

**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 JULY 2015 AT 6:09PM**

**Present:**

The Mayor, Councillor T Seng (Central Ward)

North Ward	- Councillors K Neilson, L Shurey & K Smith
South Ward	- Councillors R Belleli, N D'Souza & P Garcia
East Ward	- Councillor M Matson
West Ward	- Councillors G Moore (Chairperson) & H Stavrinis (arrived 6.47pm)
Central Ward	- Councillor A Andrews (arrived 6.49pm)

**Officers present:**

General Manager	Mr R Brownlee
Acting Director City Services	Mr G Bounassif
Director City Planning	Ms S Truuvert
Director Governance & Financial Services	Mr J Smith
Acting Manager Development Assessment	Mr F Ko
Senior Administrative Coordinator	Ms J Hartshorn
Communications Manager	Mr J Hay

**Apologies/Granting of Leave of Absences**

Apologies were received from Cr Bowen, Cr Nash, Cr Roberts and Cr Stevenson.

**RESOLVED: (Smith/Shurey)** that the apologies received from Cr Bowen, Cr Nash, Cr Roberts and Cr Stevenson 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 9 JUNE 2015**

PL60/15

**RESOLUTION: (Smith/Shurey)** that the Minutes of the Planning Committee Meeting held on Tuesday 9 June 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 non-significant non pecuniary interest in Item D48/15 as he knows one of the objectors.
- b) Cr Matson declared a non-significant non pecuniary interest in Item D53/15 as one of the objectors worked at the primary school that his daughter attended.
- c) Cr Smith declared a non-significant non pecuniary interest in Item D54/15 as the solicitor representing one of the objectors is known to him through the Liberal Party.
- d) Cr Seng declared a non-significant non pecuniary interest in Item D54/15 as the solicitor representing one of the objectors is known to him through the Liberal Party.
- e) Cr Seng declared a non-significant non pecuniary interest in Item D48/15 as one of the objectors is a Council staff member.
- f) Cr Stavriou declared a significant non pecuniary interest in Items D48/15 and D53/15 as one of the objectors is a sister of one of his first cousin's wife. Cr Stavriou indicated that he would not take part in the debate or the vote on the matters.
- g) Cr Stavriou declared a non-significant non pecuniary interest in Item D54/15 as the solicitor representing one of the objectors is known to him through the Liberal Party.
- h) Cr Belleli declared a non-significant non pecuniary interest in Item D54/15 as the solicitor representing one of the objectors is known to him through the Liberal Party.
- i) Cr Andrews declared a non-significant non pecuniary interest in Item D48/15 as he knows a number of the objectors and the applicant from living in the City of Randwick.
- j) Cr Andrews declared a non-significant non pecuniary interest in Item D52/15 as he is aware of the applicant and objectors from living in the City of Randwick.
- k) Cr Andrews declared a non-significant non pecuniary interest in Item D53/15 as he is aware of the applicant and objectors from living in the City of Randwick.
- l) Cr Andrews declared a non-significant non pecuniary interest in Item D54/15 as he is aware of the applicant and objectors from living in the City of Randwick.
- m) Cr D'Souza declared a non-significant non pecuniary interest in Item D52/15 as some of the objector's patients may come to his pharmacy.

**RESOLVED (Procedural Motion): (Shurey/Neilson)** that an additional speaker (objector) be allowed to speak, for one (1) minute only, in relation to Item D54/15 (2 Beach Street, Clovelly (DA/883/2014)). **CARRIED.**

### 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:

D48/15 315 MAROUBRA ROAD, MAROUBRA (DA/884/2014)

**Objector** Jane Kelsall Penney

**Applicant** Peter Samios

D49/15 6 PEARCE STREET, SOUTH COOGEE (DA/213/2015)

**Objector** Brian Reid

**Applicant** Anthony Betros (representing the applicant)

D52/15 30 MERMAID AVENUE, MAROUBRA (DA/915/2014)

**Objector** George Panos

**Applicant** Andrew Martin (representing the applicant)

D53/15 10/311-313 MAROUBRA ROAD, MAROUBRA (DA/617/1997/D)

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

**Applicant** James Smith (representing the applicant)

Cr Stavrinis returned to the meeting at this point (7.09pm).

