signs shall be erected in each outdoor area with the maximum permitted number of children clearly displayed in accordance with RSA Acoustic report dated January 2015 doc. Ref: 13260R6 and the approved plan of management.
77. The childcare centre shall be operated in accordance with the approved plan of management and conditions of consent at all times.
78. The proposed use of the premises and the operation of all plant and equipment must not give rise to an 'offensive noise' as defined in the Protection of the Environment Operations Act 1997 and Regulations.

In this regard, the use and operation of the premises (including all plant and equipment) shall not give rise to a sound pressure level at any affected premises that exceeds the background (L_{A90}), 15 min noise level, measured in

the absence of the noise source/s under consideration by more than 5dB(A). The source noise level shall be assessed as an $L_{Aeq, 15 \text{ min}}$ and adjusted in accordance with the NSW Office of Environment & Heritage/Environment Protection Authority Industrial Noise Policy 2000 and Environmental Noise Control Manual (sleep disturbance).

Waste Management

79. Adequate provisions are to be made within the confines of the premises for the storage, collection and disposal of waste and recyclable materials, to the satisfaction of Council, prior to commencing business operations.

The waste storage area must be located within the property and not within any areas used for the preparation or storage of food.

A tap and hose is to be provided within or near the waste storage area and suitable drainage provided so as not to cause a nuisance.

Waste/recyclable bins and containers must not be placed on the footpath (or road), other than for waste collection, in accordance with Council's requirements.

80. Trade/commercial waste materials must not be disposed via council's domestic garbage service. All trade/commercial waste materials must be collected by Council's Trade Waste Service or a waste contractor authorised by the Waste Service of New South Wales and details of the proposed waste collection and disposal service are to be submitted to the Council prior to commencing operation of the business.

Sanitary Facilities

81. Sanitary facilities, plus wash hand basin and paper towel dispenser or hand dryer and appropriate signage, must be provided for customers and staff and be maintained in a clean and sanitary condition at all times.

Regulatory Requirements

82. The primary purpose of the premises is for the provision of food and the premises must not to be used principally, for the sale, supply and consumption of alcohol.

The written approval of Council and a relevant Liquor Licence under the (*Liquor Act 2007*) must be obtained beforehand for any proposed sale, supply and consumption of alcohol on the premises.

Plant & Equipment

83. 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

84. 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.

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.

- A1 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.

- A2 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.

- A3 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.

- A4 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.

- A5 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.

- A6 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.
- A7 This consent does not authorise any trespass or encroachment upon any adjoining or supported land or building whether private or public. Where any underpinning, shoring, soil anchoring (temporary or permanent) or the like is proposed to be carried out upon any adjoining or supported land, the land owner or principal contractor must obtain:
- the consent of the owners of such adjoining or supported land to trespass or encroach, or
 - an access order under the *Access to Neighbouring Land Act 2000*, or
 - an easement under section 88K of the *Conveyancing Act 1919*, or
 - an easement under section 40 of the *Land & Environment Court Act 1979*, as appropriate.
- Section 177 of the *Conveyancing Act 1919* creates a statutory duty of care in relation to support of land. Accordingly, a person has a duty of care not to do anything on or in relation to land being developed (the supporting land) that removes the support provided by the supporting land to any other adjoining land (the supported land).
- A8 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.
- A9 Demolition work and removal of asbestos materials:
- *A copy of Council's Asbestos Policy is available on Council's web site at www.randwick.nsw.gov.au in the Building & Development section or a copy can be obtained from Council's Customer Service Centre.*
 - *It is the responsibility of the persons undertaking demolition work to obtain the relevant WorkCover licences and permits.*
- A10 Any external lighting to the premises should be designed and located so as to minimise light-spill beyond the property boundary or cause a public nuisance.
- A11 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.

AMENDMENT: (Neilson/Smith) that the application be approved, subject to a reduction in the number of children from 90 to 60. **LOST.**

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

FOR

AGAINST

Councillor Belleli
Councillor Neilson
Councillor Smith

Total (3)

Councillor Andrews
Councillor Bowen
Councillor Garcia
Councillor Matson
Councillor Moore
Councillor Nash
Councillor Roberts
Councillor Seng
Councillor Stavrinou
Councillor Stevenson

Total (10)

AMENDMENT: (Neilson/Bowen) that the application be approved, subject to the operating hours (Condition 60) being amended as follows:

60. The hours of the operation of the business are restricted to the following:

Monday – Friday only: 7:30am – 6:00pm.

