



**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, 8 SEPTEMBER 2015 AT 6:05PM**

**Present:**

The Mayor, Councillor T Seng (Central Ward)

- |              |  |
|--------------|--|
| North Ward   | - Councillors K Neilson & L Shurey   |
| South Ward   | - Councillors R Belleli, N D'Souza & P Garcia                                  |
| East Ward    | - Councillors T Bowen, M Matson & B Roberts                                    |
| West Ward    | - Councillors G Moore (Chairperson), S Nash (Deputy Chairperson) & H Stavrinou |
| Central Ward | - Councillors A Andrews & G Stevenson (from 6.32pm)                            |

**Officers Present:**

|  |                 |
|--|-----------------|
| General Manager                          | Mr R Brownlee   |
| Director City Services                   | Mr J Frangoules |
| Director City Planning                   | Ms S Truvert    |
| Director Governance & Financial Services | Mr J Smith      |
| Manager Development Assessment           | Mr K Kyriacou   |
| Manager Administrative Services          | Mr D Kelly      |
| Communications Manager                   | Mr J Hay        |

**Apologies/Granting of Leave of Absences**

Apologies were received from Councillors Garcia and Smith.

**RESOLVED: (Andrews/Shurey)** that the apologies received from Councillors Garcia and Smith 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 11 AUGUST 2015**

PL75/15

**RESOLUTION: (Shurey/Matson)** that the Minutes of the Planning Committee Meeting held on Tuesday 11 August 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 Neilson declared a non-significant non pecuniary interest in Item D63/15 as she knows one of the supporters on this matter.
- b) Cr Neilson declared a non-significant non pecuniary interest in Item D65/15 as she knows one of the owners through the ALP.
- c) Cr Neilson declared a non-significant non pecuniary interest in Item D70/15 as she knows one of the neighbours through the ALP.
- d) Cr Neilson declared a non-significant non pecuniary interest in Item D71/15 as she knows one of the objectors.
- e) Cr Neilson declared a non-significant non pecuniary interest in Item M6/15 as she knows one of the speakers on the matter.
- f) Cr Shurey declared a non-significant non pecuniary interest in Item M6/15 as she knows one of the speakers on the matter through the Precincts.
- g) Cr D'Souza declared a significant non pecuniary interest in Item D63/15 as he knows the applicant. Cr D'Souza will be taking no part in the debate or voting on the matter.
- h) Cr Andrews declared a non-significant non pecuniary interest in Item D68/15 as he knows the applicant and some objectors.
- i) Cr Andrews declared a non-significant non pecuniary interest in Item D65/15 as he knows one of the owners as he is a former Mayor of Waverley.
- j) Cr Bowen declared a non-significant non pecuniary interest in Item D65/15 as he knows one of the owners as he is a former Mayor of Waverley.
- k) Cr Roberts declared a significant pecuniary interest in Item D64/15 as one of the objectors donated to his State Election campaign. Cr Roberts will be taking no part in the debate or voting on the matter.

### **Address of Council by Members of the Public**

Prior to consideration of the Agenda by the Committee, deputations were received in respect of the following matters:

D63/15 43 DWYER AVENUE, LITTLE BAY (DA/337/2015)

**Objector** Narelle Bates - Objector

**Applicant** Steve McFadyen

D64/15 7 SEASIDE PARADE, SOUTH COOGEE (DA/924/2014)

**Objector** Nick Kotzohambos

**Applicant** Con Harris on behalf of the applicant

D65/15 352 CLOVELLY ROAD, CLOVELLY (DA/674/2014/A)

**Applicant** Simon Hanson on behalf of the applicant

D67/15 18 MCGOWEN AVENUE, MALABAR (DA/26/2015)

**Applicant** John Spiteri on behalf of the applicant

D69/15 221 BARKER STREET, RANDWICK (DA/296/2015)

**Applicant** Ben Phillips

D70/15 9-11 BADEN STREET, COOGEE (DA/750/2013/B)

**Applicant** Alec Pappas on behalf of the applicant

D71/15 8-10 GROSVENOR STREET, KENSINGTON - DA/181/2015

**Applicant** Nick Juradowitch on behalf of the applicant

M5/15 PLANNING PROPOSAL (SPOT REZONING APPLICATION) - 1T ROMANI WAY  
MATRAVILLE

**Applicant** Stuart Harding on behalf of the applicant

M6/15 AMENDMENTS TO DCP 2013- NEWMARKET GREEN DCP (INGLIS SITE)

**For** Andrew Roydhouse

The meeting was adjourned at 7.12pm and was resumed at 7.29pm.

