

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, 11 OCTOBER 2016 AT 6:05PM

Present:

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

- | | |
|--------------|--|
| North Ward | - Councillors K Neilson, L Shurey & K Smith (arrived 6.34pm) |
| South Ward | - Councillor R Belleli & P Garcia (arrived 10.06pm) |
| East Ward | - Councillors T Bowen, M Matson & B Roberts (Deputy Chairperson) |
| West Ward | - Councillors G Moore, S Nash & H Stavrinou (Chairperson) |
| Central Ward | - Councillors A Andrews (arrived 6.20pm), T Seng & 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 F Ko
Senior Administrative Coordinator	Ms J Hartshorn
Communications Manager	Mr J Hay
Executive Manager	Mr L Fitzgerald

Apologies/Granting of Leave of Absences

Nil.

Confirmation of the Minutes

CONFIRMATION OF THE MINUTES OF THE PLANNING COMMITTEE MEETING HELD ON TUESDAY 13 SEPTEMBER 2016

PL99/16

RESOLUTION: (Shurey/Matson) that the Minutes of the Planning Committee Meeting held on Tuesday 13 September 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 pecuniary interest in Item M12/16 as his brother owns a unit in the property and his performing arts school has performed at the centre. Cr Belleli indicated that he would not take part in the debate or the vote on the matter.
- b) Cr Neilson declared a non-significant non pecuniary interest in Item D77/16 as one of the objectors is known to her.
- c) Cr Neilson declared a non-significant non pecuniary interest in Item D84/16 as some of the objectors are known to her.
- d) Cr Neilson declared a non-significant non pecuniary interest in Item D85/16 as some of the objectors are known to her.
- e) Cr Neilson declared a non-significant non pecuniary interest in Item D91/16 as some of the objectors are known to her.
- f) Cr Neilson declared a non-significant non pecuniary interest in Item D92/16 as some of those making submissions are known to her.
- g) Cr Shurey declared a non-significant non pecuniary interest in Item D92/16 as she has frequented the café.
- h) Cr Matson declared a significant non pecuniary interest in Item M14/16, M15/16 and M16/16 as a Council representative on the JRPP. Cr Matson indicated that he would not take part in the debate or the vote on these matter.
- i) Cr Nash declared a significant non pecuniary interest in Item M14/16, M15/16 and M16/16 as a Council representative on the JRPP. Cr Nash indicated that he would not take part in the debate or the vote on these matter.
- j) Cr Moore declared a significant non pecuniary interest in Item M14/16, M15/16 and M16/16 as a Council representative on the JRPP. Cr Moore indicated that he would not take part in the debate or the vote on these matter.
- k) Cr Stavrinou declared a non-significant non pecuniary interest in Item D86/16 as one of the objector is known to him.
- l) Cr Stavrinou declared a non-significant non pecuniary interest in Item D92/16 as the applicants are known to him.
- m) Cr Andrews declared a non-significant non pecuniary interest in Item D78/16 as he is aware of the applicant.
- n) Cr Andrews declared a significant non pecuniary interest in Item D86/16 as his grandmother lives next door. Cr Andrews indicated that he would not take part in the debate or the vote on the matter.
- o) Cr Andrews declared a significant non pecuniary interest in Items M14/16, M15/16 and M16/16 as a Council representative on the JRPP. Cr Andrews indicated that he would not take part in the debate or the vote on these matters.
- p) Cr Bowen declared a significant non pecuniary interest in Item D84/16 as one of the objectors is known to him.
- q) Cr Andrews declared a significant non pecuniary interest in Items D84/16 as one of the objectors is known to him.
- r) Cr More declared a significant non pecuniary interest in Item UB11/16 as the matter was discussed at a recent JRPP meeting at which he was in attendance as a Council representative. Cr Moore indicated that he would not take part in the debate or the vote on the matter.
- s) Cr Seng declared a non-significant non pecuniary interest in Item M16/16 as the

speaker is known to him.

- t) Cr Smith declared a non-significant non pecuniary interest in Item M16/16 as the applicant has declared donations to the national branch of the Liberal Party.
- u) Cr Garcia declared a non-significant non pecuniary interest in Item D84/16 as one of the objectors is a member of the Labor Party.
- v) Cr Garcia declared a pecuniary interest in Item M14/16 as he lives in close proximity to the site. Cr Garcia indicated that he would not take part in the debate or the vote on the matter.
- w) Cr Garcia declared a pecuniary interest in Item D79/16 as he lives in close proximity to the site. Note: Cr Garcia was not present at the meeting during the debate and the vote on this item.