D54/15 2 BEACH STREET, CLOVELLY (DA/883/2014)

**Objector** Tony Tuxworth

**Objector** Andrew Boskovitz (representing the objector on the Nth side)

**Applicant** Anthony Betros (representing the applicant)

D55/15 44 HOOPER STREET, RANDWICK (DA/350/2015)

**Applicant** Eugene Hsu

### **Urgent Business**

Nil.

The Meeting was adjourned at 7.28pm and was resumed at 7.46pm.

### **Development Application Reports**

#### **D48/15 Development Application Report - 315 Maroubra Road, Maroubra (DA/884/2014)**

Note: A rescission motion on this item was submitted by Councillors D'Souza, Matson, Neilson and Shurey in accordance with Council's Code of Meeting Practice and will be considered at the next Ordinary Council Meeting on 28 July 2015.

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

#### PL61/15 **RESOLUTION: (Andrews/Seng) –**

- A. That Council supports the exceptions to development standards under Clause 4.6 of Randwick Local Environmental Plan 2012 in respect to non-compliance with Clauses 4.3 of Randwick Local Environmental Plan 2012, relating to Building Height respectively, on the grounds that the proposed development complies with the objectives of the above clauses, and will not adversely affect the amenity of the locality, and that the Department of Planning & Infrastructure be advised accordingly.
- B. That Council, as the consent authority, grants development consent under Sections 80 and 80A of the Environmental Planning and Assessment Act 1979, as amended, to Development Application No. DA/884/2014 for the construction of a residential flat building consisting of a total of nine (9) units above

basement car parking consisting of a total of 13 car spaces, at No. 315 Maroubra Road, 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 following plans are to be amended to be inconsistent with the approved floor plans (DA-01 and DA-02):
  - 'Unit Plan' (DA-07 dated Feb 2014) at 1:50. The 1 bedroom plan in the top corner should be referenced as Units 1 and 2. The 2 bedroom plan below should be referenced Unit 5 and 8 and then Unit 4 and 7 Mirror Reverse.
  - Section A-A Plan (DA-04 dated Feb 2014), are inconsistent with the floor plans. The above ground units closer towards Maroubra Road should be referenced Units 5 and 8 instead of Units 6 and 9.
  - Maroubra Rd Façade Detail Plan (DA-08 dated Feb 2014), are inconsistent with the floor plans. Unit 6 and 9 should be marked Unit 5. and 8.Details shall be provided to the satisfaction of the PCA on approved Construction Certificate plans.
3. The angled side blade walls at second floor level (of Units 7 and 8) must have the same side setback as the angled blade walls at first floor level. Details shall be provided to the satisfaction of the PCA prior to obtaining a Construction Certificate.
4. The window of Bedroom 1 of both Units 1 and 2 must consist of double glazing. Details of compliance must be included in the construction certificate application and written confirmation of compliance is to be provided to Council's Director of City Planning and the Certifying Authority **prior to the construction certificate being issued.**
5. The kitchen windows on the side elevations (i.e. of Units 4,5,7 and 8) are to consist of fixed and obscured glazing to the lower pane of the window.
6. The translucent glazing above the balustrades (indicated on the plans) on the rear elevation of Units 6 and 9 must be replaced with horizontal, fixed, 45 degree, angled louvres (i.e. angled upwards) that are spaced 10mm from each other. The balustrade and louvres must have a combined height of a minimum of 1.6m measured from the finished floor level of each balcony.
7. All screen planting must be maintained at all times to the satisfaction of Council's Director of City Planning. A Maintenance Plan must be prepared and submitted for the approval of Council's Director of City Planning prior to a Construction Certificate being issued. The Maintenance Plan must include arrangements for the following aspects (as a minimum):
  - Inspection and maintenance of waterproofing roof membrane.
  - Details of drainage and irrigation systems (preferably self-watering), including overflow provisions.
  - Details of the location, numbers and type of plant species.
  - Planting and maintenance procedures, including frequency and methodology of maintenance requirements.
  - Maintenance of irrigation.

All landscaping in the approved plan is to be completed prior to an Occupation Certificate being issued. The maintenance plan must be complied with during occupation of the property.

