

**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, 9 FEBRUARY 2016 AT 6:07PM**

**Present:**

The Mayor, Councillor N D'Souza (South Ward)

- |              |  |
|--------------|--|
| North Ward   | - Councillors K Neilson, L Shurey & K Smith (arrived 6.10pm)                                       |
| South Ward   | - Councillors R Belleli & P Garcia (arrived 6.51pm)  |
| East Ward    | - Councillors T Bowen (arrived 6.15pm), M Matson & B Roberts (Deputy Chairperson) (arrived 6.37pm) |
| West Ward    | - Councillors G Moore & H Stavrinou (Chairperson)  |
| Central Ward | - Councillors A Andrews & G Stevenson  |

**Officers present:**

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

**Apologies/Granting of Leave of Absences**

Apologies were received from Crs Nash and Seng.

**RESOLVED: (Andrews/Mayor, Cr N D'Souza)** that the apologies received from Crs Nash and Seng 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 1 DECEMBER 2015**

**RESOLUTION: (Andrews/Matson)** that the Minutes of the Planning Committee Meeting held on Tuesday 1 December 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 Shurey declared a non-significant non pecuniary interest in Item D12/16 as the objectors are known to her.
- b) Cr Matson declared a non-significant non pecuniary interest in Item D12/16 as the objectors are known to him.
- c) Cr Neilson declared a non-significant non pecuniary interest in Item D11/16 as the applicant is known to her.
- d) Cr Neilson declared a non-significant non pecuniary interest in Item D12/16 as one of objectors is known to her.
- e) Cr Andrews declared a significant non pecuniary interest in Item D7/16 as x. Cr Andrews indicated that he would not take part in the debate or the vote on the matter.
- f) Cr Andrews declared a pecuniary interest in Item D10/16 as one of the Directors of the company that owns the property. Cr Andrews indicated that he would not take part in the debate or the vote on the matter.
- g) Cr Andrews declared a non-significant non pecuniary interest in Item D11/16 as the applicant is known to him.
- h) Cr Andrews declared a non-significant non pecuniary interest in Item D15/16 as his is aware of both the applicants and objectors.
- i) All Councillors present at the meeting declared a non-significant non pecuniary interest in Item D10/16 as one of the directors of the company that owns the property is a Randwick City Council Councillor.
- j) Cr Stavrinou declared a non-significant non pecuniary interest in Item D11/16 as the applicant is known to him.
- k) Cr Smith declared an significant non pecuniary interest in Item D16/16 as a Council delegate on the JRPP. Cr Smith indicated that he would not take part in the debate or the vote on the matter.
- l) Cr Matson declared an significant non pecuniary interest in Item D16/16 as a Council delegate on the JRPP. Cr Matson indicated that he would not take part in the debate or the vote on the matter.
- m) Cr Garcia declared a non-significant non pecuniary interest in Item D4/16 as he knows the applicant.
- n) Cr Bowen declared a non-significant non pecuniary interest in Item D4/16 as he knows the applicant.

The meeting was adjourned at 6.14pm and was resumed at 6.20pm.

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

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

D1/16 11 BOND STREET, MAROUBRA (DA/535/2015) - DEFERRED

**Objector** Mary Quilkey

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

D3/16 38 CANBERRA STREET, RANDWICK (DA/538/2015)

**Objector** Kate Messiter

**Applicant** Russell Prescott (representing the applicant)

D7/16 25 JERSEY ROAD, MATRAVILLE (DA/643/2015)

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

**Objector** Michelle Charles

**Applicant** Michael Buckley (representing the applicant)

Cr Andrews returned to the meeting at this point (6.43pm).

D11/16 11 LIGURIA STREET MAROUBRA (DA/514/2006/D)

**Objector** George Kitsos

**Applicant** Georgia Constantinou

D12/16 359 MAROUBRA ROAD, MAROUBRA (DA/753/2015)

**Objector** Dave Pyett

**Applicant** Terry Morelli

D14/16 5 CLISBY WAY, MATRAVILLE - DA/563/2015

**Objector** Kate Mirow

**Applicant** Tone Wheeler (representing the applicant)

NR1/16 RESCISSION MOTION SUBMITTED BY CRS ANDREWS, MATSON AND SHUREY  
- 70 DUDLEY STREET, COOGEE (DA/803/2014)

**Objector** Martine Hinds

**Applicant** Julian Brenchley (representing the applicant)

The meeting was adjourned at 7.35pm and was resumed at 7.59pm.

### **Urgent Business**

#### **UB1/16 Cr Anthony Andrews - Community forum - proposed Randwick-Waverley-Woollahra merger (F2004/06554)**

PL2/16

**RESOLUTION: (Andrews/Matson)** that Randwick City Council calls on the appointed Delegate for the merger of Randwick-Waverley-Woollahra to consider hosting two (2) further community forums (one at the Randwick Town Hall and one at the Prince Henry Centre at Little Bay) prior to the close of public submissions that being 28 February 2016.

**AMENDMENT: (Bowen/Belleli)** that:

- a) Randwick City Council calls on the appointed Delegate for the merger of Randwick-Waverley-Woollahra to consider hosting two (2) further community forums (one at the Randwick Town Hall and one at the Prince Henry Centre, Little Bay) prior to the close of public submissions that being 28 February 2016.

- b) Randwick City Council re-affirms its position that it remains a stand-alone Council. **RULED OUT OF ORDER (NOT URGENT).**

Cr Stavrinou (the Chairperson) ruled the AMENDMENT OUT OF ORDER on the basis of part (b) not being a matter of urgency.

Cr Bowen moved DISSENT to Chairperson's ruling that the AMENDMENT was OUT OF ORDER.

**MOTION OF DISSENT (Bowen) PUT AND LOST.**

Councillors Bowen and Stevenson called for a **DIVISION**.

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 Andrews
Councillor Garcia	Councillor Belleli
Councillor Moore	Councillor D'Souza
Councillor Neilson	Councillor Matson
Councillor Stevenson	Councillor Roberts
	Councillor Shurey
	Councillor Smith
	Councillor Stavrinou
<b>Total (5)</b>	<b>Total (8)</b>

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

**Development Application Reports**

**D1/16 Development Application Report - 11 Bond Street, Maroubra (DA/535/2015) - Deferred**

PL3/16

**RESOLUTION: (Smith/Matson)** 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/535/2015 for demolition of existing structures, construction of part 2/part 3 storey dual occupancy development, garages to front, swimming pools to rear, landscaping and associated works at No. 11 Bond Street, Maroubra, subject to the standard conditions contained to this report:

**GENERAL CONDITIONS**

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

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

**Approved Plans & Supporting Documentation**

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

<i>Plan</i>	<i>Drawn by</i>	<i>Dated</i>	<i>Received by Council</i>
Sheet 1 of 7 to 7 of 7	Architects Ink	19/01/2016	25 January 2016

(Issue F)			
Colours, Materials and Finishes Schedule	Architects Ink	-	6 August 2015

### Amendment of Plans & Documentation

2. The approved plans and documents must be amended in accordance with the following requirements:
  - a. To allow for reasonable view sharing corridor in-between the properties, the large trees at the front of the property (4 x *Tristania laurina* 'Luscious') shall be replaced with plant species that attains a maximum height of 2m at maturity.
  - b. The allocated plant and equipment area within the basement shall be limited to the rear south western end of the passage access stairs. The areas beyond the stair accesses shall be backfilled with soil.

### REQUIREMENTS BEFORE A CONSTRUCTION CERTIFICATE CAN BE ISSUED

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

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

### Consent Requirements

3. The requirements and amendments detailed in the 'General Conditions' must be complied with and be included in the construction certificate plans and associated documentation.

### Section 94A Development Contributions

4. In accordance with Council's Section 94A Development Contributions Plan effective from 21 April 2015, based on the development cost of \$1,628,000 the following applicable monetary levy must be paid to Council: \$16,280.

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

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

$$IDC = ODC \times CP2/CP1$$

Where:

**IDC** = the indexed development cost

**ODC** = the original development cost determined by the Council

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

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

Council's Section 94A Development Contribution Plans may be inspected at the Customer Service Centre, Administrative Centre, 30 Frances Street, Randwick or at [www.randwick.nsw.gov.au](http://www.randwick.nsw.gov.au).

### Long Service Levy Payments

5. 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

6. 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*:

- \$2000.00 - 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/builders 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

7. The design alignment level (the finished level of concrete, paving or the like) at the property boundary for driveways, access ramps and pathways or the like, shall be as follows:

Western Driveway Entrance – Western Edge RL 38.65 AHD  
Eastern Edge RL 38.50 AHD

Pedestrian Gate Entrance Western Dwelling RL 38.35 AHD

Pedestrian Gate Entrance Eastern Dwelling RL 38.20AHD

Eastern Driveway Entrance – Western Edge RL 38.05 AHD  
Eastern Edge RL 37.90 AHD

The design alignment levels at the property boundary as issued by Council 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.

The above alignment levels and the site inspection by Council's Development Engineering Section have been issued at a prescribed fee of \$792.00 calculated at \$52.00 (inclusive of GST) per metre of site frontage. This amount is to be paid prior to a construction certificate being issued for the development.