Deliveries (including the loading and unloading of goods) are restricted to:

Monday to Friday only: 7:30am - 6.00pm. **LOST.**

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

FOR	AGAINST
Councillor Belleli	Councillor Andrews
Councillor Bowen	Councillor Garcia
Councillor Neilson	Councillor Matson
Councillor Smith	Councillor Moore
	Councillor Nash
	Councillor Roberts
	Councillor Seng
	Councillor Stavrinou
	Councillor Stevenson
Total (4)	Total (9)

Cr Smith left the meeting at this point and did not return (8:05pm).

MOTION: (Moore/Andrews) CARRIED – SEE RESOLUTION.

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

FOR	AGAINST
Councillor Andrews	Councillor Belleli
Councillor Garcia	Councillor Bowen
Councillor Matson	Councillor Neilson
Councillor Moore	Councillor Stevenson
Councillor Nash	
Councillor Roberts	
Councillor Seng	
Councillor Stavrinou	
Total (8)	Total (4)

D20/15 Development Application Report - 3 Pardey Street, Kingsford (DA/57/2015)

PL26/15

RESOLUTION: (Andrews/Moore) 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/57/2015 for alterations and additions to the front of the existing dwelling house including construction of a new hard stand car space, car port and front fence, at No. 3 Pardey Street, Kingsford, subject to the following non standard conditions and the standard conditions contained in the development application compliance report attached to this report:

Nonstandard conditions

Amendment of Plans & Documentation

2. The approved plans and documents must be amended in accordance with the following requirements:
 - a. Any work to the front pier, shared with number 1 Pardey Street, must not impact on the structural integrity of the pier, and be wholly within the boundary of No. 3 Pardey Street, unless written consent is obtained from the owner of No. 1 Pardey Street, allowing the reconstruction of the pier.
 - b. Any works to the front pier, shared with number 5 Pardey Street, and construction of a new pier, must be wholly within the boundary of No. 3 Pardey Street, unless written consent is obtained from the owner of No. 5 Pardey Street, allowing reconstruction of the pier.
 - c. The upper two thirds of the front boundary fence must be at least 30% open in accordance with the Randwick Development Control Plan.

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, shall be:
 - **Western pedestrian access - Match the existing boundary level**
 - **29.20m AHD at the vehicular crossing**
 - **Eastern Pedestrian access – match existing boundary level.**

The design alignment levels 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 0906.

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

D21/15 Development Application Report - 198-202 Marine Parade, Maroubra (DA/901/2014)

PL27/15

RESOLUTION: (Andrews/Moore) that Council, as the consent authority, refuse development consent under Sections 80 of the Environmental Planning and Assessment Act 1979, as amended, to Development Application No. 901/2014 to authorise the use of the partially constructed pergola, construction of new elements of the partially constructed pergola and use as a garden with associated landscaping works at No. 198-202 Marine Parade, Maroubra for the following reasons:

Reasons for Refusal

1. The proposed development fails to meet the objectives of the B1 Neighbourhood Centre zone under the *Randwick Local Environmental Plan 2012* in that the impact of the development does not protect the amenity of nearby residents.
2. The proposed development has not demonstrated that an acceptable level of acoustic amenity will be maintained to neighbouring residential properties and fails to meet the objectives for acoustic privacy as set out in Part D7 Section 25 of the *Randwick Development Control Plan 2013 – Maroubra Beach Town Centre*.

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

**D22/15 Development Application Report - 225 Clovelly Road, Clovelly
(DA/583/2014)**

PL28/15

RESOLUTION: (Neilson/Andrews) –

- 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 and 4.4 of the *Randwick Local Environmental Plan 2012*, relating to height of buildings and floor space ratio, on the grounds that the proposed development complies with the objectives of the above clauses, and will not adversely affect the amenity of the locality, and that the Department of Planning & Environment be advised accordingly.
- B. That Council, as the consent authority, grants development consent under Sections 80 and 80A of the *Environmental Planning and Assessment Act 1979*, as amended, to Development Application No. 583/2014 for demolition of existing building and construction of four storey residential flat building and basement parking, at No. 225 Clovelly road, Clovelly, subject to the following non standard conditions and the standard conditions contained in the development application compliance report attached to this report:

Non standard conditions

Heritage

11. A report shall be prepared by a professional engineer and submitted to the certifying authority prior to the issuing of a construction certificate, detailing the proposed methods of excavation, shoring or pile construction, including details of potential vibration emissions. The report, must demonstrate the suitability of the proposed methods of construction to overcome any potential damage to nearby heritage items.