The owner/strata body of the premises shall at all times comply with the ongoing maintenance requirements of the Maintenance Plan and shall promptly upon request produce a copy of the Plan to Council.

8. The communal landscaped areas should include an area dedicated to onsite composting. Details are to be provided on the landscape plans submitted with an application for a Construction Certificate to the satisfaction of the Principal Certifying Authority.
9. The screen planting along the rear boundary shall be mature size and height upon planting. Details of the maturity of the screen planting are to be submitted for the approval of Council's Director of City Planning prior to obtaining a construction certificate.
10. A specification or acoustic report must be submitted with an application for a Construction Certificate that verifies the frosted glazing around the common roof terrace consists of noise reducing qualities.
11. The depth of the planter boxes on the private roof top terrace of Unit 9 shall be amended as follows:
  - The planter box along the western side of the terrace shall be increased to 2579mm (measured from the inner face of the parapet wall).
  - The planter box along the southern side of the terrace shall be increased to 1000mm (measured from the inner face of the parapet wall).
12. The depth of the planter box along the western side of the private roof top terrace of unit 7 shall be increased to 2000mm (measured from the inner face of the parapet wall)
13. New side fencing shall be erected to a height of 1.8m measured from the finished ground level around the building (inclusive of any retaining walls/(or portions of above the finished ground level) to the top of the fencing. The fencing shall be erected adjacent to the common boundaries, be wholly on the subject site and step down the site in response to the terracing. The cost of the fencing must be borne by the applicant.

Details must be submitted to and approved by Council's Director of City Planning, prior to obtaining a construction certificate.

14. A new 2.1m high hardwood timber post and rail paling fence shall be erected on the common boundary with the rear adjoining properties 68, 70 and 72 Haig Street, Maroubra measured from the finished ground level of the rear adjoining properties. The cost of the fencing must be borne by the applicant and the details must be submitted to and approved Council's Director City Planning prior to obtaining a Construction Certificate.

#### **USE OF COMMON AREAS AND FACILITIES**

95. Use of the roof top terraces must be limited to prevent disturbance to neighbouring residents:
  - 8am to 10:00pm during weekdays and on Sundays.
  - 7am to midnight on Saturdays and public holidays.

A strata subdivision certificate must not be issued in respect of a strata plan for the development unless it incorporates strata by-laws accordingly and an instrument under Section 88B of the Conveyancing Act 1919 that includes a restriction on use of the terrace areas as set out above. The instrument under Section 88B cannot be varied without the approval of Council. In addition, the

by-laws and instrument referred to above must be registered prior to the issue of any occupation certificate for the development.

### **Visitor Parking**

99. Car parking spaces shall be allocated according to the following requirement and marked accordingly. Any future strata scheme must be consistent with this allocation.

- At least 1 space per unit and 2 visitor spaces. This must include two (2) adjacent spaces (preferably spaces 9 and 10) being altered into a combined accessible/visitor space and a motorcycle and marked accordingly.

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

Cr Stavrinis returned to the meeting at this point (7.52pm).

### **D49/15 Development Application Report - 6 Pearce Street, South Coogee (DA/213/2015)**

PL62/15

**RESOLUTION: (Stavrinis/Andrews)** that the application be deferred for amended plans and mediation.

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

### **D50/15 Development Application Report - 51 Earl Street, Randwick (DA/218/2015)**

PL63/15

**RESOLUTION: (Andrews/Stavrinis)** 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. 218/2015 for alterations and ground and first floor additions to the existing semi-detached dwelling, at No. 51 Earl Street, subject to the non standard conditions and the standard conditions contained in the development application compliance report attached to this report:

#### **Non standard condition**

##### **Amendment of Plans & Documentation**

2. The approved plans and documents must be amended in accordance with the following requirements:
  - a) The gabled roof form to the front elevation of the upper level addition shall be replaced by a hipped roof form, in order to minimise the bulk, apparent height and streetscape visibility of the upper level addition. The gabled roof form to the rear elevation *may* be replaced with a hipped roof form, if preferred.
  - b) A privacy screen is to be provided across the southern edge of the upper level rear balcony. The design shall replicate that of the screen already noted to the northern edge of that balcony.