### Sydney Water

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

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

### **Stormwater Drainage**

9. Stormwater drainage plans have not been approved as part of this development consent. Engineering calculations and plans with levels reduced to Australian Height Datum in relation to site drainage shall be prepared by a suitably qualified Hydraulic Engineer and submitted to and approved by the certifying authority. A copy of the engineering calculations and plans are to be forwarded to Council, if the Council is not the certifying authority. The drawings and details shall include the following information:

- a) A detailed drainage design supported by a catchment area plan, at a scale of 1:100 or as considered acceptable to the Council or an accredited certifier, and drainage calculations prepared in accordance with the Institution of Engineers publication, Australian Rainfall and Run-off, 1987 edition.
- b) A layout of the proposed drainage system including pipe sizes, type, grade, length, invert levels, etc., dimensions and types of all drainage pipes and the connection into Council's stormwater system.
- c) The separate catchment areas within the site, draining to each collection point or surface pit are to be classified into the following categories:
  - i. Roof areas
  - ii. Paved areas
  - iii. Grassed areas
  - iv. Garden areas
- d) Where buildings abut higher buildings and their roofs are "flushed in" to the higher wall, the area contributing must be taken as: the projected roof area of the lower building, plus one half of the area of the vertical wall abutting, for the purpose of determining the discharge from the lower roof.
- e) Proposed finished surface levels and grades of car parks, internal driveways and access aisles which are to be related to Council's design alignment levels.
- f) The details of any special features that will affect the drainage design

eg. the nature of the soil in the site and/or the presence of rock etc.

10. The site stormwater drainage system is to be provided in accordance with the following requirements;

- a) The stormwater drainage system must be provided in accordance with the relevant requirements of the Building Code of Australia and the conditions of this consent, to the satisfaction of the *Certifying Authority* and details are to be included in the construction certificate.
- b) The stormwater must be discharged (by gravity) either:
  - i. Council's kerb and gutter directly in front of the subject site in Bond Street; or
  - ii. To a suitably designed infiltration system (subject to confirmation in a geotechnical investigation that the ground conditions are suitable for the infiltration system),

Pump-out systems may be permitted but must be provided with two pumps connected in parallel (with each pump being capable of discharging at the required discharge rate) and connected to a control board so that each pump will operate alternatively. The pump wet well is required to be sized for the 1 in 100 year, 2 hour storm assuming both pumps are not working. All pump-out water must pass through a stilling pit prior to being discharged by gravity to the kerb and gutter

Pump-out systems must be designed by a suitably qualified and experienced hydraulic consultant/engineer and the pump-out system designed and constructed generally in accordance with Council's Stormwater Code.

- c) Should stormwater be discharged to Council's drainage system, an on-site stormwater detention system must be provided to ensure that the maximum discharge from the site does not exceed that which would occur during a **1 in 10** year storm of one hour duration for existing site conditions. All other stormwater run-off from the site for all storms up to the 1 in 20 year storm is to be retained on the site for gradual release to the street drainage system, to the satisfaction of the certifying authority.

An overland escape route or overflow system (to Council's street drainage system) must be provided for storms having an average recurrence interval of 100 years (1 in 100 year storm), or, alternatively the stormwater detention system is to be provided to accommodate the 1 in 100 year storm.

- d) Should stormwater be discharged to an infiltration system, the infiltration area shall be sized for all storm events up to the 1 in 20 year storm event with provision for a formal overland flow path to Council's Street drainage system.

Should no formal overland escape route be provided for storms greater than the 1 in 20 design storm, the infiltration system shall be sized for the 1 in 100 year storm event.

- e) Determination of the required cumulative storage (in the on-site detention and/or infiltration system) must be calculated by the mass curve technique as detailed in Technical Note 1, Chapter 14 of the Australian Rainfall and Run-off Volume 1, 1987 Edition.



Where possible any detention tanks should have an open base to infiltrate stormwater into the ground. Infiltration should not be used if ground water and/or any rock stratum is within 2.0 metres of the base of the tank.

- f) Should a pump system be required to drain any portion of the site the system must be designed with a minimum of two pumps being installed, connected in parallel (with each pump capable of discharging at the permissible discharge rate) and connected to a control board so that each pump will operate alternatively. The pump wet well shall be sized for the 1 in 100 year, 2 hour storm assuming both pumps are not working.

The pump system must also be designed and installed strictly in accordance with Randwick City Council's Private Stormwater Code.

- g) Generally all internal pipelines must be capable of discharging a 1 in 20 year storm flow. However the minimum pipe size for pipes that accept stormwater from a surface inlet pit must be 150mm diameter. The site must be graded to direct any surplus run-off (i.e. above the 1 in 20 year storm) to the proposed drainage (detention/infiltration) system.
- h) A sediment/silt arrestor pit must be provided within the site near the street boundary prior to discharge of the stormwater to Council's drainage system and prior to discharging the stormwater to any absorption/infiltration system.

Sediment/silt arrestor pits are to be constructed generally in accordance with the following requirements:

- The base of the pit being located a minimum 300mm under the invert level of the outlet pipe.
  - The pit being constructed from cast in-situ concrete, precast concrete or double brick.
  - A minimum of 4 x 90 mm diameter weep holes (or equivalent) located in the walls of the pit at the floor level with a suitable geotextile material with a high filtration rating located over the weep holes.
  - A galvanised heavy-duty screen being provided over the outlet pipe/s (Mascot GMS multipurpose filter screen or equivalent).
  - The grate being a galvanised heavy-duty grate that has a provision for a child proof fastening system.
  - A child proof and corrosion resistant fastening system being provided for the access grate (e.g. spring loaded j-bolts or similar).
  - Provision of a sign adjacent to the pit stating, "This sediment/silt arrestor pit shall be regularly inspected and cleaned".
- i) The floor level of all habitable, retail, commercial and storage areas located adjacent to any detention and/or infiltration systems with above ground storage must be a minimum of 300mm above the maximum water level for the design storm or alternately a permanent 300mm high water proof barrier is to be provided.
- j) Infiltration systems/Absorption Trenches must be designed and constructed generally in accordance with Randwick City Council's Private

Stormwater Code.

- k) The maximum depth of ponding in any above ground detention areas and/or infiltration systems with above ground storage shall be as follows (as applicable):
- i. 150mm in uncovered open car parking areas (with an isolated maximum depth of 200mm permissible at the low point pit within the detention area)
  - ii. 300mm in landscaped areas (where child proof fencing is not provided around the outside of the detention area and sides slopes are steeper than 1 in 10)
  - iii. 600mm in landscaped areas where the side slopes of the detention area have a maximum grade of 1 in 10
  - iv. 1200mm in landscaped areas where a safety fence is provided around the outside of the detention area
  - v. Above ground stormwater detention areas must be suitably signposted where required, warning people of the maximum flood level.

*Note: Above ground storage of stormwater is not permitted within basement car parks or store rooms.*

- l) A childproof and corrosion resistant fastening system shall be installed on access grates over pits/trenches where water is permitted to be temporarily stored.
- m) A 'V' drain (or equally effective provisions) are to be provided to the perimeter of the property, where necessary, to direct all stormwater to the detention/infiltration area.
- n) The site stormwater system must be regularly cleaned and maintained to ensure it operates as required by the design.
- o) Mulch or bark is not to be used in on-site detention areas.
- p) Seepage waters are required to be drained and disposed of within the site and are not to be drained into Council's stormwater drainage system.
- q) Site discharge pipelines shall cross the verge at an angle no less than 45 degrees to the kerb line and must not encroach across a neighbouring property's frontage unless approved in writing by Council's Development Engineering Coordinator.

#### **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**

11. In accordance with section 80 A (11) of the *Environmental Planning & Assessment Act 1979* and clause 98 of the *Environmental Planning &*

*Assessment Regulation 2000*, it is a *prescribed condition* that all building work must be carried out in accordance with the provisions of the Building Code of Australia (BCA). Details of compliance with the BCA are to be included in the construction certificate application.

#### **BASIX Requirements**

12. In accordance with section 80A(11) of the *Environmental Planning & Assessment Act 1979* and clause 97A of the *Environmental Planning & Assessment Regulation 2000*, the requirements and commitments contained in the relevant BASIX Certificate must be complied with.

The required commitments listed and identified in the BASIX Certificate must be included on the construction certificate plans, specifications and associated documentation, to the satisfaction of the Certifying Authority.

The design of the building must not be inconsistent with the development consent and any proposed variations to the building to achieve the BASIX commitments may necessitate a new development consent or amendment to the existing consent to be obtained, prior to a construction certificate being issued.

#### **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**

13. 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**

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*, the requirements of the *Home Building Act 1989* must be complied with.

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

**Dilapidation Reports**

15. A dilapidation report prepared by a professional engineer, building surveyor or other suitably qualified independent person must be submitted to the satisfaction of the Principal Certifying Authority prior to commencement of any demolition, excavation or building works, in the following cases:

- excavations for new dwellings, additions to dwellings, swimming pools or the like which are proposed to be located within the *zone of influence* of the footings of any dwelling, associated garage or other substantial structure located upon an adjoining premises,
- new dwellings or additions to dwellings sited up to shared property boundaries (e.g. additions to a semi-detached dwelling or terraced dwellings),
- excavations for new dwellings, additions to dwellings, swimming pools or the like which are within rock and may result in vibration and or potential damage to any dwelling, associated garage or other substantial structure located upon an adjoining premises,
- as otherwise may be required by the Principal Certifying Authority.

