

THESE MINUTES ARE DRAFT UNTIL CONFIRMED AT THE NEXT MEETING OF THIS COUNCIL AND/OR COMMITTEE

**MINUTES OF PLANNING COMMITTEE MEETING OF THE
COUNCIL OF THE CITY OF RANDWICK HELD ON
TUESDAY, 14 JUNE 2016 AT 6:04PM**

Present:

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

- | | |
|--------------|---|
| North Ward | - Councillors K Neilson (arrived 6.08pm) & L Shurey |
| South Ward | - Councillors R Belleli & P Garcia |
| East Ward | - Councillors T Bowen (arrived 6.06pm), M Matson & B Roberts (Deputy Chairperson) |
| West Ward | - Councillor G Moore |
| Central Ward | - Councillor G Stevenson |

Officers present:

General Manager	Mr R Brownlee
Director City Services	Mr J Frangoples
Acting Director City Planning	Mr K Kyriacou
Director Governance & Financial Services	Mr J Smith
Acting Manager Development Assessment	Mr R Quinton
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 Andrews, Nash, Seng, Smith, Stavrinou.

RESOLVED: (Matson/Shurey) that the apologies received from Crs Andrews, Nash, Seng, Smith, Stavrinou be accepted and leave of absences from the meeting be granted.

Confirmation of the Minutes

**CONFIRMATION OF THE MINUTES OF THE PLANNING COMMITTEE MEETING
HELD ON TUESDAY 10 MAY 2016**

RESOLUTION: (Matson/Shurey) that the Minutes of the Planning Committee Meeting held on Tuesday 10 May 2016 (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 Belleli declared a non-significant non pecuniary interest in Item D50/16 as he knows of the speaker (representing the objectors) as a former member of the Liberal Party.
- b) Cr Roberts declared a non-significant non pecuniary interest in Item D50/16 as he knows of the speaker (representing the objectors) as a former member of the Liberal Party.
- c) Cr Matson declared a significant non pecuniary interest in Item D51/16 as an alternate delegate of the JRPP. Cr Matson indicated that he would not take part in the debate or the vote on the matter.
- d) Cr Bowen declared a non-significant non pecuniary interest in Item D43/16 as the applicant is known to him.
- E) Cr Bowen declared a non-significant non pecuniary interest in Item D50/16 as the objectors are known to him.

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:

D43/16 2 PEARCE STREET, SOUTH COOGEE (DA/561/2015) - DEFERRED

Objector Derek Hill (representing the objectors)

Applicant Neil McCarry (representing the applicant)

D44/16 54 MARINE PARADE, MAROUBRA (DA/801/2015) - DEFERRED

Objector Katherine Hoban

Applicant David Grey

D45/16 1 DAINTRY CRESCENT, RANDWICK (DA/99/2016) - DEFERRED

Objector Borys Rudko

Applicant David Grey

D50/16 163 ARDEN STREET, COOGEE (DA/839/2015)

Objector Anthony Boskovitz (representing the objectors)

Applicant Anthony Betros (representing the applicant)

D52/16 51-51A OSWALD STREET, RANDWICK (DA/437/2015)

Applicant Nancy Tarlao

The meeting was adjourned at 6.46pm and was resumed at 7.01pm.

Urgent Business

Nil.

Development Application Reports

D43/16 Development Application Report - 2 Pearce Street, South Coogee (DA/561/2015) - Deferred

PL55/16

RESOLUTION: (Matson/Shurey) –

- A. That Council supports the exceptions to development standards under Clause 4.6 of Randwick Local Environmental Plan 2012 in respect to non-compliance with Clauses 4.4 of Randwick Local Environmental Plan 2012, relating to Floor Space Ratio respectively, on the grounds that the proposed development complies with the objectives of the above clauses, and will not adversely affect the amenity of the locality, and that the Department of Planning & Infrastructure be advised accordingly.
- B. That Council, as the consent authority, grants development consent under Sections 80 and 80A of the Environmental Planning and Assessment Act 1979, as amended, to Development Application No. DA/561/2015 for demolition of all structures on site and construction of new 3 storey dwelling house including new boundary fence, associate site and landscape works, at No. 2 Pearce Street, South Coogee, subject to the following non standard conditions and the standard conditions contained in the development application compliance report attached to this report:

Non standard conditions

2. The approved plans and documents must be amended in accordance with the following requirements:
- a) The height of the driveway gate must not be more than 1.2m above the proposed driveway level. The remainder of the front fence on Pearce Street boundary must not be higher than RL35.48.
 - b) The horizontal slats of the front fence and gate must be at least 30% open.
 - c) The Landscape Plan by Conzept Landscape Architects, dwg no's LPDA 15-124/1B – 3, issue B, dated 03/11/15, shall be amended to ensure consistency with the approved Architectural Plans and relevant conditions.
 - d) The finished ground level of the elevated north western portion of the rear yard must not be more than RL33.69.
 - e) A privacy screen, having a height of 1.6m above floor level, must be provided to the whole length of the western edge of the rear ground floor balcony (adjacent to the BBQ area). 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.
 - f) The stairwell window and the upper toilet window on the western side, be constructed with translucent, obscured, frosted or sandblasted glazing.

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

D44/16 Development Application Report - 54 Marine Parade, Maroubra (DA/801/2015) - Deferred

PL56/16

RESOLUTION: (Matson/Moore) –

- A. That Council supports the exceptions to development standards under Clause 4.6 of Randwick Local Environmental Plan 2012 in respect to non-compliance with Clauses 4.3 of Randwick Local Environmental Plan 2012, relating to height of buildings, on the grounds that the proposed development complies with the objectives of the above clause, and will not adversely affect the amenity of the locality, and that the Department of Planning & Infrastructure be advised accordingly.
- B. That Council, as the consent authority, grants development consent under Sections 80 and 80A of the Environmental Planning and Assessment Act 1979, as amended, to Development Application No. DA/801/2015 for the construction of a roof level viewing deck above unit L3-01 by amending approved development consent DA/277/2014, at No. 54-56 Marine Parade, Maroubra, subject to the following non standard conditions and the standard conditions contained in the development application compliance report attached to this report:

GENERAL CONDITIONS

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

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

Approved Plans & Supporting Documentation

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

<i>Plan</i>	<i>Drawn by</i>	<i>Dated</i>
A-1.02 (issue E)	Mkdarchitects	05/05/2016
A-1.03 (issue E)	Mkdarchitects	05/05/2016
A-2.01 (issue A)	Mkdarchitects	30/10/2015
A-2.02 (issue E)	Mkdarchitects	05/05/2016
A-3.01 (issue E)	Mkdarchitects	05/05/2016
A-3.02 (issue E)	Mkdarchitects	05/05/2016
A-3.03 (issue E)	Mkdarchitects	05/05/2016
A-3.04 (issue E)	Mkdarchitects	05/05/2016
A-3.05 (issue E)	Mkdarchitects	05/05/2016

Amendment of Plans & Documentation

2. The approved plans and documents must be amended in accordance with the following requirements:
- No cooking facilities (i.e. barbeques), shelters, temporary or fixed structures or running water are to be placed or installed on the roof terrace area.
 - No planter box, hedge or other vegetation is allowed to be planted or installed on the southern edge of the roof deck.
 - External lighting to the roof terrace area must not be located higher than 350mm above the finished level of the roof terrace area.