### **Urgent Business**

Nil.

### **Development Application Reports**

#### **D62/15 Development Application Report - 198-202 Marine Parade, Maroubra (DA/901/2014)**

PL76/15

**RESOLUTION: (Andrews/Nash)** 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/901/2014 for new landscape garden area with pergola roof and glass patrician wall at the rear of the existing cafe, at No. 198-202 Marine Parade, Maroubra, subject to the following non standard conditions and the standard conditions contained in the development application compliance report attached to this report:

#### **Non standard conditions**

5. The pergola must remain as an open type structure in accordance with the architectural plans;
6. The unauthorised pergola must be removed from the external wall of the building located on the southern side boundary.
17. The Bazara Plan of Management must be amended to ensure compliance with all conditions of the consent and shall be submitted to Council's Manager Development Assessment for approval prior to issuing of a construction certificate.
18. The pergola area must not be used for habitable purposes and the rear proposed outdoor garden area must not be used for the serving and consumption of food or beverages and no seating shall be provided.
20. The L<sub>10</sub> noise level emitted from the licensed premises shall not exceed the background level (L<sub>90</sub>) in any Octave Band Centre Frequency (31.5Hz – 8kHz inclusive) be more than 5dB between 7.00am and 12 midnight at the boundary

of any affected residence. The background noise level shall be measured in the absence of noise emitted from the licensed premises.

22. Amplified music, entertainment is not permitted within the proposed garden area.
23. The side door linking the toilet to the outdoor area and the garden access gate must be closed at all times while the premises is occupied by patrons and management shall ensure that patrons do not use this exit to the rear garden.

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

**D63/15 Development Application Report - 43 Dwyer Avenue, Little Bay  
(DA/337/2015)**

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

PL77/15

**RESOLUTION: (Belleli/Matson)** that the application be deferred for mediation between the parties to address the concerns regarding noise abatement and review of the proposed operating conditions.

**MOTION: (Stavrinou/Andrews)** that approval be granted, subject to the hours being reduced on Saturdays to 8.30am – 1pm and no classes be held on Sundays and a trial period of twelve months.

**AMENDMENT: (Belleli/Matson) CARRIED UNANIMOUSLY AND BECAME THE MOTION.**

**MOTION: (Belleli/Matson) CARRIED UNANIMOUSLY – SEE RESOLUTION.**

**D64/15 Development Application Report - 7 Seaside Parade, South Coogee  
(DA/924/2014)**

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

PL78/15

**RESOLUTION: (Andrews/Stavrinou)**

- 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 Height of buildings 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. 924/2014 for amending DA/822/2013 by altering the internal configuration of the dwelling, increase the floor area at lower ground and ground floor levels, new cabana at lower ground floor level, increase the size of the terrace area at ground and second floor levels, new balcony on the southern elevation at first floor level, changes to openings on all elevations, and increase the overall height of the dwelling to RL33.07, at No.7 Seaside Parade, 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, as indicated in red on the approved plans. The amendments shall be made to the satisfaction of Council's Manager of Development Assessment, prior to the issue of a construction certificate:
  - a) The cantilevered ground floor terrace at the rear of the dwelling shall be reduced in length by 1500mm so that it aligns with the lower ground floor level wall below. Details shall be submitted to Councils Manager of Development Assessment for approval prior to issue of a construction certificate (or amended Construction Certificate) is issued for the development, as indicated in red on the approved plans;
  - b) The first floor southern side balcony shall be deleted from the development.
  - c) The cabana roof and walls must be located behind the foreshore building line. All documentation submitted for the Construction Certificate shall show compliance with this condition.
  - d) There are to be no structures locate above the finished ground level within the lower ground floor level that encroaches over the foreshore building line.
  - e) The pool coping along the southern side of the pool shall be reduced to a maximum width of 600mm and landscaping along the southern side of the pool shall be increased in width by 1000mm to limit the degree to which the coping can be used for extended periods of time and to limit the degree of overlooking into the neighbours rear yard area. The fencing along the northern side boundary is limited to a clear glass BCA compliant balustrade located on the northern side of the landscaped area.
  - f) No consent is granted for fencing to the southern side boundary. Any new fencing shall be subject to a separate development application unless the fence design meets the exempt and complying development criteria specified under the SEPP Exempt and Complying Codes 2008.
  - g) The fence along the northern side boundary may only be constructed up to the eastern end of the lower ground level patio level. The northern side boundary fencing extending from the end of the lower ground level patio to the rear boundary shall be the subject of a separate development application.
3. This development consent DA/924/2014 modifies the development consent DA/822/2013 only in so far as the modifications highlighted on the plans referenced in condition 1 of this consent and conditions attached to this consent.