The report (including photographs) are required to detail the current condition and status of any dwelling, associated garage or other substantial structure located upon the adjoining premises, which may be affected by the subject works. A copy of the dilapidation report is to be given to the owners of the premises encompassed in the report/s before commencing any works.

**Construction Noise & Vibration Management Plan**

16. 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**

17. A *Construction Site Management Plan* must be developed and implemented prior to the commencement of any works. The construction site management plan must include the following measures, as applicable to the type of development:

- location and construction of protective fencing / hoardings to the perimeter of the site;
- location of site storage areas/sheds/equipment;
- location of building materials for construction;
- provisions for public safety;
- dust control measures;
- site access location and construction
- details of methods of disposal of demolition materials;
- protective measures for tree preservation;
- provisions for temporary sanitary facilities;
- location and size of waste containers/bulk bins;
- details of proposed sediment and erosion control measures;
- provisions for temporary stormwater drainage;
- construction noise and vibration management;
- construction traffic management details.

The site management measures must be implemented prior to the commencement of any site works and be maintained throughout the works, to the satisfaction of Council.

A copy of the Construction Site Management Plan must be provided to the Principal Certifying Authority and Council prior to commencing site works. A copy must also be maintained on site and be made available to Council officers upon request.

### **Demolition Work Plan**

18. A Demolition Work Plan must be prepared for the development in accordance with Australian Standard AS2601-2001, Demolition of Structures and relevant environmental/occupational health and safety requirements.

The Demolition Work Plan must include the following information (as applicable):

- The name, address, contact details and licence number of the Demolisher /Asbestos Removal Contractor
- Details of hazardous materials (including asbestos)
- Method/s of demolition (including removal of any asbestos)
- Measures and processes to be implemented to ensure the health & safety of workers and community
- Measures to be implemented to minimise any airborne dust and asbestos
- Methods and location of disposal of any hazardous materials (including asbestos)
- Other relevant details, measures and requirements to be implemented
- Details of re-use, recycling and disposal of waste demolition/building materials
- Date the demolition works will commence

The Demolition Work Plan must be submitted to the Principal Certifying Authority (PCA), not less than two (2) working days before commencing any demolition work. A copy of the Demolition Work Plan must be maintained on site and be made available to Council officers upon request.

If the work involves asbestos products or materials, a copy of the Demolition Work Plan must also be provided to Council not less than 2 days before commencing those works.

### **Notes**

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

- Refer to the conditions within the "Requirements During Construction & Site Work", for further details and requirements relating to demolition work, removal of any asbestos and public safety.

#### **Demolition & Construction Waste**

19. A *Demolition and Construction Waste Management Plan* (WMP) must be developed and implemented for the development.

The Waste Management Plan must provide details of the type and quantities of demolition and construction waste materials, proposed re-use and recycling of materials, methods of disposal and details of recycling outlets and land fill sites.

Where practicable waste materials must be re-used or recycled, rather than disposed and further details of Council's requirements including relevant guidelines and pro-forma WMP forms can be obtained from Council's Customer Service Centre or by telephoning Council on 9399 0999.

Details and receipts verifying the recycling and disposal of materials must be kept on site at all times and presented to Council officers upon request.

#### **Public Utilities**

20. A *Public Utility Impact Assessment* must be carried out to identify all public utility services located on the site, roadway, nature strip, footpath, public reserve or any public areas associated with and/or adjacent to the building works.
21. The owner/builder must make the necessary arrangements and meet the full cost for telecommunication companies, gas providers, Ausgrid, Sydney Water and other authorities to adjust, repair or relocate their services as required.

### **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**

22. 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**

23. 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**

24. 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**

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

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

*A copy of Council's Asbestos Policy is available on Council's web site at [www.randwick.nsw.gov.au](http://www.randwick.nsw.gov.au) in the Building & Development section or a copy can be obtained from Council's Customer Service Centre.*

#### **Removal of Asbestos Materials**

26. Work involving the demolition, storage or disposal of asbestos products and materials must be carried out in accordance with the following requirements:

- Relevant Occupational Health & Safety legislation and WorkCover NSW requirements
- Randwick City Council's Asbestos Policy

- A WorkCover licensed demolition or asbestos removal contractor must undertake removal of more than 10m<sup>2</sup> of bonded asbestos (or as otherwise specified by WorkCover or relevant legislation). Removal of friable asbestos material must only be undertaken by contractor that holds a current friable asbestos removal licence. A copy of the relevant licence must be provided to the Principal Certifying Authority.
- On sites involving the removal of asbestos, a sign must be clearly displayed in a prominent visible position at the front of the site, containing the words 'DANGER ASBESTOS REMOVAL IN PROGRESS' and include details of the licensed contractor.
- Asbestos waste must be stored, transported and disposed of in compliance with the *Protection of the Environment Operations Act 1997* and the *Protection of the Environment Operations (Waste) Regulation 2005*. Details of the landfill site (which must be lawfully able to receive asbestos materials) must be provided to the Principal Certifying Authority.
- A Clearance Certificate or Statement, prepared by a suitably qualified person (i.e. an occupational hygienist, licensed asbestos removal contractor, building consultant, architect or experienced licensed building contractor), must be provided to Council and the Principal certifying authority upon completion of the asbestos related works which confirms that the asbestos material have been removed appropriately and the relevant conditions of consent have been satisfied.

*A copy of Council's Asbestos Policy is available on Council's web site at [www.randwick.nsw.gov.au](http://www.randwick.nsw.gov.au) in the Building & Development Section or a copy can be obtained from Council's Customer Service Centre.*

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

27. 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**

28. Public safety and convenience must be maintained at all times during demolition, excavation and construction works and the following requirements must be complied with:
- a) Public access to the building site and materials must be restricted by existing boundary fencing or temporary site fencing having a minimum height of 1.5m, to Council's satisfaction.  
  
Temporary site fences are required to be constructed of cyclone wire fencing material and be structurally adequate, safe and constructed in a professional manner. The use of poor quality materials or steel reinforcement mesh as fencing is not permissible.
  - b) Building materials, sand, soil, waste materials, construction equipment or other articles must not be placed upon the footpath, roadway or nature strip at any time.
  - c) The road, footpath, vehicular crossing and nature strip must be maintained in a good, safe, clean condition and free from any excavations, obstructions, trip hazards, goods, materials, soils or debris at all times. Any damage caused to the road, footway, vehicular crossing, nature strip or any public place must be repaired immediately,



to the satisfaction of Council.

- d) Building operations such as brick cutting, washing tools or equipment and mixing mortar are not permitted on public footpaths, roadways, nature strips, in any public place or any location which may lead to the discharge of materials into the stormwater drainage system.
- e) Sediment and erosion control measures, must be implemented throughout the site works in accordance with the manual for Managing Urban Stormwater – Soils and Construction, published by Landcom, to Council's satisfaction.
- f) Site fencing, building materials, bulk bins/waste containers and other articles must not be located upon the footpath, roadway or nature strip at any time without the prior written approval of the Council. Applications to place a waste container in a public place can be made to Council's Health, Building and Regulatory Services department.
- g) Temporary safety fencing is to be provided to any swimming pools under construction, pending the completion of all building work and the pool must not be filled until a fencing inspection has been carried out and approved by the principal certifying authority.

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

29. 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.
30. All excavations and backfilling associated with the erection or demolition of a building must be executed safely in accordance with appropriate professional standards and excavations must be properly guarded and supported to prevent them from being dangerous to life, property or buildings.

Retaining walls, shoring or piling must be provided to support land which is excavated in association with the erection or demolition of a building, to prevent the movement of soil and to support the adjacent land and buildings, if the soil conditions require it. Adequate provisions are also to be made for drainage.

Details of proposed retaining walls, shoring, piling or other measures are to be submitted to and approved by the Principal Certifying Authority.

31. Prior to undertaking any demolition, excavation or building work in the following circumstances, a report must be obtained from a *professional engineer* which details the methods of support for the dwelling or associated structure on the adjoining land, to the satisfaction of the *Principal Certifying Authority*:
  - when undertaking excavation or building work within the zone of influence of the footings of a dwelling or associated structure that is located on the adjoining land;
  - when undertaking demolition work to a wall of a dwelling that is built to a common or shared boundary (e.g. semi-detached or terrace dwelling);
  - when constructing a wall to a dwelling or associated structure that is located within 900mm of a dwelling located on the adjoining land;
  - as may be required by the *Principal Certifying Authority*.

The demolition, excavation and building work and the provision of support to the dwelling or associated structure on the adjoining land, must also be carried out in accordance with the abovementioned report, to the satisfaction of the *Principal Certifying Authority*.

#### **Building Encroachments**

32. 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**

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

- A *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.
- Relevant *Road / Asset Opening Permit* fees, repair fees, inspection fees and security deposits, must be paid to Council prior to commencing any works within or upon the road, footpath, nature strip or other public place.

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

#### **Drainage**

34. Adequate provisions must be made to collect and discharge stormwater drainage during construction of the building to the satisfaction of the principal certifying authority.

#### **Ausgrid**

35. As a mains power distribution pole is located on the same side of the street and within 15m of the development site, the applicant must meet the full cost for Ausgrid to relocate the existing overhead power feed from the distribution pole in the street to the development site via an underground (UGOH) connection.