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:

D77/16 27 SHAW AVENUE, KINGSFORD (DA/315/2016) - DEFERRED

Objector Mr Gene Ransom

Applicant Mr Sanel Etevock (representing the applicant)

D78/16 30 MERMAID AVENUE, MAROUBRA (DA/915/2014/A) DEFERRED

Applicant Mr Scott Lockwood

D79/16 202 OBERON STREET, COOGEE (DA/287/2015/A) - DEFERRED

Applicant Mr Anthony Betros (representing the applicant)

D80/16 4 - 18 DONCASTER AVENUE, KENSINGTON (DA/931/2015)

Objector Ms Tracey Chung

Applicant Mr Anthony Betros (representing the applicant)

D82/16 21 MEEHAN STREET, MATRAVILLE (DA/863/2015)

Objector Ms Lyndelle Morgan

Applicant Ms Eleni Katholos (representing the applicant)

D83/16 195 BEACH STREET, COOGEE (DA/445/2016)

Objector Mr Ray Murray

D84/16 40 DUTRUC STREET, RANDWICK (DA/895/2015)

Objector Mr Nathan Patrick

Applicant Mr George Karavanas (representing the applicant)

D85/16 293-297 ALISON ROAD, COOGEE (DA/11/2015/A)

Objector Mr Tom Molomby

- Applicant** Mr Anthony Betros (representing the applicant)
- D86/16 18 SNAPE STREET, KINGSFORD (DA/572/2016)
- Objector** Ms Anna Daras
- Applicant** Mr Peter Zaverdinois
- D89/16 89-91 BREAM STREET, COOGEE (DA/399/2016)
- Objector** Mr John Kambas
- Applicant** Mr George Karavanas (representing the applicant)
- D91/16 32-34 PEROUSE ROAD, RANDWICK (DA/128/2016)
- Objector** Mr Warwick La Hood
- Applicant** Mr Andrew Minto (representing the applicant)
- D92/16 4/199-203A MALABAR ROAD, SOUTH COOGEE (DA/153/2015/A)
- Objector** Ms Diane Lawrence
- Applicant** Ms Anna Allison
- D93/16 152-154 AVOCA STREET, RANDWICK (DA/281/2016)
- Applicant** Mr Anthony Betros (representing the applicant)
- M16/16 PLANNING PROPOSAL - 391-397 ANZAC PARADE AND 17 BUNNERONG ROAD, KINGSFORD
- Objector** Ms Rosemary McKenzie
- Applicant** Mr Matthew Daniel

The meeting was adjourned at 8.25pm and was resumed at 8.42pm.

Urgent Business

UB11/16 Cr Murray Matson - Request for consideration of Urgent Business - Response to today's negative criticism of the K2K competition

The Chairperson accepted that the motion was a matter of urgency.

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

PL100/16 **RESOLUTION: (Matson/Andrews)** that Council:

- 1) responds to the meeting held last Saturday at Kensington Oval by letterboxing the Kensington and Kingsford areas with an explanation of the intent of the K2K competition and how it is a response by Council against unacceptably high development proposals in those areas and that Council has no obligation to incorporate any competition winner into the final draft LEP that will be placed on public exhibition.
- 2) reiterates its call on the State Government to respect Randwick Council's height limits for the Kensington and Kingsford Town centres.

AMENDMENT: (Bowen/Neilson) that Council immediately suspend the K2K competition on the basis that the competition contains elements of entries for rezonings that have previously been rejected by this Council and does not have the necessary parameters, in terms of bulk, scale and FSR, to properly guide the competition and, as a consequence, the proposals received contain substantial breaches of Council's existing planning controls. **LOST.**

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

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

FOR	AGAINST
Councillor Belleli	Councillor Andrews
Councillor Bowen	Councillor D'Souza
Councillor Neilson	Councillor Matson
Councillor Stevenson	Councillor Nash
	Councillor Roberts
	Councillor Seng
	Councillor Shurey
	Councillor Smith
	Councillor Stavrinou
Total (4)	Total (9)

AMENDMENT: (Bowen/Neilson) that Council reiterates its call on the State Government to respect Randwick Council's current height limits for the Kensington and Kingsford Town centres. **LOST.**

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

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

FOR	AGAINST
Councillor Belleli	Councillor Andrews
Councillor Bowen	Councillor D'Souza
Councillor Neilson	Councillor Matson
Councillor Stevenson	Councillor Nash
	Councillor Roberts
	Councillor Seng
	Councillor Shurey
	Councillor Smith
	Councillor Stavrinou
Total (4)	Total (9)

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

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

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

FOR	AGAINST
Councillor Andrews	Councillor Belleli
Councillor D'Souza	Councillor Bowen
Councillor Matson	Councillor Neilson
Councillor Nash	Councillor Stevenson
Councillor Roberts	
Councillor Seng	

Councillor Shurey
Councillor Smith
Councillor Stavrinou
Total (9)

Total (4)

Cr Garcia arrived at the meeting at this point (10.06pm).
Cr Bowen left the meeting at this point (10.08pm).