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

**D65/15 Development Application Report - 352 Clovelly Road, Clovelly (DA/674/2014/A)**

PL79/15

**RESOLUTION: (Matson/Shurey)** that Council, as the consent authority, refuses development consent under Section 96 of the Environmental Planning and Assessment Act 1979, as amended, to Development Application No. 674/2014 for alteration to lift entry and car parking arrangement, new laundry, stairs and

storeroom in basement, relocation of bin store, alteration to internal layout, changes to eastern windows, living areas extended 1.2m to north, changes to form of southern wall, relocation of skylight and removal of roof terrace, at No. 352 Clovelly Road, Clovelly, for the following reasons:

1. The proposal does not satisfy the relevant objectives for the R3 Medium Density Residential zone stipulated under Randwick Local Environmental Plan 2012;
2. The proposal does not satisfy the relevant objectives or numerical standard for Floor space ratio as set out under Clause 4.4 under Randwick Local Environmental Plan 2012.
3. The proposed development proposes a non-compliant external wall height that eventuates in unreasonable bulk, scale, overshadowing and visual impact on the western neighbouring properties and fails to meet the objectives for Building Height set out in Section 4.4 of the Randwick Development Control Plan 2013 Part C2 – Medium Density Residential;
4. The proposed development proposes a non-compliant side setback from the western side boundary eventuates in unreasonable visual amenity impacts , and fails to meet the objectives for setbacks out in Section 3.4 of the Randwick Development Control Plan 2013 Part C2 – Medium Density Residential;
5. The proposed development does not demonstrate a skillful design. The height, form and massing of the development will detrimentally affect the amenity of the neighbouring properties and the streetscape. The proposal is not considered to satisfy Section 79C(1)(b) of the Environmental Planning and Assessment Act 1979.

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

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

| <b>FOR</b>           | <b>AGAINST</b>       |
|----------------------|----------------------|
| Councillor Belleli   | Councillor Andrews   |
| Councillor Bowen     | Councillor Roberts   |
| Councillor D'Souza   | Councillor Stavrinou |
| Councillor Matson    |                      |
| Councillor Moore     |                      |
| Councillor Nash      |                      |
| Councillor Neilson   |                      |
| Councillor Seng      |                      |
| Councillor Shurey    |                      |
| Councillor Stevenson |                      |
| <b>Total (10)</b>    | <b>Total (3)</b>     |

**D66/15 Development Application Report - 123-125 Coogee Bay Road, Coogee (DA/330/2015)**

PL80/15

**RESOLUTION: (Andrews/Nash)** 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/330/2015 for use of part of the ground floor area as a cafe with small bar liquor licence, new accessible toilet, provision of remedial massage services/health consulting rooms at first floor level, extension of the trading hours for the existing wellness centre and new footpath dining area at No. 123-125 Coogee Bay Road, Coogee subject to the following non-standard conditions and the standard conditions in the development

application compliance report attached to this report

### **Non standard conditions**

29. The residential dwelling at first floor level must be used ancillary to the subject business premises and by the operators of the business.
31. The internal café area is to be limited to thirty (30) persons. The two chairs and one table closest to the internal wall opening between the 'existing yoga reception' area and 'café' area shall be deleted.

### **Regulatory Requirements**

44. The primary use of the ground floor area of the premises must be as a café, with the purpose of providing food. The premises must not to be used as a bar, or 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.