#### **Tree Management**

36. Approval is granted for removal of all existing vegetation within the site due to their small size and insignificance including the gum tree located in the rear yard, subject to full implementation of the approved landscaping.

### **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**

37. An Occupation Certificate must be obtained from the Principal Certifying Authority prior to any occupation of the building work encompassed in this development consent (including alterations and additions to existing buildings), in accordance with the relevant provisions of the *Environmental Planning & Assessment Act 1979*.

An Occupation Certificate must not be issued for the development if the development is inconsistent with the development consent. The relevant requirements of the *Environmental Planning & Assessment Act 1979* and conditions of development consent must be satisfied prior to the issuing of an occupation certificate.

### **BASIX Requirements**

38. In accordance with Clause 154B of the *Environmental Planning & Assessment Regulation 2000*, a Certifying Authority must not issue an Occupation Certificate for this development, unless it is satisfied that each of the required BASIX commitments have been fulfilled.

Relevant documentary evidence of compliance with the BASIX commitments is to be forwarded to the Council upon issuing an Occupation Certificate.

### **Swimming Pool Safety**

39. Swimming pools are to be designed and installed in accordance with the relevant requirements of the *Building Code of Australia* and be provided with childproof fences and self-locking gates, in accordance with the *Swimming Pools Act 1992* and the *Swimming Pools Regulation 2008*.

The swimming pool is to be surrounded by a fence having a minimum height of 1.2m, that separates the pool from any *residential building* (as defined in the *Swimming Pools Act 1992*) that is situated on the premises and from any place (whether public or private) adjoining the premises; and that is designed, constructed and installed in accordance with Australian Standard AS 1926.1 – 2012 (Swimming Pool Safety Part 1 - Safety Barriers for Swimming Pools).

Gates to pool area shall be a maximum width of 1 metre, and be self-closing and latching; the gate is required to open outwards from the pool area and prevent a small child opening the gate or door when the gate or door is closed.

Temporary pool safety fencing is to be provided pending the completion of all building work and the pool must not be filled until a fencing inspection has been carried out and approved by the principal certifying authority.

A 'warning notice' must be erected in a prominent position in the immediate vicinity of the swimming pool, in accordance with the provisions of the *Swimming Pools Regulation 2008*, detailing pool safety requirements, resuscitation techniques and the importance of the supervision of children at all times.

*Note: This development consent does not approve the design and location of swimming pool fencing and other swimming pool safety barriers. Swimming pool fencing and other safety barriers are required to comply with the Swimming Pools Act 1992 and Swimming Pools Regulation 2008. Details of compliance are required to be incorporated into the plans and specifications for a Construction Certificate, to the satisfaction of the Certifying Authority.*

**Spa Pool Safety**

40. Spa pools are to be designed and installed in accordance with the relevant provisions of the *Building Code of Australia* and be provided with a child resistant barrier, in accordance with the provisions of the *Swimming Pools Act 1992* and the *Swimming Pools Regulation 2008*.

A 'warning notice' must be erected in a prominent position in the immediate vicinity of the swimming pool, in accordance with the provisions of the *Swimming Pools Regulation 2008*, detailing pool safety requirements, resuscitation techniques and the importance of the supervision of children at all times.

**Swimming Pool & Spa Pool Requirements**

41. Swimming pools (and spa pools) are to be designed, installed and operated in accordance with the following general requirements:

- a) Backwash of the pool filter and other discharge of water is to be drained to the sewer in accordance with the requirements of the Sydney Water Corporation; and
- b) All pool overflow water is to be drained away from the building and adjoining premises, so as not to result in a nuisance or damage to premises; and
- c) Water recirculation and filtrations systems are required to comply with AS 1926.3 – 2010: Swimming Pool Safety – Water Recirculation and Filtration Systems; and
- d) Pool plant and equipment is to be enclosed in a sound absorbing enclosure or installed within a building, to minimise noise emissions and possible nuisance to nearby residents.

**Notification of Swimming Pools & Spa Pools**

42. The owner of the premises must 'register' the swimming pool [or spa pool] on the NSW Swimming Pool Register, in accordance with the *Swimming Pools Amendment Act 2012*.

The Swimming Pool Register is administered by the NSW Government, Department of Premier & Cabinet, Division of Local Government and registration on the Swimming Pool Register may be made on-line via their website [www.swimmingpoolregister.nsw.gov.au](http://www.swimmingpoolregister.nsw.gov.au).

Registration must be made before the issue of an Occupation Certificate for the pool.

**Council's Infrastructure, Vehicular Crossings & Road Openings**

43. Prior to the issuing of an occupation certificate the applicant must meet the full cost for a Council approved contractor to:

- a) Construct concrete vehicular crossings and laybacks at kerb opposite the vehicular entrances to the site, to Council's specifications and requirements.
- b) Remove the redundant concrete vehicular crossing and layback and to reinstate the area with concrete footpath, turf and integral kerb and gutter to Council's specification.
- c) Construct a concrete footpath along the full site frontage. Any unpaved areas on the nature strip must be turfed and landscaped to Council's specification.

44. 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.
45. All external civil work to be carried out on Council property (including the installation and repair of roads, footpaths, vehicular crossings, kerb and guttering and drainage works), must be carried out in accordance with Council's Policy for "Vehicular Access and Road and Drainage Works" and the following requirements:
- a) All work on Council land must be carried out by Council, unless specific written approval has been obtained from Council to use non-Council contractors.
  - b) Details of the proposed civil works to be carried out on Council land must be submitted to Council in a *Civil Works Application Form*, prior to an occupation certificate being issued for the development, together with payment of the relevant fees.
  - c) If it is proposed to use non-Council contractors to carry out the civil works on Council land, the work must not commence until the written approval has been obtained from Council and the work must be carried out in accordance with the conditions of consent, Council's design details and payment of a Council design and supervision fee.
  - d) The civil works must be completed in accordance with Council's conditions of consent and approved design and construction documentation, prior to occupation of the development, or as otherwise approved by Council in writing.

#### **Sydney Water**

46. A section 73 Compliance Certificate, under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation. An Application for a Section 73 Certificate must be made through an authorised Water Servicing Coordinator. For details, please refer to the Sydney Water web site [www.sydneywater.com.au](http://www.sydneywater.com.au) > Building and developing > Developing your Land > Water Servicing Coordinator or telephone 13 20 92.

Please make early contact with the Water Servicing Co-ordinator, as building of water/sewer extensions may take some time and may impact on other services and building, driveway or landscape design.

The Section 73 Certificate must be submitted to the Principal Certifying Authority and the Council prior to the issuing of an *Occupation Certificate*.

#### **Ausgrid**

47. Prior to the issuing of any form of Occupation certificate the applicant must meet the full cost for Ausgrid to relocate the existing overhead power feed from the distribution pole in the street to the development site via an underground (UGOH) connection.

#### **Stormwater Drainage**

48. A "restriction on the use of land" and "positive covenant" (under section 88E of the Conveyancing Act 1919) shall be placed on the title of the subject property to ensure that the onsite detention/infiltration system is maintained and that no works which could affect the design function of the detention/infiltration system are undertaken without the prior consent (in writing) from Council. Such restriction and positive covenant shall not be released, varied or modified

without the consent of the Council.

Notes:

- a. The "restriction on the use of land" and "positive covenant" are to be to the satisfaction of Council. A copy of Council's standard wording/layout for the restriction and positive covenant may be obtained from Council's Development Engineer.
  - b. The works as executed drainage plan and hydraulic certification must be submitted to Council prior to the "restriction on the use of land" and "positive covenant" being executed by Council.
49. A works-as-executed drainage plan prepared by a registered surveyor and approved by a suitably qualified and experienced hydraulic consultant/engineer must be forwarded to the Principal Certifying Authority and the Council. The works-as-executed plan must include the following details (as applicable):
- The location of any detention basin/s with finished surface levels;
  - Finished site contours at 0.2 metre intervals;
  - Volume of storage available in any detention areas;
  - The location, diameter, gradient and material (i.e. PVC, RC etc) of all stormwater pipes;
  - The orifice size/s (if applicable);
  - Details of any infiltration/absorption systems; and
  - Details of any pumping systems installed (including wet well volumes).
50. The applicant shall submit to the Principal Certifying Authority (PCA) and Council, certification from a suitably qualified and experienced Hydraulic Engineer, which confirms that the design and construction of the stormwater drainage system complies with the Building Code of Australia, Australian Standard AS3500.3:2003 (Plumbing & Drainage- Stormwater Drainage) and conditions of this development consent.

The certification must be provided following inspection/s of the site stormwater drainage system by the Hydraulic Engineers to the satisfaction of the PCA.

#### **Landscaping**

51. The landscaping shall be installed in general accordance with the submitted Landscape Design and specifications by *Zenith Landscape Designs dated 21.7.15, Drwg No's 15-3041 LO1 & LO2* prior to occupation of the development and the landscaping must be maintained in accordance with the approved plans and specifications.

Certification is to be obtained from a suitably qualified Landscape Architect and submitted to the Principal Certifying Authority (PCA) (and Council, if Council is not the PCA) prior to the occupation of the development, which confirms that the landscaping works have been completed in accordance with the approved landscaping plans and relevant conditions of development consent, to the satisfaction of the PCA.