- d. This Development consent amends, where relevant the conditions issued under DA/277/2014 inclusive of modifications.

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.

External Colours, Materials & Finishes

4. The colours, materials and finishes of the external surfaces are to be compatible with the existing building and adjacent development to maintain the integrity and amenity of the building and the streetscape.

External materials, finishes and colours of the building are required to match, as closely as possible, the existing building and any metal roof sheeting is to be pre-painted (e.g. Colourbond) to limit the level of reflection and glare.

REQUIREMENTS TO BE INCLUDED IN THE CONSTRUCTION CERTIFICATE

The requirements contained in the following conditions of consent must be complied with and details of compliance must be included in the construction certificate for the development.

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

Compliance with the Building Code of Australia

5. In accordance with section 80 A (11) of the *Environmental Planning & Assessment Act 1979* and clause 98 of the *Environmental Planning & Assessment Regulation 2000*, it is a *prescribed condition* that all building work must be carried out in accordance with the provisions of the Building Code of Australia (BCA). Details of compliance with the BCA are to be included in the construction certificate application.

Stormwater Drainage

6. A surface water/stormwater drainage system must be provided in accordance with the following requirements, to the satisfaction of the Certifying Authority and details are to be included in the construction certificate:-
- a) Surface water/stormwater drainage systems must be provided in accordance with the relevant requirements of the Building Code of Australia (Volume 2);
 - b) The surface water/stormwater must be drained and discharged to the street gutter or, subject to site suitability, the stormwater may be drained to a suitably designed absorption pit;

- c) Any absorption pits or soaker wells should be located not less than 3m from any adjoining premises and the stormwater must not be directed to any adjoining premises or cause a nuisance;
- d) External paths and ground surfaces are to be constructed at appropriate levels and be graded and drained away from the building and adjoining premises, so as not to result in the entry of water into the building, or cause a nuisance or damage to the adjoining premises;
- e) Details of any proposed drainage systems or works to be carried out in the road, footpath or nature strip must be submitted to and approved by Council before commencing these works.

REQUIREMENTS PRIOR TO THE COMMENCEMENT OF ANY WORKS

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

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

Certification, PCA & other Requirements

7. Prior to the commencement of any building works, the following requirements must be complied with:

- a) a *Construction Certificate* must be obtained from the Council or an accredited certifier, in accordance with the provisions of the *Environmental Planning & Assessment Act 1979*.

A copy of the construction certificate, the approved development consent plans and consent conditions must be kept on the site at all times and be made available to the Council officers and all building contractors for assessment.

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

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

Home Building Act 1989

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

Assessment Regulation 2000, the requirements of the *Home Building Act 1989* must be complied with.

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

Construction Noise & Vibration Management Plan

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

Noise and vibration from any rock excavation machinery, pile drivers and all plant and equipment must be minimised, by using appropriate plant and equipment, silencers and the implementation of noise management strategies.

A *Construction Noise Management Plan*, prepared in accordance with the NSW EPA Construction Noise Guideline by a suitably qualified person, is to be implemented throughout the works. A copy of the strategy must be provided to the Principal Certifying Authority and Council prior to the commencement of works on site.

Construction Site Management Plan

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

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

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

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

REQUIREMENTS DURING CONSTRUCTION & SITE WORK

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

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

Inspections During Construction

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

The *Principal Certifying Authority* must specify the relevant stages of construction to be inspected and a satisfactory inspection must be carried out, to the satisfaction of the *Principal Certifying Authority*, prior to proceeding to the subsequent stages of construction or finalisation of the works (as applicable).

Site Signage

12. A sign must be erected and maintained in a prominent position on the site for the duration of the works, which contains the following details:
- name, address, contractor licence number and telephone number of the *principal contractor*, including a telephone number at which the person may be contacted outside working hours, or *owner-builder* permit details (as applicable)
 - name, address and telephone number of the *Principal Certifying Authority*,
 - a statement stating that "unauthorised entry to the work site is prohibited".

Restriction on Working Hours

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

Activity	Permitted working hours
All building, demolition and site work, including site deliveries (except as detailed below)	<ul style="list-style-type: none"> • Monday to Friday - 7.00am to 5.00pm • Saturday - 8.00am to 5.00pm • Sunday & public holidays - No work permitted
Excavating of rock, use of jack-hammers, pile-drivers, vibratory rollers/compactors or the like	<ul style="list-style-type: none"> • Monday to Friday - 8.00am to 5.00pm • Saturday - No work permitted • Sunday & public holidays - No work permitted

An application to vary the abovementioned hours may be submitted to Council's Manager Health, Building & Regulatory Services for consideration and approval to vary the specified hours may be granted in exceptional circumstances and for limited occasions (e.g. for public safety, traffic management or road safety reasons). Any applications are to be made on the standard application form and include payment of the relevant fees and supporting information. Applications must be made at least 10 days prior to the date of the proposed work and the prior written approval of Council must be obtained to vary the standard permitted working hours.

Public Safety & Site Management

14. 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.

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

15. 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.

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

16. External lighting must be designed to minimise light-spill beyond the property boundary or cause a public nuisance. Any lighting shall not be directed towards adjoining properties.

Hours of Operation

17. The use of the roof terrace area shall be limited to the following:

- June – August (inclusive): 7:00am – 9:00pm;
- September – May (inclusive): 7:00am – 10:00pm
- December 31: 7:00am – January 1: 1:00am

The above requirement must be incorporated in the relevant strata scheme as a by-law.

18. The roof terrace area must not be used/occupied by more than 10 persons at any one time. This requirement must be incorporated in the relevant strata scheme as a by-law.