Amended drawings are to be submitted to and approved by Council's Director City Planning, in accordance with Section 80A (2) of the Environmental Planning and Assessment Act 1979 prior to a construction certificate being issued for the development.

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

**D51/15 Development Application Report - 1-1A Major Street, Coogee  
(DA/617/2012/A)**

PL64/15

**RESOLUTION: (Andrews/Stavrinos)** That Council, as the consent authority, grants development consent under Sections 80 and 80A of the Environmental Planning and Assessment Act 1979, as amended, to Development Application No. DA/612/2012/A for additional excavation works and modifications to internal layout of dwelling at main living and lower ground floor levels, at No. 1-1A Major Street, Coogee in the following manner:

**A. Amend Condition No. 1 to read:**

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:

<b>Plan</b>	<b>Drawn by</b>	<b>Dated</b>	<b>Received</b>
DA 05 Rev C	Renato D'Ettore Architects	14 May 2013	21 May 2013
DA 06 Rev B		14 May 2013	21 May 2013
DA 07 Rev C		14 May 2013	21 May 2013
DA 08 Rev D		14 May 2013	21 May 2013
DA 09 Rev C		14 May 2013	21 May 2013
DA 10 Rev D		14 May 2013	21 May 2013
DA 11 Rev D		14 May 2013	21 May 2013
DA 12 Rev D		14 May 2013	21 May 2013
DA 13 Rev C		14 May 2013	21 May 2013
DA 14 Rev C		14 May 2013	21 May 2013
DA 15 Rev E		14 May 2013	21 May 2013
DA 15A Rev E		14 May 2013	21 May 2013
DA 16 Rev C		14 May 2013	21 May 2013
DA 16A Rev C		14 May 2013	21 May 2013
DA 17 Rev D		14 May 2013	21 May 2013
DA 18 Rev C		14 May 2013	21 May 2013
DA 19 Rev C		14 May 2013	21 May 2013

<b>BASIX Certificate</b>	<b>No.</b>	<b>Dated</b>
Single dwelling	441815S	25 Sept 2012

As amended by the **Section 96'A' plans as detailed below**, and as may be amended by the following conditions and as may be shown in red on the attached plans:

<b>Plan</b>	<b>Drawn by</b>	<b>Dated</b>
DA05 Rev F	Renato D'Ettore Architects	16 June 2015
DA10 Rev E	Renato D'Ettore Architects	7 April 2015
DA11 Rev E	Renato D'Ettore Architects	7 April 2015
DA16 Rev D	Renato D'Ettore Architects	7 April 2015
DA16A Rev D	Renato D'Ettore Architects	7 April 2015
DA17 Rev E	Renato D'Ettore Architects	7 April 2015

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

**D52/15 Development Application Report - 30 Mermaid Avenue, Maroubra  
(DA/915/2014)**

**RESOLUTION: (Neilson/Shurey)** 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. 915/2015 for demolition of existing dwelling house and construction of a new three storey dwelling house containing living areas and 4 bedrooms with basement car park and storage, front swimming pool and balcony areas, a rear terrace area, associated site works and

landscaping at No. 30 Mermaid Avenue, Maroubra, subject to the following non standard conditions and the standard conditions contained in the development application compliance report attached to this report:

### **Non standard conditions**

#### **Amendment of Plans & Documentation**

2. The approved plans and documents must be amended in accordance with the following requirements:
  - a. The privacy screen adjacent to the first floor guest room and balcony area on the western elevation 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. The extent of opening of the screen must not exceed 45 degrees as it opens from right to left. Details are to be clearly indicated on the construction certificate plans.
  - b. The privacy screen adjacent to the ground floor kitchen window on the western elevation 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. The extent of opening of the screen must not exceed 30 degrees as it opens from right to left. Details are to be clearly indicated on the construction certificate.
  - c. The concrete balustrades extending north from the blade walls to the southern edge of the swimming pool on the front elevation are to be constructed of transparent glass to allow a view through from the neighbouring property. Details are to be clearly shown on the construction certificate plans.
  - d. The wall and associated BBQ bench on the western side of the front terrace area at ground floor level shall be reduced to 2600mm, measured from the southern external wall of the dwelling house and a transparent glass balustrade shall be provided along the western edge of the terrace area.