#### **Waste Management**

52. The owner or applicant is required to contact Council's City Services department, to make the necessary arrangements for the provision of waste services to the additional premises.

#### **OPERATIONAL CONDITIONS**

The following operational conditions must be complied with at all times, throughout the use and operation of the development.

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

### **External Lighting**

53. External lighting to the premises must be designed and located so as to minimise light-spill beyond the property boundary or cause a public nuisance.

### **Street Numbering**

54. Street numbering must be provided to the front of the premises in a prominent position, in accordance with the Australia Post guidelines and AS/NZS 4819 (2003) to the satisfaction of Council.

In this regard, an Application must be submitted to and approved by Council's Director of City Planning, together with the required fee, for the allocation of appropriate street and unit numbers for the development.

### **Plant & Equipment**

55. The operation of all plant and equipment upon the premises shall not give rise to an 'offensive noise' as defined in the *Protection of the Environment Operations Act 1997 and Regulations*.

In this regard, the operation of the plant and equipment shall not give rise to an  $L_{Aeq, 15 \text{ min}}$  sound pressure level at any affected premises that exceeds the background  $L_{A90, 15 \text{ min}}$  noise level, measured in the absence of the noise source/s under consideration by more than 5dB(A) in accordance with relevant NSW Office of Environment & Heritage (EPA) Noise Control Guidelines.

### **Swimming/Spa Pools**

56. The pool plant and equipment shall not be operated during the following hours if the noise emitted can be heard within a habitable room in any other residential premises, or, as otherwise specified in relevant Noise Control Regulations:

- before 8.00am or after 8.00pm on any Sunday or public holiday; or
- before 7.00am or after 8.00pm on any other day.

### **Air Conditioners**

57. Air conditioning plant and equipment shall not be operated during the following hours if the noise emitted can be heard within a habitable room in any other residential premises, or, as otherwise specified in relevant Noise Control Regulations:

- before 8.00am or after 10.00pm on any Saturday, Sunday or public holiday; or
- before 7.00am or after 10.00pm on any other day.

### **Rainwater Tanks**

58. The operation of plant and equipment associated with rainwater tanks are to be restricted to the following hours if the noise emitted can be heard within a habitable room in any other residential premises:

- before 8.00am or after 8.00pm on weekends or public holiday; or
- before 7.00am or after 8.00pm on weekdays.

59. The site stormwater system must be regularly cleaned and maintained to ensure it operates as required by the design.

**REQUIREMENTS PRIOR TO THE ISSUING OF A STRATA CERTIFICATE**

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

These conditions have been applied to satisfy the provisions of Council's environmental plans, policies and codes for subdivision works.

60. All floors, external walls and ceilings depicted in the proposed strata plan must be constructed.
61. All floors, external walls and ceilings depicted in the proposed strata plan must correspond to those depicted in the development consent **(DA/535/2015)** and construction certificate for the building.
62. All facilities required under development consent **(DA/535/2015)** (such as parking spaces, terraces and courtyards) must be provided in accordance with the relevant requirements.
63. The applicant shall provide Council with a copy of the base plan of survey (e.g. Plan of Redefinition) for the property prior to receiving subdivision approval.
64. The applicant shall create suitable rights of carriageway, easements for services, support and stormwater lines, as required. The applicant shall be advised that the minimum easement width for any stormwater line is 0.9 metres.
65. A formal subdivision application is required to be submitted to and approved by the Council or an accredited certifier and all conditions of this development consent are required to be satisfied prior to the release of the subdivision plans.
66. Details of critical stage inspections carried out by the principal certifying authority, together with any other certification relied upon, must be provided to Council or the accredited certifier prior to the issuing of a strata 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 Smoke alarms are required to be installed in all residential dwellings, in accordance with the relevant provisions of the *Environmental Planning &*

*Assessment Act 1979* and the Building Code of Australia. Details should be included in the construction certificate application.

A10 Demolition work and removal of asbestos materials:

- *A copy of Council's Asbestos Policy is available on Council's web site at [www.randwick.nsw.gov.au](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.*

A11 Any external lighting to the premises should be designed and located so as to minimise light-spill beyond the property boundary or cause a public nuisance.

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

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

A13 Underground assets (e.g. 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.

A14 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.

A15 Further information and details on Council's requirements for trees on development sites can be obtained from the recently adopted Tree Technical Manual, which can be downloaded from Council's website at the following link, <http://www.randwick.nsw.gov.au> - Looking after our environment – Trees – Tree Management Technical Manual; which aims to achieve consistency of approach and compliance with appropriate standards and best practice guidelines.

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

**D2/16 Development Application Report - Unit 1/99 Carrington Road, Coogee (DA/665/2015)**

**RESOLUTION: (Andrews/Bowen) –**

A. That Council supports the exceptions to development standards under Clause

4.6 of Randwick Local Environmental Plan 2012 in respect to non-compliance with Clause 4.4 of Randwick Local Environmental Plan 2012, relating to Floor Space Ratio, on the grounds that the proposed development complies with the objectives of the above clauses, and will not adversely affect the amenity of the locality, and that the Department of Planning & Environment be advised accordingly.

- B. That Council, as the consent authority, grants development consent under Sections 80 and 80A of the Environmental Planning and Assessment Act 1979, as amended, to Development Application No. DA/665/2015 for conversion of undercroft area in the existing residential flat building into an additional dwelling at No. 1/99 Carrington Road, Coogee, subject to the following non standard conditions and the standard conditions contained in the development application compliance report attached to this report:

### **Non standard conditions**

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

2. The approved plans and documents must be amended in accordance with the following requirements:
- a. Fixed aluminum privacy louvers having a minimum height of 1.6m above floor level must be provided to the dining room window on the southern elevation. The louvers shall be fixed at an angle to prevent overlooking into the neighbouring property.
  - b. Landscaping shall be provided to the site to enhance its amenity for future occupants as well as to reduce any impacts of the development upon neighbouring properties.
  - c. A high quality selection and arrangement of decorative species that are not reliant on high quantities of moisture and fertilizer for survival shall be provided to the southern side of the communal area.
  - d. A landscape plan prepared by a qualified professional in the Landscape/Horticultural industry (must be a registered member of either AILD, AILA or similar) shall be submitted to, and be approved by the PCA, prior to the commencement of site works and must detail the following:
    - A Planting Plan & Plant Schedule which includes proposed species, botanic and common names, pot size at the time of planting, quantity, location, dimensions at maturity and any other details needed to describe the works;
    - A predominance of species that are not reliant on high quantities of moisture and fertilizer for survival;
    - A high quality selection and arrangement of decorative species throughout the communal areas so as to cater to the future amenity needs of occupants.
  - e. Ceiling fans shall be provided to the bedrooms.

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

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

FOR	AGAINST
Councillor Andrews	Councillor Matson
Councillor Belleli	
Councillor Bowen	
Councillor D'Souza	
Councillor Garcia	
Councillor Moore	
Councillor Neilson	
Councillor Roberts	
Councillor Shurey	
Councillor Smith	
Councillor Stavrinou	
Councillor Stevenson	
<b>Total (12)</b>	<b>Total (1)</b>

**D3/16 Development Application Report - 38 Canberra Street, Randwick (DA/538/2015)**

PL5/16 **RESOLUTION: (Bowen/Matson)** that the application be deferred for mediation.

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

**D4/16 Development Application Report - 267 Rainbow Street, South Coogee (DA/544/2015)**

PL6/16 **RESOLUTION: (Andrews/Smith)** that Council, as the consent authority, grants development consent under Sections 80 and 80A of the Environmental Planning and Assessment Act 1979, as amended, to Development Application No. 544/2015 for the demolition of a carport, construction of a new double garage with studio above, inground swimming pool and removal of an existing tree, at No. 267 Rainbow Street, South Coogee, subject to the standard conditions contained in the development application compliance report.