ADVISORY NOTES

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

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

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

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

- A3 In accordance with the requirements of the *Environmental Planning & Assessment Act 1979*, building works, including associated demolition and excavation works (as applicable) must not be commenced until:
- A *Construction Certificate* has been obtained from an Accredited Certifier or Council,
 - An Accredited Certifier or Council has been appointed as the *Principal Certifying Authority* for the development,
 - Council and the Principal Certifying Authority have been given at least 2 days' notice (in writing) prior to commencing any works.
- A4 Council's Building Certification & Fire Safety team can issue your *Construction Certificate* and be your *Principal Certifying Authority* for the development, to undertake inspections and ensure compliance with the development consent, relevant building regulations and standards of construction. For further details contact Council on 9399 0944.
- A5 A Local Approval application must be submitted to and be approved by Council prior to commencing any of the following activities on a footpath, road, nature strip or in any public place:
- Install or erect any site fencing, hoardings or site structures
 - Operate a crane or hoist goods or materials over a footpath or road
 - Placement of a waste skip or any other container or article.
- For further information please contact Council on 9399 0944.
- A6 Specific details of the location of the building/s should be provided in the Construction Certificate to demonstrate that the proposed building work will not encroach onto the adjoining properties, Council's road reserve or any public place.
- A7 Prior to commencing any works, the owner/builder should contact *Dial Before You Dig* on 1100 or www.dialbeforeyoudig.com.au and relevant Service Authorities, for information on potential underground pipes and cables within the vicinity of the development site.
- A8 This consent does not authorise any trespass or encroachment upon any adjoining or supported land or building whether private or public. Where any underpinning, shoring, soil anchoring (temporary or permanent) or the like is proposed to be carried out upon any adjoining or supported land, the land owner or principal contractor must obtain:
- the consent of the owners of such adjoining or supported land to trespass or encroach, or
 - an access order under the *Access to Neighbouring Land Act 2000*, or
 - an easement under section 88K of the *Conveyancing Act 1919*, or
 - an easement under section 40 of the *Land & Environment Court Act 1979*, as appropriate.
- Section 177 of the *Conveyancing Act 1919* creates a statutory duty of care in relation to support of land. Accordingly, a person has a duty of care not to do anything on or in relation to land being developed (the supporting land) that removes the support provided by the supporting land to any other adjoining land (the supported land).
- A9 Smoke alarms are required to be installed in all residential dwellings, in accordance with the relevant provisions of the *Environmental Planning &*

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

A10 Demolition work and removal of asbestos materials:

- *A copy of Council's Asbestos Policy is available on Council's web site at www.randwick.nsw.gov.au in the Building & Development section or a copy can be obtained from Council's Customer Service Centre.*
- *It is the responsibility of the persons undertaking demolition work to obtain the relevant WorkCover licences and permits.*

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

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

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

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

D45/16 Development Application Report - 1 Daintrey Crescent, Randwick (DA/99/2016) - Deferred

PL57/16

RESOLUTION: (Neilson/Moore) that Council, as the consent authority, grants development consent under Sections 80 and 80A of the Environmental Planning and Assessment Act 1979, as amended, to Development Application No. 99/2016 for demolition of existing structures, construction of a 4 storey residential flat building with 10 dwellings with semi-basement car parking for 11 vehicles, at No. 1 Daintrey Crescent, Randwick, subject to the following non standard conditions and the standard conditions contained in the development application compliance report attached to this report:

Non-standard conditions

Amendment of Plans & Documentation

2. The approved plans and documents must be amended in accordance with the following requirements:
 - a. Privacy screens having a height of 1.6m above floor level must be provided to northern side of balconies located at the northern eastern corners of the site at first and second floor levels. The privacy screens must be constructed of metal or timber and the total area of any openings within the privacy screens must not exceed 25% of the area of the screen. Alternatively, the privacy screens may be constructed with translucent, obscured, frosted or sandblasted glazing in a suitable frame.
 - b. The mansard roof form shall be setback a further 500mm from the western (front) elevation.
 - c. An area within the rear yard measuring a minimum of 4m from the rear boundary shall be dedicated as communal open space. This area shall be appropriately screened to ensure that suitable privacy is provided to the

ground level two-bedroom apartment at the rear.

- d. The louvres to the northern and southern sides of the central breezeway shall be at least 50% open.
- e. A planter box having a depth of 900mm shall be installed along the entire northern edge of the terrace adjacent to the northern side of the living room at third floor level. This condition has been included to minimise the privacy impact on the neighbouring property at No. 5 Daintrey Crescent.
- f. The depth of the rear eastern facing balconies at first and second floor levels shall be reduced by 500mm.
- g. No consent is granted for fencing to the side and rear boundaries. Any new fencing shall be subject to a separate development application unless the fence design meets the Exempt and Complying development criteria specified under the SEPP Exempt and Complying Codes 2008.

Details showing compliance with this condition shall be submitted to Council's Manager Development Assessment for approval prior to a construction certificate being issued for the development.

MOTION: (Matson/Shurey) 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. 99/2016 for demolition of existing structures, construction of a 4 storey residential flat building with 10 dwellings with semi-basement car parking for 11 vehicles, at No. 1 Daintrey Crescent, Randwick, for the following reasons:

1. Privacy and overshadowing concerns due to the unusual configuration of Daintrey Crescent;
2. The excessive scale of the development; and
3. The loss of mature trees within the subject site and those located at street level which contribute to privacy and amenity of the neighbours. **LOST ON THE CASTING VOTE OF THE CHAIRPERSON.**

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

FOR	AGAINST
Councillor Bowen	Councillor Belleli
Councillor D'Souza	Councillor Garcia
Councillor Matson	Councillor Moore
Councillor Shurey	Councillor Neilson
Councillor Stevenson	Councillor Roberts (+casting vote)
Total (5)	Total (6)

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

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

FOR	AGAINST
Councillor Belleli	Councillor Bowen
Councillor D'Souza	Councillor Matson
Councillor Garcia	Councillor Shurey
Councillor Moore	
Councillor Neilson	
Councillor Roberts	
Councillor Stevenson	
Total (7)	Total (3)

D46/16 Development Application Report - 4R Coast Hospital Road, Little Bay (DA/982/2007/A)

PL58/16

RESOLUTION: (Neilson/Shurey) -

A. That Council's Coordinator/Manager Development Assessment under delegated authority from the General Manager, 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 982/2007/A for permission to modify the previously approved design for 4R Coast Hospital Road, Little Bay in the following manner: -

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

1. The development must be implemented substantially in accordance with the plans numbered Q9277, dated 26/7/07, drawing entitled "Restroom", dated 15/10/07, undated drawing numbered SK02 entitled "Beach Toilet Location of Piles" and received by Council on 13 November 2007, the application form and on any supporting information received with the application, as amended by the following section 96 applications:

- The Section 96 "A" plans numbered 1 A100, A200, A201, A202 and A203 dated 19.01.2016 prepared by phillipsmarler architecture, C01, C02, C03, Co4 and C05 (Revision BB) all dated 04.12.15 prepared by Richmond and Ross Pty Ltd, and received by Council on 5 February, 2016.

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:

The following conditions are imposed by the NSW Heritage Council

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

2. Development must be in accordance with:

a) Architectural Drawings entitled Alterations and Additional Little Bay Amenities Building, Malabar, NSW, prepared by Phillips Marler, dated 19.01.2016:

Dwg no.	Title	Date	Revision
A000	Drawing Index and Key Location Plan Site Plan	19.01.2016	D
A100	Existing Plan & Demolition Plan	19.01.2016	D
A200	Proposed Plan	19.01.2016	D
A201	Proposed Plan Below Deck	19.01.2016	D
A202	Section Below Deck	19.01.2016	D
A203	Existing and Proposed Elevations	19.01.2016	D

b) Engineering Drawings entitled Little Bay Amenities Building, prepared by Richmond + Ross, dated 4 December 2015:

Dwg no.	Title	Date	Revision
C01	Little Bay Amenities Building Site Plan	04.12.2015	Rev BB
C02	Little Bay Amenities Building Plan of Tank and Batters	04.12.2015	Rev BB
C03	Little Bay Amenities Building Sections Sheet 1	04.12.2015	Rev BB

C04	Little Bay Amenities Building Sections Sheet 2	04.12.2015	Rev BB
C05	Little Bay Amenities Building Sections Sheet 3	04.12.2015	Rev BB

- c) Covering Letter from GSA Planning dated December 2015 entitled "Re: Section 96 Modification for Development Application (DA/982/2007) Amenities Building Lot 97 (DP270427) At the Prince Henry Site, Little Bay.
- d) Prince Henry Hospital Amenities Block, Little Bay Heritage Assessment and Impact Statement, Report by GML Heritage dated January 2016 and prepared for Randwick City Council.