Any practices or procedures specified in the engineer's report in relation to the avoidance or minimisation of structural damage to nearby premises, must be fully complied with and incorporated into the documentation for the construction certificate.

A copy of the engineers report is to be submitted to the Council, if the Council is not the certifying authority.

12. An archival recording of the property shall be prepared and submitted to and approved by Council's Director City Planning, in accordance with Section 80A (2) of the *Environmental Planning and Assessment Act 1979* prior to a construction certificate being issued for the development. This recording shall be in accordance with the NSW Heritage Office 2006 Guidelines for Photographic Recording of Heritage Items using Film or Digital Capture. Three copies of the endorsed archival recording shall be presented to Council, one of

which shall be placed in the Local History Collection of Randwick City Library and one will be forwarded to the Randwick and District Historical Society.

13. A salvage plan shall be prepared and submitted to and approved by Council's Director City Planning, in accordance with Section 80A (2) of the Environmental Planning and Assessment Act 1979 prior to a construction certificate being issued for the development. The salvage plan is required to ensure that materials including fireplaces, architraves, skirtings, windows, doors and remnant components of significant heritage fabric are carefully removed and sold or donated to a heritage salvaging yard to facilitate the conservation of other buildings of a similar period.
14. An Interpretation Plan for the site is to be prepared and submitted to and approved by Council's Director City Planning, in accordance with Section 80A (2) of the Environmental Planning and Assessment Act 1979 prior to a construction certificate being issued for the development. The recommendations of the Interpretation Plan are to be implemented in conjunction with the development. The Interpretation Plan is to guide the design and content of an interpretative panel or other medium as appropriate, to be installed in the common area of the new building, describing the history of the site and the local area.
15. In the unlikely event that historical archaeological remains or deposits are exposed during the works, all work should cease while an evaluation of their potential extent and significance is undertaken and the NSW Heritage Office notified under the requirements of the Heritage Act.

Landscaping

16. The development site is located in the Clovelly Road Commercial Centre. The applicant should provide a site specific Public Domain Plan.

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

D23/15 Development Application Report - 369 Arden Street, South Coogee (DA/723/2014)

PL29/15

RESOLUTION: (Matson/Roberts) that Council, as the consent authority, grants development consent under Sections 80 and 80A of the Environmental Planning and Assessment Act 1979, as amended, to Development Application No. DA/723/2014 for alterations and additions to the existing semi detached dwelling including new first floor level at No. 369 Arden Street, South Coogee, subject to the following non standard conditions and the standard conditions contained in the development application compliance report attached to this report:

Nonstandard conditions

Amendment of Plans & Documentation

2. The approved plans and documents must be amended in accordance with the following requirements:
 - a. The rear setback of the first floor addition shall be increased to 7.5m from the rear boundary to comply with the rear setback control of the DCP 2013. This will result in the first floor balcony having a maximum a depth of 1.016m and deletion of the structure over the ground floor balcony as amended in red on the approved plans.
 - b. The rear ground floor balcony must be set back a minimum of 100mm from the northern side boundary to allow the construction of a retaining

wall.

- c. Access must be provided from the proposed building to the north west corner of the rear yard adjacent to the outdoor dining area in order to allow maintenance of this space given the irregular boundary of the property.
- d. The sections detailed in drawing DA1.02 received by Council on 23 October 2014 shall be amended to reflect the changes submitted to Council on 25 February 2015.
- e. Prior to the issue of a Construction Certificate, the BASIX Certificate shall be amended to reflect the approved plans.

Tree Management

31. Approval is granted for removal of the following:
 - a. The semi-mature *Persea americanna* (Avocado) growing centrally in the rear yard, adjacent the rear access stairs, so as to accommodate works associated with the ground floor extension and first floor in this same area as shown;
 - b. Those most western *Archontophoenix cunninghamiana* (Bangalow Palms) in the group that are planted in the rear yard, along the northern site boundary, only where necessary to accommodate the works.