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

**D5/16 Development Application Report - 327 Clovelly Road, Clovelly (DA/396/2015/A)**

PL7/16 **RESOLUTION: (Andrews/Garcia)** 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/396/A/2015 for permission to modify the approved development by increasing the size of second floor deck, installation of mechanical exhaust system, internal alteration to first floor bathroom, removal of two ground floor windows. At 327 Clovelly Road, Clovelly in the following manner:

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

**Approved Plans & Supporting Documentation**

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

<i>Plan</i>	<i>Drawn by</i>	<i>Dated</i>	<i>Received by Council</i>
A100 – Title Sheet - Revision B	AB	27/08/2015	1/09/2015

A101 – Site Plan - Revision I	AB	27/08/2015	1/09/2015
A102 – Soil & Water Management - Revision B	AB	27/08/2015	1/09/2015
A105 – Street Elevation - Revision B	AB	27/08/2015	1/09/2015
A201 – Ground Floor Exist & Demo Plan - Revision F	AB	27/08/2015	1/09/2015
A202 – First Floor Exist & Demo Plan Revision G	AB	27/08/2015	1/09/2015
A203 – Roof (Second Floor) Exist & Demo Plan - Revision F	AB	27/08/2015	1/09/2015
A302 – First Floor Plan - Revision I	AB	27/08/2015	1/09/2015
A303 – Second Floor Plan - Revision K	AB	27/08/2015	1/09/2015
A310 Roof Plan - Revision D	AB	27/08/2015	1/09/2015
A401 – Elevations - Revision G	AB	27/08/2015	1/09/2015
A402 – West Elevation - Revision G	AB	27/08/2015	1/09/2015
A403 – East Elevation - Revision B	AB	27/08/2015	1/09/2015
A501 – Section - Revision H	AB	27/08/2015	1/09/2015
A502 – Section - Revision C	AB	27/08/2015	1/09/2015
A503 – Section - Revision B	AB	27/08/2015	1/09/2015
A601 Shadows 9am - Revision B	AB	27/08/2015	1/09/2015
A602 – Shadows 12pm - Revision B		27/08/2015	1/09/2015
A603 – Shadows 4pm - Revision B	AB	27/08/2015	1/09/2015
A901 Signage - Revision B	AB	27/08/2015	1/09/2015

<b><i>BASIX Certificate No.</i></b>	<b><i>Dated</i></b>	<b><i>Received by Council</i></b>
A221301	14/06/2015	15/06/2015

The development must be implemented substantially in accordance with the plans numbered A100 Rev B to A901 Rev B, dated 1 September 2015 and received by Council on 27 October 2015, the application form and on any supporting information received with the application, as amended by the ***Section 96 plans dated 28 October 2015 and received by Council on 28 October 2015, only in so far as they relate to the modifications highlighted on the Section 96 plans and detailed in the Section 96 application.***

<b><i>Plan</i></b>	<b><i>Drawn by</i></b>	<b><i>Dated</i></b>	<b><i>Received by Council</i></b>
Title Sheet – A100 Rev C	3D Archpix Drafting	28/10/2015	28/10/2015
Site Plan – A101 Rev K	3D Archpix Drafting	28/10/2015	28/10/2015
Soil & Water Management Plan - A102 Rev C	3D Archpix Drafting	28/10/2015	28/10/2015
Street Elevations – A105 Rev C	3D Archpix Drafting	28/10/2015	28/10/2015
Ground Floor Exist & Demo Plan – A201 Rev H	3D Archpix Drafting	28/10/2015	28/10/2015
First Floor Exist & Demo Plan – A202 Rev I	3D Archpix Drafting	28/10/2015	28/10/2015
Roof (Second Floor) Exist & Demo Plan – A203 Rev H	3D Archpix Drafting	28/10/2015	28/10/2015
First Floor Plan – A302 Rev	3D Archpix	28/10/2015	28/10/2015

L	Drafting		
Second Floor Plan – A303 Rev N (Refer to amended plan and condition 2)	3D Archpix Drafting	28/10/2015	28/10/2015
Roof Plan – A310 Rev G	3D Archpix Drafting	28/10/2015	28/10/2015
Elevation – A401 Rev I	3D Archpix Drafting	28/10/2015	28/10/2015
Elevation – A402 Rev I	3D Archpix Drafting	28/10/2015	28/10/2015
Elevation – A403 Rev D	3D Archpix Drafting	28/10/2015	28/10/2015
Section – A501 Rev I	3D Archpix Drafting	28/10/2015	28/10/2015
Section – A502 Rev D	3D Archpix Drafting	28/10/2015	28/10/2015
Section – A503 Rev C	3D Archpix Drafting	28/10/2015	28/10/2015
Shadow Diagrams – A601 Rev C	3D Archpix Drafting	28/10/2015	28/10/2015
Shadow Diagrams – A602 Rev C	3D Archpix Drafting	28/10/2015	28/10/2015
Shadow Diagrams – A603 Rev C	3D Archpix Drafting	28/10/2015	28/10/2015
Details – Signage – A901 Rev C	3D Archpix Drafting	28/10/2015	28/10/2015
Specification, Legend & Schedules – M-01 Rev A	Nick Przita & Associates Pty Ltd	28/10/2015	28/10/2015
Kitchen Ventilations Equipment Layout at Ground Floor – M-02 Rev A	Nick Przita & Associates Pty Ltd	28/10/2015	28/10/2015
Kitchen Ventilations Equipment Layout at Roof Level – M-03 Rev A	Nick Przita & Associates Pty Ltd	28/10/2015	28/10/2015
Kitchen Ventilations Equipment Layout at Side Elevation – M-04 Rev A	Nick Przita & Associates Pty Ltd	28/10/2015	28/10/2015

<b><i>BASIX Certificate No.</i></b>	<b><i>Dated</i></b>	<b><i>Received by Council</i></b>
A221301_02	27/10/2015	28/10/2015

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

- **Add condition 2(a) to read:**
2. The approved plans and documents must be amended in accordance with the following requirements:
    - (a) A privacy screen having a height of 1.8m above floor must be provided to the west side of the rear balcony and extended a further 500mm to the northern side of the balcony. The privacy screen must be constructed of metal or timber and the total area of any openings within the privacy screen must not exceed 25% of the area of the screen. Alternatively, the privacy screen may be constructed with translucent, obscured, frosted or sandblasted glazing in a suitable frame.

Details to be provided to Council's Manager Development Assessment for

approval prior to issuing the construction certificate.

- **Add Condition No. 11(a), (b), (c), (d) and (e) to read:**

- 11 (a) The operation of the premises and all plant/equipment shall not give rise to an 'offensive noise' as defined in the *Protection of the Environment Operations Act 1997 and Regulations*.

In this regard, the operation of the plant and equipment shall not give rise to an  $L_{Aeq, 15 \text{ min}}$  sound pressure level at any affected premises that exceeds the background  $L_{A90, 15 \text{ min}}$  noise level, measured in the absence of the noise source/s under consideration by more than 5dB(A) in accordance with relevant NSW Department of Environment & Climate Change Noise Control Guidelines.

- (b) The use of the premises and the operation of plant and equipment shall not give rise to the transmission of a vibration nuisance or damage to other premises.
- (b) A report prepared by a suitably qualified and experienced consultant in acoustics shall be submitted to Council **1 month after occupation certificate being issued for the development**, which demonstrates that noise and vibration emissions from the development satisfies the relevant provisions of the *Protection of the Environment Operations Act 1997*, Environmental Protection Authority Noise Control Manual & Industrial Noise Policy, relevant conditions of consent (including any relevant approved acoustic report and recommendations). The assessment and report must include all relevant fixed and operational noise sources.
- (c) All recommendations detailed in section 7 of acoustic report No: NSS 22374 – Final prepared by Noise and Sound Services dated December 2015 shall be complied with. Details of compliance shall form part of the Construction Certificate and be submitted to the certifying Authority for approval.
- (d) Provide under awning lighting to improve public safety.

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

**D6/16 Development Application Report - 140 Carrington Road, Randwick (DA/132/2014/B)**

PL8/16

**RESOLUTION: (Andrews/Garcia)** 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/132/2014/B for permission to Section 96 modification of Land and Environment Court approval by location of air conditioning unit on roof of building and at ground level on northern and southern sides and reduction in height of lift shaft with cowling to exhaust riser to be 500mm above lift shaft. Original Consent: Demolition of all structures on site and construction of a 3 storey residential flat building comprising 3x2 bedroom and 3x3 bedroom dwellings, basement car parking for 10 cars, associated site and landscaping works (variations to building height and floor space ratio controls) for 140 Carrington Road, RANDWICK NSW 2031 in the following manner: -

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

**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:

<i>Plan</i>	<i>Drawn by</i>	<i>Dated</i>	<i>Received by Council</i>
LEC 000 – Site plan	Nicholas Tang Architects	29/7/14	31/7/14
LEC 100 – Basement plan	Nicholas Tang Architects	29/7/14	31/7/14
LEC 101 – Ground floor plan	Nicholas Tang Architects	29/7/14	31/7/14
LEC 102 – First floor plan	Nicholas Tang Architects	29/7/14	31/7/14
LEC 103 – Second floor plan	Nicholas Tang Architects	29/7/14	31/7/14
LEC 104 – Roof plan	Nicholas Tang Architects	29/7/14	31/7/14
LEC 200 – Elevations 1	Nicholas Tang Architects	29/7/14	31/7/14
LEC 201 – Elevations 2	Nicholas Tang Architects	29/7/14	31/7/14
LEC 202 – Elevations 3	Nicholas Tang Architects	29/7/14	31/7/14
LEC 203 – Elevations 4	Nicholas Tang Architects	29/7/14	31/7/14
LEC 300 – Sections 1	Nicholas Tang Architects	29/7/14	31/7/14
LEC 301 – Sections 2	Nicholas Tang Architects	29/7/14	31/7/14
LEC 302 – Sections 3	Nicholas Tang Architects	29/7/14	31/7/14
LEC 600 – Solar access to living areas – Issue A	Nicholas Tang Architects	29/7/14	31/7/14
LEC 700 – Floor area calculations – Issue A	Nicholas Tang Architects	29/7/14	31/7/14
14-766/1 – Revised Landscape plan – Issue B	Nicholas Tang Architects	29/7/14	31/7/14
Draft Strata Plans Ref 2336 SP Sheets 1 to 5	Eric Scerri Surveyor Issue B	29/7/14	15/8/14