Development Application reports

D77/16 Development Application Report - 27 Shaw Avenue, Kingsford (DA/315/2016) - Deferred

PL101/16

RESOLUTION: (Andrews/Roberts) that Council, as the consent authority, grants development consent under Sections 80 and 80A of the Environmental Planning and Assessment Act 1979, as amended, to Development Application No. 315/2016 for alterations and additions to the existing dwelling and construction of a new secondary dwelling at 27 Shaw Avenue, Kingsford, subject to the following standard conditions contained in this report:

DEVELOPMENT CONSENT CONDITIONS

GENERAL CONDITIONS

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

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

Approved Plans & Supporting Documentation

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

Plan	Drawn by	Dated
A0.0	Beautiful Home Studio	12/03/2016
A1.1	Beautiful Home Studio	12/03/2016
A1.2	Beautiful Home Studio	6/7/2016
A1.3	Beautiful Home Studio	12/03/2016
A1.4	Beautiful Home Studio	12/03/2016
A1.5	Beautiful Home Studio	12/03/2016
A1.9	Beautiful Home Studio	12/03/2016
A2.1	Beautiful Home Studio	12/03/2016
A2.2	Beautiful Home Studio	12/03/2016
A2.3	Beautiful Home Studio	12/03/2016
A3.1	Beautiful Home Studio	12/03/2016

BASIX Certificate No.	Dated
714452S	18 th April 2016
A246246	18 th April 2016

- The approved plans and documents must be amended in accordance with the following requirements:
 - The privacy screens to the rear balcony are to have a height of 1.6 m above floor level and 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.
- b. The depth of the upper level rear balcony is to be reduced to a maximum of 1.5m.
 - c. The following windows must have a minimum sill height of 1.6m above floor level, or alternatively, the windows are to be fixed and be provided with translucent, obscured, frosted or sandblasted glazing below this specified height:
 - W31 & W32 to the secondary dwelling.
 - d. The privacy screen to the front balcony is to be deleted to reduce the visual bulk to the façade.
 - e. The height of the secondary dwelling is to be reduced to a maximum of 3.6m with a maximum external wall height of 2.4m.
 - f. The side boundary setback of the upper level from the southern side boundary is to be increased to 1200mm.

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. 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. In accordance with Council's Section 94A Development Contributions Plan effective from 21 April 2015, based on the development cost of \$ 245,465 the following applicable monetary levy must be paid to Council: \$ 2,454.65.

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

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 the Sydney Water **Tap in™** online service, 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.

The Sydney Water Tap in™ online service replaces the Quick Check Agents as of 30 November 2015

The **Tap in™** service provides 24/7 access to a range of services, including:

- Building plan approvals
- Connection and disconnection approvals
- Diagrams
- Trade waste approvals
- Pressure information
- Water meter installations
- Pressure boosting and pump approvals
- Change to an existing service or asset, e.g. relocating or moving an asset.

Sydney Water's **Tap in™** online service is available at:

<https://www.sydneywater.com.au/SW/plumbing-building-developing/building/sydney-water-tap-in/index.htm>

The Principal Certifying Authority must ensure that the developer/owner has submitted the approved plans to Sydney Water Tap in online service.

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.

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 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

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.

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

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.

Construction Site Management Plan

14. 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

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

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

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

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

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

Notes

- *It is the responsibility of the persons undertaking demolition work to obtain the relevant WorkCover licences and permits.*
- *Refer to the conditions within the "Requirements During Construction & Site Work", for further details and requirements relating to demolition*

work, removal of any asbestos and public safety.

Public Utilities

16. 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.
17. The applicant must meet the full cost for telecommunication companies, gas providers, Ausgrid, and Sydney Water to adjust/repair/relocate their services as required. The applicant must make the necessary arrangements with the service authority.