45. If alcohol is to be served on the premise, the sale, supply and consumption of alcohol must not take place at the premises except with or ancillary to the service of food to be consumed on the premises and the relevant liquor licence under the *Liquor Act 2007* has been obtained beforehand.

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

Note: Councillor Andrews left the chamber and was absent for the vote on the final resolution for the following matter.

### **D67/15 Development Application Report - 18 McGowen Avenue, Malabar (DA/26/2015)**

PL81/15

**RESOLUTION: (Matson/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. DA/26/2015 to authorise the use of the basement area under the existing dwelling for storage purposes, at No. 18 McGowen Ave, Malabar, 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. This consent does not include approval for any internal/external building works carried out prior to the issuing of this consent.
  - b. The existing rear outbuilding and associated driveway does not comply with the relevant controls and objectives for Landscaping and Permeable Surfaces as set out in Clause 2.4 and Outbuildings as set out in Clause 7.4 of the Randwick Comprehensive Development Control Plan. The proposed outbuilding exceeds the maximum height and wall height controls resulting in excessive visual bulk which adversely affects the amenity of the adjoining properties; and the outbuilding and associated driveway is located within the required permeable surface area on site resulting in a significant non-compliance with available deep soil area, adversely affecting the visual balance on site between building structures

and open space and the ability to assist with stormwater infiltration. As a result, approval is not granted for the use of the outbuilding and associated driveway.

**MOTION: (Andrews/Stavrinos)** that Council adopt the recommendation in the Director City Planning's report, subject to the deletion of condition 2(b). **LOST.**

The **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 Bowen     |
| Councillor Belleli   | Councillor Matson    |
| Councillor D'Souza   | Councillor Moore     |
| Councillor Stavrinos | Councillor Nash      |
|                      | Councillor Neilson   |
|                      | Councillor Roberts   |
|                      | Councillor Seng      |
|                      | Councillor Shurey    |
|                      | Councillor Stevenson |
| <b>Total (4)</b>     | <b>Total (9)</b>     |

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

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

| <b>FOR</b>           | <b>AGAINST</b>       |
|----------------------|----------------------|
| Councillor Bowen     | Councillor Belleli   |
| Councillor D'Souza   | Councillor Stavrinos |
| Councillor Matson    |                      |
| Councillor Moore     |                      |
| Councillor Nash      |                      |
| Councillor Neilson   |                      |
| Councillor Roberts   |                      |
| Councillor Seng      |                      |
| Councillor Shurey    |                      |
| Councillor Stevenson |                      |
| <b>Total (10)</b>    | <b>Total (2)</b>     |

**D68/15 Development Application Report - 36 Mirrabooka Crescent, Little Bay (DA/376/2015)**

PL82/15

**RESOLUTION: (Andrews/Nash)** 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. 376/2015 for Demolition of existing dwelling and construction of a new dual occupancy development, at No. 36 Mirrabooka Crescent, Little Bay, 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:**

3. **Design Change Courtyard Roof**

The proposed roof to the courtyard areas adjacent to the laundries to both dwellings is to be reduced to a 1m wide awning to provide weather protection to the laundry door opening and allow natural light to the courtyard spaces.



**17. Front Fence Design**

The design details including materials, colours and finishes of the front boundary fence are to be submitted with the construction certificate demonstrating compliance with the requirements of Section 7.2 to Randwick Comprehensive Development Control Plan to ensure that the fence design and height provides adequate visibility for vehicles entering and leaving the site and for pedestrians in the public footpath area.

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

**D69/15 Development Application Report - 221 Barker Street, Randwick (DA/296/2015)**

PL83/15

**RESOLUTION: (Roberts/Stavrinou)** that Council, as the consent authority, grants development consent under Section 96 of the Environmental Planning and Assessment Act 1979, as amended, to Development Application No. DA/704/2014/A for alterations to the front of the existing semi-detached dwelling to accommodate a new hardstand car space and new front boundary fence (Heritage Conservation Area) at No. 221 Barker Street, Randwick subject to the following conditions:

**GENERAL CONDITIONS**

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

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

**Approved Plans & Supporting Documentation**

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

| <b>Plan</b>   | <b>Drawn by</b>      | <b>Dated</b> |
|---------------|----------------------|--------------|
| 14156-1 Rev A | Alinea Dzine Pty Ltd | 01/06/2015   |
| 14159-2       |                      | April 2015   |
| 14156-3       |                      |              |
| 14156-4       |                      |              |

**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.

**Amendment of Plans & Documentation**

- The approved plans and documents must be amended in accordance with the following requirements:

- a. The proposed opening in the front wall of the dwelling to accommodate the carspace shall be lowered to have a maximum height of 1200mm as measured from the existing ground level.