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

<i>Plan</i>	<i>Drawn by</i>	<i>Dated</i>	<i>Received by Council</i>
S962 101 – Ground floor plan	Nicholas Tang Architects	25/6/14	10/9/15
S962 104 – Roof plan	Nicholas Tang Architects	25/8/14	10/9/15
S962 200 – Elevations 1	Nicholas Tang Architects	18/9/14	10/9/15
S962 201 – Elevations 2	Nicholas Tang Architects	18/9/14	10/9/15
S962 202 – Elevations 3	Nicholas Tang Architects	25/6/14	10/9/15

<i>BASIX Certificate No.</i>	<i>Dated</i>	<i>Received by Council</i>
532199M_04	19/11/15	19/11/15

**As amended by the Section 96(B) application plans, only in so far as they relate to the modifications highlighted on the Section 96(B) plans and detailed in the Section 96(B) application, except where amended by Council in red and/or by other conditions of this consent.**

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

**D7/16 Development Application Report - 25 Jersey Road, Matraville (DA/643/2015)**

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

**Note: A Rescission Motion on this item was submitted by Councillors D'Souza, Seng and Stevenson and will be considered at the Ordinary Council Meeting to be held on 23 February 2016.**

PL9/16

**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. 643/2015 for the demolition of an existing dwelling, construction of a new two storey attached dual occupancy with garages and associated works, at No. 25 Jersey Road, Matraville 2036, subject to the following non standard conditions and the standard conditions contained in the development application compliance report attached to this report:

### Nonstandard conditions

#### Amendment of Plans & Documentation

2. The approved plans and documents must be amended in accordance with the following requirements:
  - a. The following windows must have a minimum sill height of 1.6m above floor level, or alternatively, the windows are to be fixed and be provided with translucent, obscured, frosted or sandblasted glazing below this specified height:
    - Study Window to Dwelling 25A on the western elevation at first floor level;
    - Bedroom window to Dwelling 25A on the western elevation at first floor level; and
    - Bedroom window to Dwelling 25A on the northern elevation at first floor level.
  - b. The fence on the Jersey Road street alignment is to be a maximum height of 1200mm and be designed so that the solid portion of the fence does not exceed 600mm, measured from the footpath level. The remainder of the fence shall be at least 30%% open, to maintain reasonable levels of amenity to the adjoining residential development and the streetscape.

**MOTION: (Stevenson/Bowen)** that the application be deferred for mediation.  
**LOST.**

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

FOR	AGAINST
Councillor Belleli	Councillor Garcia
Councillor Bowen	Councillor Matson
Councillor D'Souza	Councillor Moore
Councillor Neilson	Councillor Roberts
Councillor Shurey	Councillor Smith
Councillor Stevenson	Councillor Stavrinou (+ casting vote)
<b>Total (6)</b>	<b>Total (7)</b>

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

Cr Andrews returned to the meeting at this point (8.24pm).

### **D8/16 Development Application Report - 2 Coast Hospital Road, Little Bay (DA/717/2015)**

PL10/16

**RESOLUTION: (Andrews/Garcia)** 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. 717/2015 for Removal of existing solar photovoltaic panels from southern part of roof at Prince Henry Community Centre, installation of 70 new photovoltaic panels on northern part of roof and 30 new photovoltaic panels on southern part of roof, at No. 2 Coast

Hospital Road, Little Bay, subject to the following standard conditions contained in the development application compliance report attached to this report:

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

**D9/16 Development Application Report - 19 Beach Street, Clovelly  
(DA/739/2015)**

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PL11/16

**RESOLUTION: (Andrews/Garcia)** 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. 739/2015 for construction of a hardstand car space, bin enclosure and landscaping at the front of the existing dwelling house, and associated works to the front verandah and boundary fence, at No. 19 Beach Street, Clovelly, subject to the following non standard conditions and the standard conditions contained in the development application compliance report.

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

**D10/16 Development Application Report - 41 Pozieres Avenue, Matraville  
(DA/800/2015)**

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

PL12/16

**RESOLUTION: (Mayor, Cr N D'Souza/Smith)** that Council, as the consent authority, grants development consent under Sections 80 and 80A of the Environmental Planning and Assessment Act 1979, as amended, to Development Application No. DA800/2015 for demolition of an existing dwelling and construction of a dual occupancy, at No. 41 Pozieres Avenue, Matraville subject to the following standard conditions contained in the development application compliance report.

**MOTION: (Mayor, Cr N D'Souza/Smith) CARRIED UNANIMOUSLY - SEE RESOLUTION.**

Cr Andrews returned to the meeting at this point (9.13pm).

**D11/16 Development Application Report - 11 Liguria Street Maroubra  
(DA/514/2006/D)**

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PL13/16

**RESOLUTION: (Smith/Garcia)** that Council, as the consent authority, grants development consent under Sections 96 of the Environmental Planning and Assessment Act 1979, as amended, to modify Development Consent No. DA/514/2006/D by adding a glass balustrade to the south and eastern elevations of the upper floor balcony and changes to window and door openings on elevation at No. 11 Liguria Street Maroubra in the following manner:

• **Amend Condition 1 to read:**

1. The development must be implemented substantially in accordance with the plans numbered 06/0015-1B, 06/0015-2B, 06/0015-3B and 06/0015-4B, dated 18 November 2006, and received by Council on 4 December 2006, the application form and on any supporting information received with the application, as amended by:
  - The Section 96 "A" plans drawn by Archman Design Services, numbered 06/015B S96 and received by Council on 28 November 2007, and the plan numbered 06/015B S96 and received by Council on 7 December 2007,

- The Section 96 "B" plan numbered 08/11GNC, dated 13 November 2008 and received by Council on 13 November 2008, and
- The Section 96 "C" plans numbered 06/0015-1C, 06/0015-2C, 06/0015-3C and 06/0015-4C, dated 3 December 2012 and received by Council on 5 December 2012,
- The Section 96 "D" plans listed below:

<i>Plan</i>	<i>Drawn By</i>	<i>Dated</i>
015/0022-01	GM	26/11/2015
015/0022-02	GM	26/11/2015
015/0022-03	GM	26/11/2015

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

**MOTION: (Matson/Shurey)** that the application be deferred to 23 February 2016 Council Meeting to provide an opportunity for the Councillors to further review and discuss the proposal with the applicant and objector. **LOST.**

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

<b>FOR</b>	<b>AGAINST</b>
Councillor Matson	Councillor Andrews
Councillor Shurey	Councillor Belleli
	Councillor Bowen
	Councillor D'Souza
	Councillor Garcia
	Councillor Moore
	Councillor Neilson
	Councillor Roberts
	Councillor Smith
	Councillor Stavrinou
	Councillor Stevenson
<b>Total (2)</b>	<b>Total (11)</b>

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

#### **D12/16 Development Application Report - 359 Maroubra Road, Maroubra (DA/753/2015)**

PL14/16

**RESOLUTION: (Andrews/Smith)** that Council, as the consent authority, grants development consent under Sections 80 and 80A of the Environmental Planning and Assessment Act 1979, as amended, to Development Application No. DA/753/2015 for the extension of the balcony to the rear of the existing dwelling with addition of a roof and exterior stairs to balcony, at No. 359 Maroubra Road Maroubra, subject to the following non standard conditions and the standard conditions contained in the development application compliance report attached to this report:

#### **Non standard conditions**

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

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

- a. The overall depth of the balcony and associated roof extension must not exceed 2.5m, as measured from the rear wall of lounge room.
- b. A privacy screen having a height of 1.6m above floor level must be provided to the whole northern and southern edges of the first floor balcony. The privacy screens must be constructed fixed timber or metal slats mounted horizontally or vertically or fixed vertical louvres with the openings not exceeding 25% of the area of the screen.

**MOTION: (Shurey/Matson)** that Council, as the consent authority, refuses development consent under Sections 80 and 80A of the Environmental Planning and Assessment Act 1979, as amended, to Development Application No. DA/753/2015 for the extension of the balcony to the rear of the existing dwelling with addition of a roof and exterior stairs to balcony, at No. 359 Maroubra Road Maroubra, for the following reasons:

1. The proposed balcony is considered too large for the site.
2. The proposal will result in unreasonable overshadowing of the neighbouring property.
3. The proposal is considered to be a gross overdevelopment of the site.
4. The proposal will have an unreasonable negative impact on both of the adjoining neighbours.
5. The proposed rear setback does not comply with the existing predominant rear setback line in the subject urban block. **LOST.**

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

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

**MOTION: (Andrews/Smith) 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 Matson
Councillor Belleli	Councillor Neilson
Councillor Bowen	Councillor Shurey
Councillor D'Souza	Councillor Stevenson
Councillor Garcia	
Councillor Moore	
Councillor Roberts	
Councillor Smith	
Councillor Stavrinou	
<b>Total (9)</b>	<b>Total (4)</b>



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**D13/16 Development Application Report - Shop 299/116-132 Maroubra Road, Maroubra (DA/433/2011/A)**

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PL15/16

**RESOLUTION: (Andrews/Smith)** that Council, as the consent authority, grants development consent under Section 96 of the Environmental Planning and Assessment Act 1979, as amended, to modify Development Application No. DA/566/2014/A for an extension to the trading hours of the premises to 8am to 10pm, 7 days. in the following manner:

- **Amend Condition 19 to read as follows:**

The hours of operation of the business are restricted to:

- Monday to Sunday, from 8am to 10pm

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

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**D14/16 Development Application Report - 5 Clisby Way, Matraville - DA/563/2015**

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PL16/16

**RESOLUTION: (Smith/Matson)** that Council as the responsible authority grant its development consent under Section 80 & 80A of the Environmental Planning and Assessment Act 1979 (as amended) to Development Application No. DA/563/2015 for demolition of all structures on site and construction of a two storey attached dual occupancy at 5 Clisby Way, MATRAVILLE subject to the following non standard conditions and the standard conditions contained in the development application compliance report attached to this report:

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

2. The approved plans and documents must be amended in accordance with the following requirements:
  - a. The side boundary fencing must be tapered down to match the height of the front fence once past the front façade alignment.
  - b. The proposed brickwork of the side boundary fencing running along the south-western side boundary shall be constructed with face brick. Details of compliance must be provided in the Construction Certificate plans.
  - c. This consent does not grant approval for any external air-conditioning units.
  - d. The first floor window openings to both occupancies must have a minimum sill height of 1.65m above the finished floor level along the northern and southern elevation.
  - e. A skylight window with a minimum dimension of 1m x 1m must be installed over the first floor stairwell to both occupancies in order to provide natural light into the dwellings.