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

#### **D53/15 Development Application Report - 10/311-313 Maroubra Road, Maroubra (DA/617/1997/D)**

---

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

PL65/15

**RESOLUTION: (Andrews/Smith)** that Council as the consent authority, grant its consent under Section 80 and 80A of the Environmental Planning and Assessment Act 1979 as amended to modify Development Consent No. DA/617/1997/D for permission to modify Conditions 1 and 7 as follows:

#### **Amend Condition 1 to read:**

- "1. *The development must be implemented substantially in accordance with the plans numbered 9717 1,2,3,4 and dated 22 October 1997 the shadow diagrams No. SH01, SH02, SH03 and dated 3 October 1997 and the landscape drawing No. 970701 and dated October 1997 and on the application form and on any supporting information received with the application, as amended by the Section*



96 plans dated 15/10/12 and received by Council on 10 December 2012, **and as further amended by the Section 96 plans dated 02/02/15 and received by Council on 4 February 2015**, except as may be amended by the conditions specified hereunder:

**Amend Condition 7 to read:**

"7. The roof terrace serving unit 5 shall be fixed planter boxes around the periphery of the roof with a minimum of 500mm and height of 500mm and shall be appropriately landscaped. **The roof terrace serving unit 10 shall have fixed privacy screens comprising frosted glass at a height of a 640mm above the southern, south-eastern (splayed), eastern (for a distance of 2.78m from the splayed corner) masonry balustrade and frosted glass at a height of a 340mm above the northern masonry balustrade and a stainless steel handrail 250mm above the western and eastern masonry balustrade. A 1m wide planter box shall also be provided along the eastern edge of the terrace to prevent views down into the rear yard of No. 315 Maroubra Road.**

*Details of compliance shall be submitted with the Local Approval application and shall be to the satisfaction of the Director of Planning."*

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

Cr Stavrinou returned to the meeting at this point (8.11pm).

**D54/15 Development Application Report - 2 Beach Street, Clovelly  
(DA/883/2014)**

PL66/15

**RESOLUTION: (Andrews/Stavrinou)** that Council, as the consent authority, grants development consent under Sections 80 and 80A of the Environmental Planning and Assessment Act 1979, as amended, to Development Application No. 883/2014 for demolition of an existing dwelling house and construction of a multi-dwelling housing development comprising of 5 x 2 storey townhouses and basement parking, associated site and landscape works at No. 2 Beach Street, Coogee, subject to the following non standard conditions and the standard conditions contained in the development application compliance report attached to this report:

**Non standard conditions**

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. The swimming pool at the rear of the westernmost dwelling is deleted from the consent.
- b. Prior to the issuing of a Construction Certificate the applicant/owner is to have the basement level plans amended to show the following:

The internal access driveway must be designed so as to match the Council issued alignment levels (concrete/paved level at the property boundary) which is RL 35.45 AHD

The internal access driveway must show a gradient of 1:9 for 7.20m into the site which will provide a basement level of RL 34.65 AHD

A longitudinal section of the driveway must be provided with the construction certificate plans, the sections shall demonstrate compliance with the Council issued alignment level at the property boundary, together with the abovementioned internal ramp grade of 1:9.

Any enquiries regarding the above matter can be directed to Council's Development Engineers on 9399 0923.

- c. The height of the building is to be reduced by 1m in height to have a maximum height of RL 45.40 to be achieved in the following manner:
  - i. By lowering the level of the basement semi basement car park in accordance with condition 2b above.
  - ii. Lowering the height of the parapet wall to the roof by 400mm and
  - iii. Lowering the height of the roof ridge line by 700mm.
  - iv. The height of the privacy screen at first floor level is not to exceed the height of guttering to the roof.
- d. The privacy screens to all window openings must be fixed and the total area of any openings within the privacy screen must not exceed 25% of the area of the screen. The total area of any openings to privacy screens not covering window openings must not exceed 50% of the area of the screen. The aluminium powder coated louvres should be suitable for coastal environments.
- e. The southern boundary wall must not exceed 1.8m above the approved ground floor level and or the height of the boundary wall on the property at No. 4 Beach Street.
- f. The northern boundary wall must not exceed 1.8m above the approved ground floor level for the full length of the building (from east to west). The northern boundary wall to the rear yard area of the westernmost townhouse must not exceed 2.2m in height above ground level existing. The northern face of this wall for the full length shall be rendered and painted in a tone approved in the colours and finishes schedule required under condition 4 of the consent.
- g. The front balcony on the eastern façade of the easternmost unit is to be setback (approximately 900mm) for its full width to align with the basement level.
- h. That a suitable planter box be installed on the northern side wall along the whole boundary from east to west. These planter boxes are to be located between the planter boxes currently shown on the proposed landscape plan. The planter boxes and proposed planting (which should be grown to a minimum height of 2800mm) are to be submitted to Council's Director City Planning for approval prior to issue of a Construction Certificate.