EXCEPT AS AMENDED by the conditions of this approval:

- **Amend Condition No. 4 to read:**
4. Should any Aboriginal 'objects' be uncovered by the work, excavation or disturbance of the area is to stop immediately and the Office of Environment & Heritage is to be informed in accordance with Section 89A of the *National Parks and Wildlife Act, 1974* (as amended). Works affecting Aboriginal 'objects' on the site must not continue until the Office of Environment and Heritage has been informed. Aboriginal 'objects' must be managed in accordance with the *National Parks and Wildlife Act, 1974*.
- **Amend Condition No. 6 to read:**
6. Suitable clauses are to be included in all contractor and subcontractor contracts to ensure that on-site personnel are aware of their obligations and requirements in relation to the protection of relics under the *Heritage Act 1977* as well as Aboriginal significance under the SHR listing and the protection of Aboriginal objects under the *National Parks and Wildlife Act 1974*.
- **Insert Condition No. 7a to read:**
7. a) This approval shall be void if the activity to which it refers is not physically commenced within five years after the date of the approval or within the period of consent specified in any relevant development consent granted under the *Environmental Planning and Assessment Act, 1979*, whichever occurs first.
- **Insert Condition No. 10a to read:**
10. a) The Applicant must ensure that if unexpected archaeological deposits including Aboriginal objects within an intact soil profile, or relics not identified and considered in the supporting documents for this approval are discovered, work must cease in the affected area(s) and the Heritage Council of NSW must be notified. Additional assessment under the State Heritage Register listing #1651 and approval under s65a may be required prior to works continuing in the affected area(s) based on the nature of the discovery.
- **Insert Condition No. 10b to read:**
- b) An application under section 65a of the *Heritage Act 1977* must be submitted to and approved by the Delegate of the Heritage Council of NSW prior to work commencing.
- **Insert Condition No. 10c to read:**
- Aboriginal Archaeology***
- c) *Access to the site by foot and for vehicles and machinery are to be in accordance with the Aboriginal archaeological zoning plan map for construction purposes included in the Heritage Assessment and Impact*

Statement for Prince Henry Hospital Amenities Block, Little Bay, prepared by GML Heritage and dated January 2016. This zoning plan map identifies the Exclusion Zone for foot and vehicular access and the Permitted foot and vehicular/machine access.

- *The proposed works may proceed within the indicated study area with caution on the basis that there is a low potential for Aboriginal objects in this area.*
- *The proposed works should take place with monitoring by a representative of the local Aboriginal community (LPLALC) to meet best practice Aboriginal cultural heritage management to identify any potential Aboriginal objects/sites during the works.*
- *Works must cease immediately if a suspected Aboriginal object is found. Any identified Aboriginal object(s) should be left in situ and not disturbed any further in accordance with the requirements of the NPW Act. The OEH should be notified immediately; the developer and an archaeologist experienced in the identification of Aboriginal cultural material should inspect the suspected Aboriginal object/s to make a positive identification. The relevant Aboriginal parties must also be notified.*
- *If the objects are confirmed to be Aboriginal artefacts, the site would be registered as soon as practicable on the AHIMS register administered by the OEH and an AHIP (a section 90 under the NPW Act) may be required before works can continue in the area.*
- *An Aboriginal heritage induction should be provided by a qualified archaeologist for all contractors and relevant works who will undertake the works to ensure they are aware of their obligations under the NPW Act and the Aboriginal archaeological zoning plan which stipulates areas of interaction and access to the proposed site. The induction must cover the location of the Little Bay 6 midden, and plans for avoiding harm must be put in place before construction occurs, eg- flagging off as an exclusion zone as per the Aboriginal archaeological zoning plan.*
- *In the unlikely event that human remains were to be discovered at any time during the works. Works must cease immediately in the surrounding area. The findings would need to be reported immediately to the NSW Coroner's Office and/or the NSW Police.*

If human remains were discovered:

- *a specialist forensic anthropologist with relevant qualifications must be consulted to determine the nature of the remains;*
- *all excavated soils associated with the location of the remains must be identified, set aside, and/or returned to the site, if removed offsite;*
- *if the remains are suspected to be Aboriginal, the OEH must be contacted and the relevant Aboriginal stakeholders and/or Elders consulted;*
- *if the remains are suspected to be non-Aboriginal, the Heritage Division should be notified; and the remains must be treated in accordance with the relevant OEH guidelines, which include the 1998*

NSW Heritage Branch guidelines Skeletal Remains: Guidelines for the Management of Human Skeletal Remains.

Historical Archaeology

- *As the proposed ground disturbance will occur in an area of low historical archaeological potential or areas of existing ground disturbance, the proponent should submit a notification for an Exemption under Section 57(2) of the Heritage Act to the NSW Heritage Division. This Exemption would need to be approved by the Heritage Division prior to works commencing.*
- *The application for an Exemption under Section 57(2) under the Heritage Act to the Heritage Division should be accompanied by a brief statement referring to this report and outlining the protocols with regard to liaison with the archaeologists and unexpected discovery of relics.*
- *A heritage induction for all contractors working within the current study area should be conducted by a suitably qualified archaeologist, prior to any works beginning. This induction would provide information regarding the nature and appearance of potential heritage items within the study area and the requirement for reporting under the Heritage Act. It would also outline the role and responsibilities of the archaeologist on site during an archaeological monitoring program.*
- *In the event that unexpected archaeological remains were to be discovered within the study area, all works in the affected area should cease and a suitably qualified archaeologist be contacted to assess the finds. Should these finds be assessed to be of local or state significance, the Heritage Division, OEH should be notified in accordance with Section 146 of the Heritage Act.*

Built and Landscape Values

- *As the proposed works would result in little or no adverse impact to the heritage significance of the Prince Henry Hospital site, the proponent should submit a notification for an Exemption under Section 57(2) of the Heritage Act to the NSW Heritage Division. The Exemption Notification should address both the historical archaeological and built heritage aspects of the proposed works. This Exemption would need to be approved by the Heritage Division prior to works commencing.*
- *Works should be carefully planned to avoid impact on retaining walls of high heritage significance abutting the study area to the south west.*
- *A heritage induction should be provided for all contractors working within the current study area prior to works commencing. This induction would provide information regarding the nature and significance of the retaining walls in the immediate vicinity of the study area to ensure that this significant heritage fabric is not adversely impacted.*

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

D47/16 Development Application Report - 43 Boundary Street, Clovelly

(DA/10/2016)

PL59/16

RESOLUTION: (Neilson/Shurey) that Council, as the consent authority, grants development consent under Sections 80 and 80A of the Environmental Planning and Assessment Act 1979, as amended, to Development Application No. DA/10/2016 for a new garage and carport over existing driveway at No. 43 Boundary Street, Clovelly, subject to the following non standard conditions and the standard conditions contained in the development application compliance report attached to this report:

Non standard conditions**4. Door Design Clifton Rd Frontage**

Plans submitted for the construction certificate are to show the carport entrance door on the Clifton Rd frontage with a minimum clearance of 150mm between the existing footpath level and the bottom of the door. This is to allow a maintaining of an overland stormwater flowpath over the Council drainage pipeline/tonkin.