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

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**D15/16 Development Application Report - 1179 Anzac Parade, Matraville (DA/994/2011/D)**

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PL17/16

**RESOLUTION: (Andrews/Smith)** that Council, as the consent authority, refuses development consent under Section 96 of the Environmental Planning and

Assessment Act 1979, as amended, to modify Development Application No. DA/994/2011/D by the deletion of condition 2(e) relating to design of landing entry, stairs and privacy screen, for the following reasons:

1. The proposed modification is deemed to be inconsistent with the low density residential R2 objectives of the RLEP 2012
2. The proposed modification is deemed to be inconsistent with the relevant objectives of the RDCP 2013
3. The proposed modification would result in a design that significantly adversely impacts both the amenity enjoyed by adjoining residents and the amenity and character of the streetscape.

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

**D16/16 Development Application Report - JRPP - 57-63 St Pauls Street, Randwick (DA/493/2012/B)**

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

PL18/16

**RESOLUTION: (Andrews/Mayor, Cr N D'Souza)** that the assessment report for the Joint Regional Planning Panel in relation to DA/493/2012/B (57-63 St Pauls Street, Randwick) be endorsed by Council.

**MOTION: (Andrews/Mayor, Cr N D'Souza) CARRIED - SEE RESOLUTION.**

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

FOR	AGAINST
Councillor Andrews	Councillor Neilson
Councillor Belleli	Councillor Shurey
Councillor Bowen	
Councillor D'Souza	
Councillor Garcia	
Councillor Moore	
Councillor Roberts	
Councillor Stavrinou	
Councillor Stevenson	
<b>Total (9)</b>	<b>Total (2)</b>

Crs Matson and Smith returned to the meeting at this point (9.17pm).

**Miscellaneous Reports**

**M1/16 Miscellaneous Report - Crime Prevention and the Assessment of Development Applications (F2004/08303)**

PL19/16

**RESOLUTION: (Smith/Garcia)** that:

- a) Council endorse the amended protocol contained in Attachment 2, subject to the inclusion of remedial massage services to be referred to the Police.
- b) The amended protocol be signed by the Manager of Development Assessments (representing Randwick City Council) and the Crime Prevention Coordinator (representing the Eastern Beaches Local Area Command of the NSW Police Service).

**MOTION: (Stevenson/Bowen)** that this matter be deferred for a Councillors' Briefing. **LOST.**

**AMENDMENT: (Stevenson/Bowen)** that the protocol include massage parlours as well as tattoo parlours and a definition of what creating a risk of crime means. **WITHDRAWN.**

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

### Notice of Rescission Motions

**NR1/16 Notice of Rescission Motion - Rescission Motion submitted by Crs Andrews, Matson and Shurey - 70 Dudley Street, Coogee (DA/803/2014)**

PL20/16

**RESOLUTION: (Matson/Shurey)** that the resolution passed at the Ordinary Council meeting held on Tuesday 8 December 2015 reading as follows:

"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/803/2014 for demolition of the existing dwelling house and construction of a new 3 storey residential flat building containing 3 dwellings and basement parking for 7 vehicles including associated site and landscape works at No. 70 Dudley 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 planter box to the front balcony of unit 03 shall be deleted from the consent.
  - b. The front balcony to unit 03 shall be reduced in depth by 1m from the north eastern and north western most points in a parallel line to the proposed north edge of the balcony.
  - c. The maximum height of plant species used within the front building line on the ground floor plan shall be 1m above finished ground level and the type of species shall be included in the landscape plan.
  - d. The depth of the rear balconies to units 02 and 03 shall be reduced in depth to a maximum of 1.5m and the planter boxes adjacent to the balconies shall be retained in the reduction. The roof over and privacy screens to the rear balcony of Unit 3 shall be deleted.
  - e. All privacy screens indicated within the development 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 proposed privacy louvers shall be spaced appropriately and fixed at an angle to prevent overlooking into neighbouring properties or the privacy screens may be provided with translucent, obscured, frosted or sandblasted glazing in a suitable frame.
  - f. The following windows must have a minimum sill height 1.6m above floor level, or alternatively, the window/s are to be fixed and be provided with translucent, obscured, frosted or sandblasted glazing below this specified height:
    - The kitchen windows to units 02 and 03 on the western elevation.



- g. The eastern boundary masonry wall shall be reduced in height to a maximum of 2.2m at any one point.
- h. The concrete entry stairs at the front shall be replaced with alternate stairs that satisfy the definition of deep soil planting area as contained within the Randwick Comprehensive Development Control Plan 2013.
- i. As many of the existing sandstone blocks as possible shall be reused in the reconstructed front garage boundary wall. Other sandstone blocks not suitable for the boundary wall shall be either reused for the proposed retaining walls within the site or stored on site for future use.
- j. The reconstructed boundary wall is to match as closely as possible the appearance and detail of the existing stonework including colour and pattern of stone, range of size and shape of blocks, and thickness and profile of capping in order to maintain continuity of the entire northern wall.
- k. The internal staircase to shall be enclosed with a predominantly glazed and screened façade.

Amended plans demonstrating compliance with the requirements of conditions 2a –2k above are to be submitted to Council's Manager of Development Assessment for approval prior to issuing of the construction certificate.

BE AND IS HEREBY RESCINDED.

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

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

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

PL21/16

**RESOLUTION: (Smith/Bowen)** that the development application be approved (in accordance with the Council resolution of 8 December 2015), subject to the deletion of the kitchen windows on the western elevation and allowing for a 600mm overhang for the eaves over the upper balcony to the rear.

**MOTION: (Matson/Andrews)** that the application be deferred to allow for the submission of amended plans to reconfigure the kitchen area to allow for a view of Wedding Cake Island for the objectors.

**AMENDMENT (Smith/Bowen)** that the development application be approved (in accordance with the Council resolution of 8 December 2015), subject to the deletion of the kitchen windows on the western elevation and allowing for a 600mm overhang for the eaves over the upper balcony to the rear.

**AMENDMENT (Smith/Bowen) CARRIED AND BECAME THE MOTION.**

A **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 Matson
Councillor D'Souza	Councillor Shurey
Councillor Garcia	
Councillor Moore	
Councillor Neilson	
Councillor Roberts	
Councillor Smith	
Councillor Stavrinou	
Councillor Stevenson	
<b>Total (10)</b>	<b>Total (3)</b>

**AMENDMENT: (Matson/Andrews)** that the application be deferred for amended plans. **LOST.**

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 Belleli
Councillor Matson	Councillor Bowen
Councillor Shurey	Councillor D'Souza
	Councillor Garcia
	Councillor Moore
	Councillor Neilson
	Councillor Roberts
	Councillor Smith
	Councillor Stavrinou
	Councillor Stevenson
<b>Total (3)</b>	<b>Total (10)</b>

**AMENDMENT: (Andrews/Matson)** that the application be deferred for mediation. **LOST.**

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 Belleli
Councillor Matson	Councillor Bowen
Councillor Shurey	Councillor D'Souza
	Councillor Garcia
	Councillor Moore
	Councillor Neilson
	Councillor Roberts
	Councillor Smith
	Councillor Stavrinou
	Councillor Stevenson
<b>Total (3)</b>	<b>Total (10)</b>

**MOTION: (Smith/Bowen) 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 Belleli	Councillor Andrews
Councillor Bowen	Councillor Matson
Councillor D'Souza	Councillor Shurey
Councillor Garcia	
Councillor Moore	
Councillor Neilson	
Councillor Roberts	
Councillor Smith	
Councillor Stavrinou	
Councillor Stevenson	
<b>Total (10)</b>	<b>Total (3)</b>

**Note: A Rescission Motion was submitted by Councillors D'Souza, Seng and Stevenson in relation to Item D7/16 (Development Application Report - 25 Jersey Road, Matraverse - DA/643/2015) and will be considered at the Ordinary Council Meeting to be held on 23 February 2016.**

The meeting closed at 10.16pm.

**The minutes of this meeting were confirmed at the Planning Committee Meeting of the Council of the City of Randwick held on Tuesday, 8 March 2016.**

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**CHAIRPERSON**