Note: The approval provided at point 'b' above has been included following receipt of written approval from the neighbour/tree owner at no.367, confirming that they are satisfied for these palms to be removed as part of the DA works within no.369.

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

D24/15 Development Application Report - 29 Park Avenue, Randwick (DA/855/2014)

PL30/15

RESOLUTION: (Andrews/Roberts) that Council, as the consent authority, grants development consent under Sections 80 and 80A of the Environmental Planning and Assessment Act 1979, as amended, to Development Application No. 855/2014 for the demolition of an existing dwelling house and construction of a new part 1 part 2 storey dwelling house, rear swimming pool, front double garage, associated site and landscaping works, at 29 Park Avenue, 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

Approved Plans & Supporting Documentation

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

Plan	Drawn by	Dated	Received by Council
A001 C	John House	19.03.15	19 March 2015
A002 C	Architect	19.03.15	19 March 2015
A003 C		19.03.15	19 March 2015
A004 B		27.11.14	2 December 2014

A005 B		27.11.14	2 December 2014
A200 C		19.03.15	19 March 2015
A201 C		19.03.15	19 March 2015
A300 B		27.11.14	2 December 2014

BASIX Certificate No.	Dated	Received by Council
588/242S_04	27 November 2014	2 December 2014

Amendment of Plans & Documentation

2. The approved plans and documents must be amended in accordance with the following requirements:
 - a. The pool heater located on top of the roof shall be flush with the roof and not extend more than 150mm above the roof line.

Earthworks and structural adequacy

3. A report must be obtained from a suitably qualified and experienced *professional engineer/s*, which includes the following details, to the satisfaction of the Certifying Authority for the development:-
 - a) Geotechnical details which confirm the suitability and stability of the site for the development and relevant design and construction requirements to be implemented to ensure the stability and adequacy of the development and adjacent land.
 - b) Details of the proposed methods of excavation and support for the adjoining land (including any public place) and buildings.
 - c) Details to demonstrate that the proposed methods of excavation, support and construction are suitable for the site and should not result in any damage to the adjoining premises, buildings or any public place, as a result of the works and any associated vibration.
 - d) The adjoining land and buildings located upon the adjoining land must be adequately supported at all times throughout demolition, excavation and building work, to the satisfaction of the *Principal Certifying Authority*.
 - e) Written approval must be obtained from the owners of the adjoining land to install any ground or rock anchors underneath the adjoining premises (including any public roadway or public place) and details must be provided to the *Certifying Authority*.
4. 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 buildings, additions to existing buildings and other substantial structures which are proposed to be located within the *zone of influence* of the footings of a building located upon an adjoining premises,
 - buildings sited up to shared boundaries (e.g. terraced or attached buildings),
 - excavations for new buildings, additions to existing buildings which are within rock and may result in vibration and or potential damage to any building 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 the relevant building/s 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.

5. A Certificate must be obtained from a professional engineer, which certifies that the building works satisfy the relevant structural requirements of the Building Code of Australia and approved design documentation, to the satisfaction of the *Principal Certifying Authority*. A copy of which is to be provided to Council.

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

6. 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

7. 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. Any metal roof sheeting is to be pre-painted (e.g. Colourbond) to limit the level of reflection and glare. The northern wall of the garage shall be constructed to an appropriate standard of workmanship and be treated to be consistent with the colour and material scheme of the neighbours dwelling.

Details of the proposed colours, materials and textures (i.e. a schedule and brochure/s or sample board) are to be submitted to and approved by Council's Manager Development Assessments prior to issuing a construction certificate for the development.

Section 94A Development Contributions

8. The applicant shall submit a Quantity Survey report that reflects the approved development, prepared by a Registered Quantity Surveyor. The report shall be submitted to Council for approval, prior to the issue of any construction certificate for the development.

In accordance with Council's Section 94A Development Contributions Plan effective from 12 July 2012, 1% of the development cost provided in the approved Quantity Survey report must be paid to Council.

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:

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

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.