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

**D48/16 Development Application Report - 41 Cuzco Street, South Coogee
(DA/237/2015/A)**

PL60/16

RESOLUTION: (Neilson/Shurey) that Council, as the consent authority, grants development consent under Sections 80 and 80A of the Environmental Planning and Assessment Act 1979, as amended, to Development Application No. DA/237/2015/A for Section 96 modification of the approved development for the lowering of the roof height by 70mm, modifications to window openings, new air conditioning unit and minor internal alterations to the dwelling, at No. 41 Cuzco Street South Coogee, subject to the following non standard conditions and the standard conditions contained in the development application compliance report attached to this report:

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

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

<i>Plan</i>	<i>Drawn by</i>	<i>Dated</i>	<i>Received by Council</i>
DA01 C	DRE DESIGN	18 September 2015	22 September 2015
DA02 C		18 September 2015	22 September 2015

<i>BASIX Certificate No.</i>	<i>Dated</i>	<i>Received by Council</i>
A214587	1 April 2015	14 April 2015

Except as amended by the **Section 96 plans and supporting documentation listed below:**

<i>Plan</i>	<i>Drawn by</i>	<i>Dated</i>
S9601 E	DRE DESIGN	24 March 2016
S9602 E		
S9603 E		
S9604 E		
S9605 E		
S9606 E		
S9607 E		

<i>BASIX Certificate No.</i>	<i>Dated</i>
A214587_03	19 April 2016

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 No. 35.**
35. The air conditioning 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.

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

**D49/16 Development Application Report - 22-28 Gardeners Road,
Kingsford (DA/915/2015)**

PL61/16

RESOLUTION: (Neilson/Shurey) -

- A. That Council supports the exceptions to development standards under Clause 4.6 of Randwick Local Environmental Plan 2012 in respect to non-compliance with Clauses 4.3 and 4.4 of Randwick Local Environmental Plan 2012, relating to Building Height and Floor Space Ratio respectively, on the grounds that the proposed development complies with the objectives of the above clauses, and will not adversely affect the amenity of the locality, and that the Department of Planning & Environment be advised accordingly.
- B. That Council, as the consent authority, grants development consent under Sections 80 and 80A of the Environmental Planning and Assessment Act 1979, as amended, to Development Application No. 915/2015 for demolition of the existing structures, construction of part 4/part 8 storey shop top housing development with 2 retail spaces, 50 residential dwellings, parking at ground level and 2 basement levels for 36 vehicles, roof terrace and associated works at No. 22-28 Gardeners Road, Kingsford, subject to the following non standard conditions and the standard conditions contained in the development application compliance report:

Non standard conditions

Amendment of Plans & Documentation

2. The approved plans and documents must be amended in accordance with the following requirements:
- a) BBQ and seating facilities shall be provided within the Communal open space in the middle of the site. Details shall be submitted to council for approval prior to a cc being issued for the development.
 - b) The proposed development shall incorporate the recommendations made in the Crime Risk Assessment Report by NSW Police Eastern Beaches Local Area Command dated stamped received by Council on 4 January 2016.
 - c) A planter measuring 900mm in width and 1m in height shall be installed along the western side of the podium open space area alongside the

property at No. 30-34 Gardeners Road.

- d) The façade at Levels 1 & 2 fronting Gardeners Road shall be expressed in a frame that articulates these levels from the levels above as a means of interpreting the contributory façade in terms of proportions and composition. Details showing compliance shall be submitted to Councils Heritage Planner for approval prior to the issuing of a Construction Certificate for the development. Councils Heritage Planner may be contacted on 9399 0978.

Carparking

18. Plans submitted for the construction certificate must demonstrate compliance with the following amendments and requirements to the satisfaction of the certifying authority in order to provide a satisfactory amount of vehicle parking for the development, and to ensure the proposed car-stacker systems can be realistically provided;

- a) All proposed car stackers on the ground floor level shall be deleted and replaced with the following arrangement:
- 2 car stacker spaces for commercial parking (1 for each tenancy)
 - 1 space for service and delivery parking (shared with visitor space)
 - 2 disabled spaces (2 residential)
- b) Basement Level 1 shall comprise of disabled spaces only (dedicated to the accessible units). The proposed car-stackers must be deleted. Note: 7-8 accessible spaces should be able to be provided on Basement Level 1.
- c) Apart from any remaining required (out of a total of ten) disabled spaces that cannot be provided on the ground floor or Basement Level 01, all parking on Basement level 2 shall comprise of car-stackers using the proposed Combo-lift 543 system or similar. A minimum of 18 car spaces shall be provided within car-stackers on Basement Level 2 (to be dedicated as residential parking).
- d) It must be satisfactorily demonstrated that the proposed car stacker systems can be installed within the design space available in accordance within the manufacturers specifications and Australian Standard 2890.1:2004
- e) The vehicular access driveways, internal circulation ramps and the carpark areas, (including, but not limited to, the ramp grades, carpark layout and height clearances) are to be in accordance with the requirements of AS 2890.1:2004.

NOTE: The driveway ramps are less than 3m in width and must be widened to 3m (3.6m including kerbs) in accordance with AS 2890.1.

- f) A traffic signaling system shall be designed into the access driveway to avoid potential conflict on the long access ramp to Basement Level 1. Details of the proposed vehicle signaling system shall be provided to Council's Development Engineer for approval.

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

**D50/16 Development Application Report - 163 Arden Street, Coogee
(DA/839/2015)**

PL62/16

RESOLUTION: (Moore/Garcia)

- A. That Council supports the exception to the development standard 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/839/2015 to demolish the existing building, construction of a 4 storey residential flat building with 6 dwelling units, lower level storage, landscaping and associated works (variation to floor space ratio control) at 163 Arden Street, Coogee, subject to the following non standard conditions and the standard conditions contained in the development application compliance report:

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

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 privacy screen louvres 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.
 - b. The fence on the street alignment is to be a maximum height of 1800mm, and be designed so that the upper two thirds of the fence (excluding any piers or posts) is at least 30% open, to maintain reasonable levels of amenity to the adjoining residential development and the streetscape.
 - c. The louvres along the northern side of rear balcony at Level 2 shall be deleted.
 - d. Air-conditioning units must be suitably screened from the public domain and the neighbouring properties. Air conditioning units are not permitted on the roof. The air conditioning units must not be installed on the side or rear elevations of the development.
 - e. Any gate openings shall be constructed so that the gates, when hung, will be fitted in such a manner that they will not open over the footway or public place.
 - f. Fences located on the side or rear boundaries of the premises shall not exceed a maximum height of 1800mm finished ground level within the subject site. On sloping sites or at changes in ground levels, the maximum height of the fence may exceed the abovementioned specified height by up to 150mm maximum adjacent to any required 'step-downs' or changes in ground level. The applicant and owner is advised that the relevant provisions of the Dividing Fences Act 1991 are to be satisfied accordingly and any necessary approvals or agreements should be obtained from the owner/s of the adjoining land beforehand. Should the

fencing exceed a maximum height permitted a separate development consent must be obtained.