#### **External Colours, Materials & Finishes**

3. The colours, materials and finishes of the external surfaces are to be compatible with the existing building and surrounding buildings in the heritage conservation area. Details of the proposed colours, materials and textures (ie- a schedule and brochure/s or sample board) 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. Details of the proposed paint scheme 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.

#### **Long Service Levy Payments**

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

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

#### **Security Deposit**

5. 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*:

- \$1050.00 - 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**

6. 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:

- **Match the back of the existing footpath 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 footpath must be indicated on the building plans for the construction certificate. The design alignment level at the street boundary, as

issued by the Council, must be strictly adhered to.

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

7. The above alignment levels and the site inspection by Council's Development Engineer have been issued at a prescribed fee of \$155.00 (inclusive of GST). This amount is to be paid prior to a construction certificate being issued for the development.

### **Car space Design**

8. The gradient of the internal car space must be designed and constructed in accordance with AS 2890.1 (2004) – Off Street Car Parking and the levels of the driveway must match the alignment levels at the property boundary (as specified by Council). Details of compliance are to be included in the construction certificate documentation.
9. The height of the indented or recessed section of the proposed car space into the dwelling must not be less than 1.2m to so as to accommodate the bonnet of a vehicle. Plans submitted for the construction certificate must demonstrate compliance with this requirement.
10. The proposed timber framed fence/sliding gate across the vehicular entrance to the site is to be deleted from the approved plans.

### **Stormwater Drainage**

11. 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**

12. 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](http://www.sydneywater.com.au) for:

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

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

### **Street Tree Management**

13. The applicant must submit a payment of **\$1006.25** (including GST) to cover the following costs:

- a. For Council to remove, stump-grind and dispose of the two existing street trees from the Barker Street verge, being from west to east, a *Syzygium australe* (Brush Cherry) towards the western site boundary, then a *Callistemon viminalis* (Bottlebrush) centrally across the width of the site, so as to accommodate the new vehicle crossing in this same location as shown;
- b. For Council to supply and install 1 x 25 litre street tree at an alternative location elsewhere in this street or surrounding area given a lack of available space directly back in front of the site upon the completion of works, and also includes a minor loss of amenity fee in recognition that the only reason these established native trees are being removed is to accommodate the development of private property.

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 street trees prior to the commencement of site works, as well as for planting of the replacement.**

#### **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**

14. 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**

15. 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**

16. 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**

17. Noise and vibration emissions during the construction of the building and associated site works must not result in damage to nearby premises or result in an unreasonable loss of amenity to nearby residents and the relevant requirements of the *Protection of the Environment Operations Act 1997* and NSW EPA Guidelines must be satisfied at all times.

#### **Public Utilities**

18. A *Public Utility Impact Assessment* must be carried out on all public utility services on the site, roadway, nature strip, footpath, public reserve or any public areas associated with and/or adjacent to the development/building works and include relevant information from public utility authorities and exploratory trenching or pot-holing, if necessary, to determine the position and level of service.
19. The applicant must meet the full cost for telecommunication companies, gas providers, Ausgrid, and Sydney Water to adjust/repair/relocate their services as required. The applicant must make the necessary arrangements with the service authority.

**REQUIREMENTS DURING CONSTRUCTION & SITE WORK**

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

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

**Inspections During Construction**

20. The building works must be inspected by the *Principal Certifying Authority*, in accordance with sections 109 E (3) of the *Environmental Planning & Assessment Act 1979* and clause 162A of the *Environmental Planning & Assessment Regulation 2000*, to monitor compliance with the relevant standards of construction, Council's development consent and the construction certificate.