The amendments required by this condition must be submitted to and approved by Council's Manager of Development Assessment prior to issue of the construction certificate.

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

**D55/15 Development Application Report - 44 Hooper Street, Randwick  
(DA/350/2015)**

PL67/15 **RESOLUTION: (Stavrinos/Andrews)** that Council, as the consent authority, grants development consent under Sections 80 of the Environmental Planning and Assessment Act 1979, as amended, to Development Application No. DA/350/2015 for a new front carport at No. 44 Hooper Street, Randwick, subject to the following conditions:

**DEVELOPMENT CONSENT CONDITIONS**

**GENERAL CONDITIONS**

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

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

**Approved Plans & Supporting Documentation**

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

<b>Plan</b>	<b>Drawn by</b>	<b>Dated</b>
DA-01	D'Riva Designs	May 2015
DA-03	D'Riva Designs	May 2015
DA-04	D'Riva Designs	May 2015
DA-05	D'Riva Designs	May 2015
DA-06	D'Riva Designs	May 2015
DA-07	D'Riva Designs	May 2015

**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**

2. 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**

3. Details of the proposed colours, materials and textures (i.e. a schedule and brochure/s or sample board) are to be compatible with the External Finishes drawn by Artique Interiors and submitted to council on 28/5/2015 .

**Long Service Levy Payments**

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

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

**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**

5. 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.

### **Stormwater Drainage**

6. A surface water/stormwater drainage system must be provided in accordance with the following requirements, to the satisfaction of the Certifying Authority and details are to be included in the construction certificate:-
- a) Surface water/stormwater drainage systems must be provided in accordance with the relevant requirements of the Building Code of Australia (Volume 2);
  - b) The surface water/stormwater must be drained and discharged to the street gutter or, subject to site suitability, the stormwater may be drained to a suitably designed absorption pit;
  - c) Any absorption pits or soaker wells should be located not less than 3m from any adjoining premises and the stormwater must not be directed to any adjoining premises or cause a nuisance;
  - d) External paths and ground surfaces are to be constructed at appropriate levels and be graded and drained away from the building and adjoining premises, so as not to result in the entry of water into the building, or cause a nuisance or damage to the adjoining premises;
  - e) Details of any proposed drainage systems or works to be carried out in the road, footpath or nature strip must be submitted to and approved by Council before commencing these works.

### **REQUIREMENTS PRIOR TO THE COMMENCEMENT OF ANY WORKS**

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

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

### **Certification, PCA & other Requirements**

7. Prior to the commencement of any building works, the following requirements must be complied with:
- a) a *Construction Certificate* must be obtained from the Council or an accredited certifier, in accordance with the provisions of the *Environmental Planning & Assessment Act 1979*.  
  
A copy of the construction certificate, the approved development consent plans and consent conditions must be kept on the site at all times and be made available to the Council officers and all building contractors for assessment.
  - b) a *Principal Certifying Authority* (PCA) must be appointed to carry out the necessary building inspections and to issue an *occupation certificate*; and

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

*In relation to residential building work, the principal contractor must be the holder of a contractor licence, in accordance with the provisions of the Home Building Act 1989.*

### **Home Building Act 1989**

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

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

### **Construction Noise & Vibration Management Plan**

9. 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**

10. 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.