MOTION: (Bowen/Stevenson) 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 D'Souza
Councillor Bowen	Councillor Garcia
Councillor Stevenson	Councillor Matson
	Councillor Moore
	Councillor Neilson
	Councillor Roberts
	Councillor Shurey
Total (3)	Total (7)

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

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

FOR	AGAINST
Councillor Belleli	Councillor Bowen
Councillor D'Souza	Councillor Stevenson
Councillor Garcia	
Councillor Matson	
Councillor Moore	
Councillor Neilson	
Councillor Roberts	
Councillor Shurey	
Total (8)	Total (2)

D51/16 Development Application Report - 5-15 Cawood Avenue, Little Bay (DA/39/2016) (JRPP)

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

PL63/16

RESOLUTION: (Garcia/Bowen) -

- A. That the Joint Regional Planning Panel support the exception to the development standard in respect to non-compliance with Clause 4.4 of the Randwick Local Environmental Plan 2012, relating to maximum floor space ratio on the grounds that the proposed development is consistent with the relevant objectives of the clause and will not adversely affect the amenity of the surrounding locality and that the Department of Planning be advised accordingly.
- B. That the Joint Regional Planning Panel as the responsible authority grant its development consent under Section 80(3) of the Environmental Planning and Assessment Act 1979 (as amended) to Development Application No DA/39/2016 to construct part 2/part 3 storey multi-dwelling housing development with roof terraces, containing 33 dwellings, basement parking for 50 vehicles, at grade parking for 8 vehicles, landscaping and associated works at 5-15 Cawood Avenue, Little Bay subject to the following conditions:

Amendment of Plans & Documentation

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. A minimum 20% of dwellings in the development must be adaptable dwellings and designed and constructed to a minimum Class C Certification under AS 4299 Adaptable Housing. This condition may require access ramps to be installed to the adaptable dwellings, a hydraulic lift and an increase in the clearance of the adaptable car spaces. Details shall be submitted to Council's Manager of Development Assessment for approval prior to a Construction Certificate being issued for the development.
 - b. Ceiling fans are required to be installed in all habitable rooms of the development.
 - c. In order to ensure retention of planting in the rear of yards, any mature trees forming part of the approved landscaping shall be retained on site unless written consent is received from Council allowing for their pruning relocation or removal.
 - d. Air conditioning units must only be located at ground level or within basement level and not viewable from the public domain.
 - e. A tap and BBQ gas outlet shall be provided to the rear ground level private open space for each dwelling.
 - f. Provisions shall be made for 2 motorcycle spaces within the basement.
 - g. Provisions shall be made for a minimum of 17 bicycle spaces.

Parking and Vehicular Crossing Design

9. Prior to lodging a Construction Certificate with the Certifying Authority the applicant must submit to Council for approval, and have approved, amended garage and tandem carspace details for proposed dwellings 2-9 inclusive. The amended details must be prepared in consultation with Council's Development Engineer Coordinator and must demonstrate that two vehicles can park in tandem whilst being wholly contained within the development site. As a minimum the clear distance from the southern wall of the garages to the Cawood Avenue site frontage must be 10.7 metres. The Construction Certificate plans must demonstrate compliance with the approved amended details.

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

D52/16 Development Application Report - 51-51A Oswald Street, Randwick (DA/437/2015)

PL64/16

RESOLUTION: (Neilson/Shurey) –

- A. That Council's original determination of Development Application No. DA/437/2015 dated 23/12/2015 for alterations and second floor addition to the existing building to create three dwellings with roof top terrace and strata subdivision at 51-51A Oswald Street, Randwick, be rescinded.
- 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/437/2015 for permission to undertake alterations and construct a second floor addition to the existing building to create 3 dwellings and strata subdivision with associated works for 51-51A Oswald Street, Randwick, subject to the following conditions:

GENERAL CONDITIONS

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

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

Approved Plans & Supporting Documentation

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>
A03	Eduardo Tapia	March 2016
A04	Eduardo Tapia	March 2016
A05	Eduardo Tapia	March 2016
A06	Eduardo Tapia	March 2016
A07	Eduardo Tapia	March 2016
A08	Eduardo Tapia	March 2016
A09	Eduardo Tapia	March 2016
A10	Eduardo Tapia	March 2016
A11	Eduardo Tapia	March 2016
A12	Eduardo Tapia	March 2016
Proposed Strata Plan	Eduardo Tapia	March 2016

<i>BASIX Certificate</i>	<i>No.</i>	<i>Dated</i>
A211924_02		2/03/2016

Amendment of Plans & Documentation

2. The approved plans and documents must be amended in accordance with the following requirements:
 - a. All privacy screens provided to the development must have a height of 1.6 m above floor level. The privacy screens 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 screens. Alternatively, the privacy screen may be constructed with translucent, obscured, frosted or sandblasted glazing in a suitable frame.

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.

External Colours, Materials & Finishes

4. The colours, materials and finishes of the external surfaces to the building are to be compatible with the adjacent development to maintain the integrity and

amenity of the building and the streetscape.

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

Section 94A Development Contributions

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

In accordance with Council's Section 94A Development Contributions Plan effective from 21 April 2015, 1% of the development cost provided in the acknowledged Quantity Survey must be paid to Council.

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

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

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

Where:

IDC = the indexed development cost

ODC = the original development cost determined by the Council

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

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

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

Long Service Levy Payments

6. 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.

Sydney Water Requirements

7. All building, plumbing and drainage work must be carried out in accordance with the requirements of the Sydney Water Corporation.

The approved plans must be submitted to a Sydney Water Quick Check agent, to determine whether the development will affect Sydney Water's waste water and water mains, stormwater drains and/or easements, and if any further requirements need to be met.

If suitable, the plans will be appropriately stamped. For details please refer to the Sydney Water web site at www.sydneywater.com.au for:

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

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

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

8. In accordance with section 80 A (11) of the *Environmental Planning & Assessment Act 1979* and clause 98 of the *Environmental Planning & Assessment Regulation 2000*, it is a *prescribed condition* that all building work must be carried out in accordance with the provisions of the Building Code of Australia (BCA). Details of compliance with the BCA are to be included in the construction certificate application.

Structural Adequacy

9. Certificate of Adequacy supplied by a *professional engineer* shall be submitted to the *certifying authority (and the Council, if the Council is not the certifying authority)*, certifying the structural adequacy of the existing structure to support the additional storey/upper floor addition.