**Site Signage**

21. A sign must be erected and maintained in a prominent position on the site for the duration of the works, which contains the following details:

- name, address, contractor licence number and telephone number of the *principal contractor*, including a telephone number at which the person may be contacted outside working hours, or *owner-builder* permit details (as applicable)
- name, address and telephone number of the *Principal Certifying Authority*,
- a statement stating that "unauthorised entry to the work site is prohibited".

**Restriction on Working Hours**

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

| Activity  | Permitted working hours   |
|---|---|
| All building, demolition and site work, including site deliveries (except as detailed below)    | <ul style="list-style-type: none"> <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.*

**Demolition Work Requirements**

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

**Public Safety & Site Management**

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

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

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

- b) Building materials, sand, soil, waste materials, construction equipment or other articles must not be placed upon the footpath, roadway or nature strip at any time.
- c) The road, footpath, vehicular crossing and nature strip must be maintained in a good, safe, clean condition and free from any excavations, obstructions, trip hazards, goods, materials, soils or debris at all times. Any damage caused to the road, footway, vehicular crossing, nature strip or any public place must be repaired immediately, to the satisfaction of Council.
- d) Building operations such as brick cutting, washing tools or equipment and mixing mortar are not permitted on public footpaths, roadways, nature strips, in any public place or any location which may lead to the discharge of materials into the stormwater drainage system.
- e) Sediment and erosion control measures, must be implemented throughout the site works in accordance with the manual for Managing Urban Stormwater – Soils and Construction, published by Landcom, to Council's satisfaction.
- f) Site fencing, building materials, bulk bins/waste containers and other articles must not be located upon the footpath, roadway or nature strip at any time without the prior written approval of the Council. Applications to place a waste container in a public place can be made to Council's Health, Building and Regulatory Services department.

**Support of Adjoining Land, Excavations & Retaining Walls**

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

- a) In accordance with section 80 A (11) of the *Environmental Planning & Assessment Act 1979* and clause 98 E of the *Environmental Planning & Assessment Regulation 2000*, it is a prescribed condition that the adjoining land and buildings located upon the adjoining land must be adequately supported at all times.
- b) All excavations and backfilling associated with the erection or demolition of a building must be executed safely in accordance with appropriate professional standards and excavations must be properly guarded and supported to prevent them from being dangerous to life, property or buildings.
- c) Prior to undertaking any demolition, excavation or building work in the following circumstances, a report must be obtained from a *professional engineer* which details the methods of support for the dwelling or associated

structure on the adjoining land, to the satisfaction of the *Principal Certifying Authority*:

- when undertaking excavation or building work within the zone of influence of the footings of a dwelling or associated structure that is located on the adjoining land;
- when demolishing or constructing a wall of a dwelling that is built to a common or shared boundary (e.g. semi-detached or terrace dwelling);
- as otherwise required by the *Principal Certifying Authority*.

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

#### **Building Encroachments**

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

#### **Road / Asset Opening Permit**

27. 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.

The owner/builder 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 for the development.

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

#### **Landscaping**

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

### **REQUIREMENTS PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE**

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

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

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

#### **Occupation Certificate Requirements**

29. 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*.

**Council's Infrastructure, Vehicular Crossings, street verge**

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

**Landscaping**

33. The PCA must ensure that landscaping at this site has been installed in accordance with any approved plan and relevant conditions of consent, prior to the issue of any Occupation Certificate, with the owner to maintain it in a healthy and vigorous state until maturity.
34. 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 applicants expense.

**ADVISORY NOTES**

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

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

Failure to comply with these requirements is an offence, which renders the responsible person liable to a maximum penalty of \$1.1 million. Alternatively, Council may issue a penalty infringement notice (for up to \$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 in a public place.

For further information please contact Council on 9399 0944.

- A6 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).

A7 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.*

A8 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.

A9 Underground assets (eg pipes, cables etc) may exist in the area that is subject to your application. In the interests of health and safety and in order to protect damage to third party assets please contact Dial before you dig at [www.1100.com.au](http://www.1100.com.au) or telephone on 1100 before excavating or erecting structures (This is the law in NSW). If alterations are required to the configuration, size, form or design of the development upon contacting the Dial before You Dig service, an amendment to the development consent (or a new development application) may be necessary. Individuals owe asset owners a duty of care that must be observed when working in the vicinity of plant or assets. It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial before you dig service in advance of any construction or planning activities.