Landscape Plan

14. The Landscape Plans by Secret Gardens, dwgs DA-01-02, revision A, dated 27.11.14 must be amended to show the following:

- a) 1 x 100 litre (pot/bag size at the time of planting) replacement feature tree being planted in the rear yard, in deep soil, at least 2.5m from any dwelling/ structure, selecting a species that will achieve a minimum height of 6 metres at maturity, and is required so as to compensate for the loss of amenity resulting from the removal of all other existing trees in the rear yard so as to accommodate the proposed works;
- b) The podium planting shown on the roof of the cabana structure must involve the use of low growing, low maintenance species only, that will not exceed 600mm in height at maturity, with a minimum soil depth of 250mm to be provided. A planting schedule for this area must be provided to confirm compliance.

AMENDMENT: (Matson/Neilson) that the application be deferred to allow for the submission of amended plans changing the underground parking to a single car space in order to reduce the amount of excavation and provide for deep soil planting. **LOST.**

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

FOR	AGAINST
Councillor Bowen	Councillor Andrews
Councillor Matson	Councillor Belleli
Councillor Neilson	Councillor Garcia
Councillor Seng	Councillor Moore
Councillor Stevenson	Councillor Nash
	Councillor Roberts
	Councillor Stavrinou
Total (5)	Total (7)

AMENDMENT: (Nash/Bowen) that the application be deferred for mediation. **LOST on the CASTING VOTE of the Chairperson.**

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

FOR	AGAINST
Councillor Bowen	Councillor Andrews
Councillor Matson	Councillor Belleli
Councillor Moore	Councillor Garcia (casting vote)
Councillor Nash	Councillor Roberts
Councillor Neilson	Councillor Seng
Councillor Stevenson	Councillor Stavrinou

MOTION: (Andrews/Roberts) CARRIED SEE RESOLUTION.

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

FOR	AGAINST
Councillor Andrews	Councillor Matson
Councillor Belleli	Councillor Moore
Councillor Bowen	Councillor Neilson
Councillor Garcia	
Councillor Nash	
Councillor Roberts	
Councillor Seng	
Councillor Stavrinou	
Councillor Stevenson	
Total (9)	Total (3)

**D25/15 Development Application Report - 5 Howard Street, Randwick
(DA/903/2014)**

PL31/15

RESOLUTION: (Andrews/Moore) -

- 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 4.4(2) of Randwick Local Environmental Plan 2012, relating to Floor Space Ratio, on the grounds that the proposed development complies with the objectives of the above clauses, and will not adversely affect the amenity of the locality, and that the Department of Planning & Environment be advised accordingly.
- B. That Council, as the consent authority, grants development consent under Sections 80 and 80A of the Environmental Planning and Assessment Act 1979, as amended, to Development Application No. 903/2014 for Alterations and additions to the existing dual occupancy including new rear balconies and stairs, at No. 5 Howard 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**Approved Plans & Supporting Documentation**

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

Plan	Drawn by	Dated	Received by Council
Sheet 4 of 9	Wilk + Partners	December 2014	18 December 2014
Sheet 5 of 9	PTY LTD	December 2014	18 December 2014
Sheet 6 of 9	Architectural	December 2014	18 December 2014
Sheet 7 of 9	Services	December 2014	18 December 2014
Sheet 8 of 9		December 2014	18 December 2014
Sheet 9 of 9		December 2014	18 December 2014

BASIX Certificate No.	Dated	Received by Council

A207268	10 December 2014	18 December 2014
A207303	10 December 2014	18 December 2014

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 1.6m above the floor level must be provided to the western and southern side of the upper landing to the spiral stairs. 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.

External Colours, Materials & Finishes

- 4 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 Manager Development Assessments prior to issuing a construction certificate for the development.

Note: The material used for the spiral stair must be non-reflective in order to limit the potential glare from the structure.