BASIX Requirements

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

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

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

Stormwater Drainage

11. A surface water/stormwater drainage system must be provided in accordance with the following requirements, to the satisfaction of the Certifying Authority and details are to be included in the construction certificate:-

- a) Surface water/stormwater drainage systems must be provided in accordance with the relevant provisions of the Building Code of Australia (Volume 2) and relevant Standards;
- b) The surface water/stormwater must be drained and discharged to the street gutter or, subject to site suitability, the stormwater may be drained to a suitably designed absorption pit;
- c) Any absorption pits or soaker wells should be located not less than 3m from any adjoining premises and the stormwater must not be directed to any adjoining premises or cause a nuisance;
- d) External paths and ground surfaces are to be constructed at appropriate levels and be graded and drained away from the building and adjoining premises, so as not to result in the entry of water into the building, or cause a nuisance or damage to the adjoining premises;
- e) Details of any proposed drainage systems or works to be carried out in the road, footpath or nature strip must be submitted to and approved by Council before commencing these works;
- f) A certificate, from a suitably qualified person must be submitted to the PCA and Council, prior to the issue of an Occupation Certificate, which confirms that the stormwater drainage system has been provided in accordance with the requirements of this consent, relevant standards and requirements.

REQUIREMENTS PRIOR TO THE COMMENCEMENT OF ANY WORKS

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

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

Certification, PCA & other Requirements

12. Prior to the commencement of any building works, the following requirements must be complied with:

- a) a *Construction Certificate* must be obtained from the Council or an accredited certifier, in accordance with the provisions of the *Environmental Planning & Assessment Act 1979*.

A copy of the construction certificate, the approved development consent plans and consent conditions must be kept on the site at all times and be made available to the Council officers and all building contractors for assessment.

- b) a *Principal Certifying Authority* (PCA) must be appointed to carry out the necessary building inspections and to issue an *occupation certificate*; and
- c) a *principal contractor* must be appointed for the building work, or in relation to residential building work, an *owner-builder* permit may be obtained in accordance with the requirements of the *Home Building Act 1989*, and the PCA and Council are to be notified accordingly; and

- d) the *principal contractor* must be advised of the required *critical stage inspections* and other inspections to be carried out, as specified by the *Principal Certifying Authority*; and
- e) at least two days notice must be given to the Council, in writing, prior to commencing any works.

Home Building Act 1989

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

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

Dilapidation Reports

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

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

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

Construction Noise & Vibration Management Plan

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

Noise and vibration from any rock excavation machinery, pile drivers and all plant and equipment must be minimised, by using appropriate plant and equipment, silencers and the implementation of noise management strategies.

A *Construction Noise Management Plan*, prepared in accordance with the NSW EPA Construction Noise Guideline by a suitably qualified person, is to be implemented throughout the works, to the satisfaction of the Council. A copy of the strategy must be provided to the Principal Certifying Authority and Council prior to the commencement of works on site.

Construction Site Management Plan

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

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

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

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

Demolition Work Plan

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

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

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

18. 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

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

Tree Protection Measures

21. In order to ensure retention of the two *Eucalyptus haemastoma* (Scribbly Gums) located in the rear yard of the subject site, along the eastern boundary, to the south of the existing free standing shed, as well as the *Acer negundo* (Box Elder) in the rear yard of the neighbouring private property to the east, no.49, against the common boundary, as has been shown, the following measures are to be undertaken:
- a. All documentation submitted for the Construction Certificate application must show the retention of these trees, with the position and diameter of their trunks and canopies to be clearly and accurately shown on all plans in relation to the proposed works.
 - b. Any excavations associated with the installation of new services, pipes, stormwater systems or similar in the rear yard must be setback a minimum distance of 3 metres from their trunks.
 - c. The Construction Certificate plans must show that the existing expanses of hard paving in the rear yard will be removed and replaced with turf/undisturbed deep soil, and as part of the rear ground floor extension, a section of the eastern wall of the existing shed must be retained on the common boundary, as has been shown on the Ground

Floor Plan, dwg A04.

- d. Where roots are encountered which are in direct conflict with the approved works, they may be cut cleanly by hand (using only hand held tools, not machinery), with the affected area to be backfilled with clean site soil as soon as practically possible.
- e. The two Scribby Gums are to be physically protected by installing evenly spaced star pickets at a setback of 3 metres to their north, west and south (measured off the outside edge of their trunks at ground level), matching up with the eastern site boundary, to which, safety tape/para-webbing/shade cloth or similar shall be permanently attached so as to completely enclose both trees for the duration of works.
- f. This fencing shall be installed prior to the commencement of demolition and construction works and shall remain in place until all works are completed, to which, signage containing the following words shall be clearly displayed and permanently attached: "TREE PROTECTION ZONE (TPZ), DO NOT REMOVE/ENTER".
- g. In order to prevent soil/sediment being washed over their root systems, erosion control measures must be provided at ground level around the perimeter of the TPZ.
- h. Within the TPZ, there is to be no storage of materials, machinery or site office/sheds, nor is cement to be mixed or chemicals spilt/disposed of and no stockpiling of soil or rubble, with all Site Management Plans needing to acknowledge these requirements.
- i. The PCA must ensure compliance with all of these requirements, both on the plans as well as on-site during the course of construction, and prior to issuing any type of Occupation Certificate.

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

An application to vary the abovementioned hours may be submitted to Council's Manager Health, Building & Regulatory Services for consideration and approval to vary the specified hours may be granted in exceptional circumstances and for limited occasions (e.g. for public safety, traffic management or road safety reasons). Any applications are to be made on the standard application form and include payment of the relevant fees and supporting information. Applications must be made at least 10 days prior to the date of the proposed work and the prior written approval of Council must be obtained to vary the standard permitted working hours.

Demolition Work Requirements

25. All work and activities must be carried out in accordance with the relevant regulatory requirements and Randwick City Council policies, including:

- Work Health and Safety Act 2011
- Occupational Health and Safety (Hazardous Substances) Regulation 2001
- Occupational Health and Safety (Asbestos Removal Work) Regulation 2001
- WorkCover NSW Code of Practice for the Safe Removal of Asbestos
- Australian Standard 2601 (2001) – Demolition of Structures
- The Protection of the Environment Operations Act 1997
- Protection of the Environment Operations (Waste) Regulation 2005
- Relevant Office of Environment & Heritage / Environment Protection Authority (EPA) and WorkCover NSW Guidelines.
- Randwick City Council Asbestos Policy (adopted 13 September 2005)

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

Removal of Asbestos Materials

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 10m² of bonded asbestos (or as otherwise specified by WorkCover or relevant legislation). Removal of friable asbestos material must only be undertaken by contractor that holds a current friable asbestos removal licence. A copy of the relevant licence must be provided to the Principal Certifying Authority.
- On sites involving the removal of asbestos, a sign must be clearly displayed in a prominent visible position at the front of the site, containing the words 'DANGER ASBESTOS REMOVAL IN PROGRESS' and include details of the licensed contractor.
- Asbestos waste must be stored, transported and disposed of in compliance with the *Protection of the Environment Operations Act 1997* and the *Protection of the Environment Operations (Waste) Regulation 2005*. Details of the landfill site (which must be lawfully able to receive asbestos materials) must be provided to the Principal Certifying Authority.
- A Clearance Certificate or Statement, prepared by a suitably qualified person (i.e. an occupational hygienist, licensed asbestos removal contractor, building consultant, architect or experienced licensed building contractor), must be provided to Council and the Principal certifying authority upon completion of the asbestos related works which confirms that the asbestos material have been removed appropriately and the relevant conditions of consent have been satisfied.