A10 The applicant is to advise Council in writing and/or photographs of any signs of existing damage to the Council roadway, footway, or verge prior to the commencement of any building/demolition works.

A11 Further information and details on Council's requirements for trees on development sites can be obtained from the recently adopted Tree Technical Manual, which can be downloaded from Council's website at the following link, <http://www.randwick.nsw.gov.au> - Looking after our environment – Trees – Tree Management Technical Manual; which aims to achieve consistency of approach and compliance with appropriate standards and best practice guidelines.

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

The **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 Bowen     |
| Councillor Bellei    | Councillor Matson    |
| Councillor D'Souza   | Councillor Moore     |
| Councillor Nash      | Councillor Neilson   |
| Councillor Roberts   | Councillor Shurey    |
| Councillor Seng      | Councillor Stevenson |
| Councillor Stavrinos |                      |
| <b>Total (7)</b>     | <b>Total (6)</b>     |

**D70/15 Development Application Report - 9-11 Baden Street, Coogee  
(DA/750/2013/B)**

PL84/15

**RESOLUTION: (Andrews/Nash)** that Council as the consent authority grant its consent under Section 96 of the *Environmental Planning and Assessment Act 1979* as amended to modify Development Consent No DA/234/2014/A by altering the internal layout of units on level 2 to create a 3 bedroom unit (unit 5) and 2 bedroom unit (unit 6), increase the size of the lift overrun, extension to the rear of unit 7 on level 3, increase the height of a blade wall on eastern elevation and changes to window openings on elevation. *Original consent:* Demolition of existing residential flat building and construction of new 4 storey residential flat building containing 7 units, basement car parking for 10 vehicles, landscaping, strata subdivision and associated works (Variation to floor space ratio control) in the following manner:

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

1. The development must be implemented substantially in accordance with the plans:

| <b>Plan</b>       | <b>Drawn by</b>                | <b>Dated</b> |
|-------------------|--------------------------------|--------------|
| JO4-12 A-02 Rev D | Alec Pappas Architects Pty Ltd | March 2015   |
| JO4-12 A-03 Rev D | Alec Pappas Architects Pty Ltd | March 2015   |
| JO4-12 A-04 Rev B | Alec Pappas Architects Pty Ltd | March 2015   |
| JO4-12 A-05 Rev B | Alec Pappas Architects Pty Ltd | March 2015   |
| JO4-12 A-06 Rev B | Alec Pappas Architects Pty Ltd | March 2015   |
| JO4-12 A-07 Rev B | Alec Pappas Architects Pty Ltd | March 2015   |
| JO4-12 A-08 Rev F | Alec Pappas Architects Pty Ltd | March 2015   |
| JO4-12 A-09 Rev F | Alec Pappas Architects Pty Ltd | March 2015   |
| JO4-12 A-10 Rev F | Alec Pappas Architects Pty Ltd | March 2015   |
| JO4-12 A-11 Rev B | Alec Pappas Architects Pty Ltd | March 2015   |

| <b>BASIX Certificate No.</b> | <b>Dated</b>   |
|------------------------------|----------------|
| 511928M_2                    | 27 April, 2015 |

the application form and on any supporting information received with the application, except as may be amended by the following conditions and as may be shown in red by the following:

- **Amend Condition No. 2 to include:**

- 2(c) The following requirements shall be incorporated into the proposed 'common court' area at the rear of the site, which are designed to minimize the potential for overland flow from entering the common court area;
  - 1) The entry stairs to the 'Common Court' area shall be raised to a minimum of 150mm above the adjacent side pathway.
  - 2) The top of the retaining walls surrounding the common court shall be a minimum of 150mm above the surrounding finished surface.

- 2(d) The highlight windows shown above the sliding doors to the balconies and terraces must be openable, and west and south west facing fixed glass be provided with appropriate sun shading. A plan incorporating the recommended changes must be submitted to and approved by Council's Manager of Development Assessment prior to issue of the construction certificate.