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

D26/15 Development Application Report - 16 Glen Avenue, Randwick (DA/198/2012/A)

PL32/15

RESOLUTION: (Andrews/Moore) that Council, as the consent authority, grants development consent under Sections 96 of the Environmental Planning and Assessment Act 1979, as amended, to modify Development Application No. 198/2012/A for the addition of four (4) windows at level 4 along the southern elevation and relocate 1 window at level four (4) in northern wall, at No. 16 Glen Avenue, Randwick, subject to the following non standard conditions and the standard conditions contained in the development application compliance report attached to this report:

Amend Condition No. 1 to read:

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

Plan	Drawn by	Dated	Received
DA05	Habitat	25/05/2012	6 June 2012
DA06A to DA08A	Architects	18/05/2012	
DA09 & DA10		25/05/2012	
DA11A		18/05/2012	

DA12 & DA13		25/05/2012	
DA14A		18/05/2012	
DA15		25/05/2012	
DA16A		18/05/2012	
DA17 & DA18		25/05/2012	
DA23 (Draft Strata Plan)		25/05/2012	
DA25 to DA27		3 September 2012	3 September 2012
Titled Schedule of External Materials and Finishes.		2 March 2012	28 March 2012

BASIX Certificate No.	Dated	Received
413020M_02	28 February 2012	28 March 2012

as amended by the following **Section 96 plans and documentation**:

Plan	Drawn by	Dated	Received
DA09A	Habitat Architects	16.02.15	20 February 2015
DA14B		16.02.15	20 February 2015
DA16B		16.02.15	20 February 2015

BASIX Certificate No.	Dated	Received
413020M_03	20 February 2015	20 February 2015

except as may be amended by the following conditions and as may be shown in red on the attached plans:

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

D27/15 Development Application Report - 1179 Anzac Parade, Matraville (DA/994/2011/B)

PL33/15

RESOLUTION: (Bowen/Stavrinos) that the application be deferred to the next Council meeting to enable the applicant to arrange a speaker.

MOTION: (Bowen/Stavrinos) CARRIED - SEE RESOLUTION.

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

FOR	AGAINST
Councillor Andrews	Councillor Moore
Councillor Belleli	
Councillor Bowen	
Councillor Garcia	
Councillor Matson	
Councillor Nash	
Councillor Neilson	
Councillor Roberts	
Councillor Seng	
Councillor Smith	
Councillor Stavrinos	
Councillor Stevenson	
Total (12)	Total (1)

**D28/15 Development Application Report - 8 Simeon Street, Clovelly
(DA/794/2011/D)**

PL34/15

RESOLUTION: (Roberts/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. 794/2011/D for relocation of the front entry from garage level to ground floor level, internal reconfiguration, changes to the window openings on the northern elevation, changes to the rear staircase from Seaview Street and modification to the external wall materials at No. 8 Simeon Street, Clovelly, subject to the following non standard conditions and the standard conditions contained in the development application compliance report attached to this report:

A. Non standard conditions**• Add Condition 62 to read:**

62. The ridge of the proposed roof shall be reduced, having a height of no greater than RL78.885.

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

**D29/15 Development Application Report - 446-448 Bunnerong Road,
Matrville (DA/685/2014)**

PL35/15

RESOLUTION: (Andrews/Moore) 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. 685/2014 for construction of a part 4 and part 6 shop top housing development containing 5 retail/commercial premises and 22 units, car parking for 40 vehicles at partial ground and 2 basement levels, a central landscaped courtyard and associated works at No. 446-448 Bunnerong Road Matrville, subject to the following non standard conditions and the standard conditions contained in the development application compliance report attached to this report:

Non standard conditions

2. The approved plans and documents must be amended in accordance with the following requirements and details are to be included in the Construction Certificate:
- a) Four adaptable dwellings must be designed and constructed within the development to a minimum Class C Certification under AS4299 Adaptable Housing. Details are to be included in the construction certificate.

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

**D30/15 Development Application Report - JRPP 84-108 Anzac Parade,
Kensington (DA/320/2013/B)**

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

PL36/15

RESOLUTION: (Bowen/Stavrinos) that the assessment report for the Joint Regional Planning Panel in relation to DA/320/2013/B (84-108 Anzac Parade, Kensington) be endorsed by Council.

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

Crs Matson and Nash returned to the meeting at this point (8:46pm).

Miscellaneous Report

M3/15 Miscellaneous Report - Recent Land and Environment Court Decisions (F2006/00383)

PL37/15

RESOLUTION: (Stavrinos/Neilson) that the report be received and noted.

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

Notice of Rescission Motions

Nil.

The meeting closed at 8.47pm.

The minutes of this meeting were confirmed at the Planning Committee Meeting of the Council of the City of Randwick held on Tuesday, 12 May 2015.

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CHAIRPERSON