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

Sediment & Erosion Control

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 must be shown in a *Sediment and Erosion Control Plan*, including; a site plan; indicating the slope of land, access points & access control measures, location and type of sediment & erosion controls, location of existing vegetation to be retained, location of material stockpiles and storage areas, location of building operations and equipment, methods of sediment control, details of drainage systems and details of existing and proposed vegetation.

A copy of the Sediment and Erosion Control Plan must be provided to the Principal Certifying Authority and a copy must be maintained on site and be made available to Council officers upon request.

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) Adequate provisions must be made to ensure pedestrian safety and traffic flow during the site works and traffic control measures are to be implemented in accordance with the relevant provisions of the Roads and Traffic Manual "Traffic Control at Work Sites" (Version 4), to the satisfaction of Council.

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 the adjoining properties or Council's road reserve, footway, nature strip or public place.

Tree Management

33. Approval is granted for removal of the closely planted row of Cypress Pines in the rear yard, along the eastern site boundary, given a combination of their large size at maturity, ability to obscure solar access, and direct conflict with the proposed ground floor works as shown.

Tree Management

34. Permission is granted for the minimal and selective pruning of only those lower growing, lower order branches from the western aspect of the *Acer negundo* (Box Elder) which is located wholly in the rear yard of the adjoining private property to the west, no.49, only where they overhang the common boundary, into the subject site, and need to be pruned in order to avoid damage to the tree; or; interference with the works.
35. This approval does not imply any right of entry onto a neighbouring property nor does it allow pruning beyond a common boundary; however, where such measures are desirable in the best interests of correct pruning procedures, and ultimately, the ongoing health of the tree, the applicant must negotiate with the neighbour/tree owner for access to perform this work.
36. All pruning must be undertaken by an Arborist who holds a minimum of AQF Level III in Arboriculture, and to the requirements of Australian Standard AS 4373-2007 'Pruning of Amenity Trees,' and NSW Work Cover Code of Practice for the Amenity Tree Industry (1998).

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.

Council's Infrastructure, Vehicular Crossings, street verge

39. 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.
40. All external civil work to be carried out on Council property (including the installation and repair of roads, footpaths, vehicular crossings, kerb and guttering and drainage works), must be carried out in accordance with Council's Policy for "Vehicular Access and Road and Drainage Works" and the following requirements:
- a) All work on Council land must be carried out by Council, unless specific written approval has been obtained from Council to use non-Council contractors.
 - b) Details of the proposed civil works to be carried out on Council land must be submitted to Council in a Pre-paid Works Application Form, prior to an occupation certificate being issued for the development, together with payment of the relevant fees.
 - c) If it is proposed to use non-Council contractors to carry out the civil works on Council land, the work must not commence until the written approval has been obtained from Council and the work must be carried out in accordance with the conditions of consent, Council's design details and payment of a Council design and supervision fee.
 - d) The civil works must be completed in accordance with Council's conditions of consent and approved design and construction documentation, prior to occupation of the development, or as otherwise approved by Council in writing.

Landscaping

41. The PCA must ensure that landscaping at this site has been installed substantially in accordance with the Landscape Plan, dwg L01, prior to the issue of any Occupation Certificate, with the owner/s to maintain it in a healthy and vigorous state until maturity.

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

42. 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

43. 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.

Waste Management

44. Adequate provisions are to be made within the premises for the storage and removal of waste and recyclable materials, to the satisfaction of Council.

Plant & Equipment

45. The operation of all plant and equipment on 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.

Residential Parking Permits

46. All prospective owners and tenants of the building must be notified that Council will not issue any residential parking permits to occupants/tenants of this development.
47. A notice shall be placed in the foyer/common areas of the building advising tenants/occupiers that they are in a building which does not qualify for on-street resident parking permits.

Use of parking spaces

48. The car spaces within the development are for the exclusive use of the occupants of the building. The car spaces must not be leased to any person/company that is not an occupant of the building.

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.

49. All floors, external walls and ceilings depicted in the proposed strata plan must correspond to the building as constructed.
50. All floors, external walls and ceilings depicted in the proposed strata plan must correspond to those depicted in the approved building plans for the site (reference DA/CC number).
51. Prior to endorsement of the strata plans, all facilities required under previous development approvals (such as parking spaces, terraces and courtyards) must be provided in accordance with the relevant requirements.
52. 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 > 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 a *Strata Certificate*.

53. 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.
54. A formal subdivision application is required to be submitted to and approved by the Council or accredited certifier and all relevant conditions of this development consent are required to be satisfied prior to the release of the subdivision plans.
55. Details of critical stage inspections carried out by the principal certifying authority, together with any other certification relied upon, must be provided to Council prior to the issuing of a subdivision 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 In accordance with the requirements of the *Environmental Planning &*

Assessment Act 1979, building works, including associated demolition and excavation works (as applicable) must not be commenced until:

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

A3 Council's Building Certification & Fire Safety team can issue your *Construction Certificate* and be your *Principal Certifying Authority* for the development, to undertake inspections and ensure compliance with the development consent, relevant building regulations and standards of construction. For further details contact Council on 9399 0944.

A4 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.

A5 A Local Approval application must be submitted to and be approved by Council's Building Approvals & Certification team 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's Building Approvals & Certification team 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 This consent does not authorise any trespass or encroachment upon any adjoining or supported land or building whether private or public. Where any underpinning, shoring, soil anchoring (temporary or permanent) or the like is proposed to be carried out upon any adjoining or supported land, the land owner or principal contractor must obtain:

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

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

A8 The finished ground levels external to the building must be consistent with the

development consent and are not to be raised, other than for the provision of approved paving or the like on the ground.

- A9 Building owners and occupiers should consider implementing appropriate measures to prevent children from falling from high-level window openings and balconies (e.g. by installing window locking devices; installing heavy-duty screens to window openings; limiting the dimensions of any openings to 125mm; ensuring balustrades to balconies are at least 1m high and; locating fixtures, fittings and furniture away from high-level windows and balconies).

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

- A10 Underground assets (eg pipes, cables etc) may exist in the area that is subject to your application. In the interests of health and safety and in order to protect damage to third party assets please contact Dial before you dig at www.1100.com.au 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.

- A11 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.

- A12 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: (Neilson/Shurey) CARRIED UNANIMOUSLY - SEE RESOLUTION.

Miscellaneous Reports

Nil.

Notice of Rescission Motions

Nil.

The meeting closed at 7.17pm.

The minutes of this meeting were confirmed at the Planning Committee Meeting of the Council of the City of Randwick held on Tuesday, 12 July 2016.

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CHAIRPERSON