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

**D71/15 Development Application Report - 8-10 Grosvenor Street,  
Kensington - DA/181/2015**

PL85/15

**RESOLUTION: (Andrews/Nash)** that Council, as the consent authority, grants development consent under Sections 80 and 80A of the Environmental Planning and Assessment Act 1979, as amended, to Development Application No. DA/181/2015 for the demolition of all structures on site and construction of a three storey residential flat building containing 9 units, a basement car park for 12 vehicles, new front fence, associated site and landscaped works, at No. 8-10 Grosvenor Street, Kensington, subject to the following non standard conditions and the standard conditions contained in the development application compliance report attached to this report:

**Non-standard conditions**

**Amendment of Plans & Documentation**

2. The approved plans and documents must be amended in accordance with the following requirements:
  - a. The glass balustrading on the full eastern edge of the ground floor courtyard shall be increased in height to 1.6 metres above the finished courtyard level and be provided with translucent, obscured, frosted or sandblasted glazing to minimize any direct overlooking into the habitable room windows of the eastern adjoining neighbour.
  - b. The metal louvres located on the window openings and balconies along the eastern and western elevation must be fixed and be tilted in an angle that does not result in any direct overlooking into the private open space and habitable room windows of the rear adjoining dwelling.
  - c. The front fence adjacent to the courtyard area of the ground floor south facing unit shall be a maximum height of 1800mm and the upper 2/3 (1200mm) of the fence provided with infill vertical metal slats that is at least 30% open when viewed from the street.
  - d. The north facing windows of the ground floor unit (G01) must have a minimum sill height of 1.6m above the finished floor level to minimise any overlooking from the common areas. Alternatively, the windows are to be fixed and be provided with translucent, obscured, frosted or sandblasted glazing below this specified height.
  - e. A security roller or grill door must be provided to the basement parking at the bottom of the vehicular ramp.
  - f. Visitor entry to all units and internal common areas must be provided by intercom and remote locking systems.
  - g. Artificial lighting must be provided for all building entries, pedestrian paths and communal open space within the development.
  - h. An additional bicycle space shall be provided within the basement level and not be located as to cause conflict with vehicular movements in entering

and exiting assigned car spaces.

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

**D72/15 Development Application Report - 14 Dawes Street, Little Bay  
(DA/509/2015)**

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PL86/15

**RESOLUTION: (Andrews/Nash)** 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 509/2015 for the construction of an operable pergola roof at No. 14 Dawes Street, Little Bay, subject to the standard conditions contained in the development application compliance report attached to this report:

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

**Miscellaneous Reports**

**M5/15 Miscellaneous Report - Planning Proposal (Spot Rezoning  
Application) - 1T Romani Way Matraville (RZ/2/2015)**

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PL87/15

**RESOLUTION: (Andrews/Nash)** that Council:

1. not forward the Planning Proposal dated June 2015 to amend the LEP Land Zoning, Height of Buildings and Floor Space Ratio Maps for land located at 1T Romani Way Matraville to the Minister for Planning for a Gateway determination in accordance with s.56 of the Environmental Planning and Assessment Act 1979;
2. investigate the suitable zoning of the site as part of the future comprehensive planning review process which would include a review of all SP2 zoned lands; and
3. advise the applicant of Council's decision.

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

**M6/15 Miscellaneous Report - Amendments to DCP 2013- Newmarket  
Green DCP (Inglis Site) (F2013/00156)**

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PL88/15

**RESOLUTION: (Matson/Bowen)** that Council:

- a) place the draft amendments as outlined in Attachment 1 to Development Control Plan 2013 on public exhibition in accordance with the Environmental Planning and Assessment Act 1979 and the Environmental Planning and Assessment Regulation 2000; and
- b) agree that the Director, City Planning may rectify any minor, typographical, interpretation and formatting errors/clarifications if required, in preparation for public exhibition of the draft DCP consistent with Council's resolution outlined above.
- c) delegate authority to the Director City Planning to make a representation to the Department of Planning, seeking a review of the existing heritage conservation area.

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

**M7/15    Miscellaneous Report - Report Variation to Development Standard under State Environmental Planning Policy NO.1 (SEPP1) and Clause 4.6 between 1 July to 26 August 2015 (F2008/00122)**

PL89/15

**RESOLUTION: (Andrews/Nash)** that the report be received and noted.

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

**Notice of Rescission Motions**

Nil.

The meeting closed at 8.49pm.

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

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**CHAIRPERSON**