#### **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**

11. 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**

12. 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**

13. 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"> <li>• Monday to Friday - 7.00am to 5.00pm</li> <li>• Saturday - 8.00am to 5.00pm</li> <li>• Sunday &amp; public holidays - No work permitted</li> </ul>
Excavating of rock, use of jack-hammers, pile-drivers, vibratory rollers/compactors or the like	<ul style="list-style-type: none"> <li>• Monday to Friday - 8.00am to 5.00pm</li> <li>• Saturday - No work permitted</li> <li>• Sunday &amp; public holidays - No work permitted</li> </ul>

*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.

#### **Sediment & Erosion Control**

14. 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**

15. 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.

#### **Building Encroachments**

16. There must be no encroachment of any structures or building work onto the adjoining properties or Council's road reserve, footway, nature strip or 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**

17. 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.

### **ADVISORY NOTES**

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

- A1 The requirements and provisions of the *Environmental Planning & Assessment Act 1979* and *Environmental Planning & Assessment Regulation 2000*, must be fully complied with at all times.

Failure to comply with these requirements is an offence, which renders the responsible person liable to a maximum penalty of \$1.1 million. Alternatively, Council may issue a penalty infringement notice (for up to \$3,000) for each offence. Council may also issue notices and orders to demolish unauthorised or non-complying building work, or to comply with the requirements of Council's development consent.

- A2 This determination does not include an assessment of the proposed works under the Building Code of Australia (BCA) and other relevant Standards. All new building work (including alterations and additions) must comply with the BCA and relevant Standards and you are advised to liaise with your architect, engineer and building consultant prior to lodgement of your construction certificate.

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

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

- A4 Council's Building Certification & Fire Safety team can issue your *Construction Certificate* and be your *Principal Certifying Authority* for the development, to undertake inspections and ensure compliance with the development consent,



relevant building regulations and standards of construction. For further details contact Council on 9399 0944.

A5 A Local Approval application must be submitted to and be approved by Council prior to commencing any of the following activities on a footpath, road, nature strip or in any public place:

- Install or erect any site fencing, hoardings or site structures
- Operate a crane or hoist goods or materials over a footpath or road
- Placement of a waste skip or any other container or article.

For further information please contact Council on 9399 0944.

A6 Specific details of the location of the building/s should be provided in the Construction Certificate to demonstrate that the proposed building work will not encroach onto the adjoining properties, Council's road reserve or any public place.

A7 Prior to commencing any works, the owner/builder should contact *Dial Before You Dig* on 1100 or [www.dialbeforeyoudig.com.au](http://www.dialbeforeyoudig.com.au) and relevant Service Authorities, for information on potential underground pipes and cables within the vicinity of the development site.

A8 This consent does not authorise any trespass or encroachment upon any adjoining or supported land or building whether private or public. Where any underpinning, shoring, soil anchoring (temporary or permanent) or the like is proposed to be carried out upon any adjoining or supported land, the land owner or principal contractor must obtain:

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

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

A9 Demolition work and removal of asbestos materials:

- *A copy of Council's Asbestos Policy is available on Council's web site at [www.randwick.nsw.gov.au](http://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](http://www.health.nsw.gov.au/childsafety) or pick-up a brochure from Council's Customer Service Centre.

[Reason – the proposed structure does not significantly alter the existing built form or streetscape and is not visually intrusive]

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

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

<b>FOR</b>	<b>AGAINST</b>
Councillor Andrews	Councillor Moore
Councillor Belleli	Councillor Neilson
Councillor D'Souza	
Councillor Garcia	
Councillor Matson	
Councillor Seng	
Councillor Shurey	
Councillor Smith	
Councillor Stavrinos	
<b>Total (9)</b>	<b>Total (2)</b>

### **Miscellaneous Reports**

Nil.

### **Notice of Rescission Motions**

A rescission motion on item D48/15 (Development Application Report – 315 Maroubra Rd, Maroubra) was submitted by Councillors D'Souza, Matson, Neilson and Shurey in accordance with Council's Code of Meeting Practice and will be considered at the next Ordinary Council Meeting on 28 July 2015.

The meeting closed at 8.30pm.

**The minutes of this meeting were confirmed at the Planning Committee Meeting of the Council of the City of Randwick held on Tuesday, 11 August 2015.**

.....  
**CHAIRPERSON**