REQUIREMENTS DURING CONSTRUCTION & SITE WORK

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

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

Inspections During Construction

18. 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

19. 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

20. 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	<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

below)	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

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

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

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

Removal of Asbestos Materials

22. 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

23. Sediment and erosion control measures, must be implemented throughout the site works in accordance with the manual for Managing Urban Stormwater – Soils and Construction, published by Landcom, to Council's satisfaction. Details are to be included in the *Construction Site Management Plan*.

Public Safety & Site Management

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

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

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

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

Applications to place a waste container in a public place can be made to Council's Health, Building and Regulatory Services department.

- g) Temporary safety fencing is to be provided to any swimming pools under construction, pending the completion of all building work and the pool must not be filled until a fencing inspection has been carried out and approved by the principal certifying authority.

Tree Management

25. Approval is granted for the removal of the trees (including the mango trees) in the rear yard located within the construction zone of the proposed works. All mango trees must be removed prior to the issue of an Occupation Certificate.

Ausgrid

26. The applicant must meet the full cost for Ausgrid to relocate the existing overhead power feed from the distribution pole in the street to the development site to an underground (UGOH) connection.

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

27. 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

28. 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

29. 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.

30. 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.
31. That part of the naturestrip upon Council's footway which is damaged during the construction of the proposed works shall be excavated to a depth of 150mm, backfilled with topsoil equivalent with 'Organic Garden Mix' as supplied by Australian Native Landscapes, and re-turfed with Kikuyu turf or similar. Such works shall be completed at the applicants expense.

Ausgrid

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

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.

Use of premises

33. The primary dwelling must only be used as a single residential dwelling and must not be used for dual or multi-occupancy purposes.

External Lighting

34. 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.

Plant & Equipment

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

In this regard, the operation of the plant and equipment shall not give rise to an $L_{Aeq, 15 \text{ min}}$ sound pressure level at any affected premises that exceeds the

background $L_{A90, 15 \text{ min}}$ noise level, measured in the absence of the noise source/s under consideration by more than 5dB(A) in accordance with relevant NSW Office of Environment & Heritage (EPA) Noise Control Guidelines.

Air Conditioners

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

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

Rainwater Tanks

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

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

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

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

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

A8. Smoke alarms are required to be installed in all residential dwellings, in accordance with the relevant provisions of the *Environmental Planning & Assessment Act 1979* and the Building Code of Australia. Details should be included in the construction certificate application.

A9. Demolition work and removal of asbestos materials:

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

A10. Any external lighting to the premises should be designed and located so as to minimise light-spill beyond the property boundary or cause a public nuisance.

A11. Building owners and occupiers should consider implementing appropriate measures to prevent children from falling from high-level window openings and balconies (e.g. by installing window locking devices; installing heavy-duty screens to window openings; limiting the dimensions of any openings to 125mm; ensuring balustrades to balconies are at least 1m high and; locating

fixtures, fittings and furniture away from high-level windows and balconies).

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

- A12. 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.
- A13. 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.
- A14. 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.

AMENDMENT: (Matson/Shurey) that the application be approved in accordance with the recommendation, subject to the eaves being reduced to 450mm as agreed at the mediation. **LOST.**

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

FOR	AGAINST
Councillor Matson	Councillor Andrews
Councillor Moore	Councillor Belleli
Councillor Neilson	Councillor D'Souza
Councillor Shurey	Councillor Garcia
Councillor Stavrinou	Councillor Nash
	Councillor Roberts
	Councillor Seng
	Councillor Smith
	Councillor Stevenson
Total (5)	Total (9)

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

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

FOR	AGAINST
Councillor Andrews	Councillor Matson
Councillor Belleli	Councillor Shurey
Councillor D'Souza	Councillor Stavrinou
Councillor Garcia	
Councillor Moore	

Councillor Nash
 Councillor Neilson
 Councillor Roberts
 Councillor Seng
 Councillor Smith
 Councillor Stevenson
Total (11)

Total (3)

**D78/16 Development Application Report - 30 Mermaid Avenue, Maroubra
 (DA/915/2014/A) Deferred**

PL102/16

RESOLUTION: (Andrews/Seng) that Council, as the consent authority, grants its development consent under Section 96 of the Environmental Planning and Assessment Act 1979, as amended, to modify Development Application No. DA/915/2014/A by amending condition No.4 relating to the colours, materials and finishes, at 30 Mermaid Avenue, Maroubra, as follows:

Condition 4 to be amended to read:

External Colours, Materials & Finishes

4. The proposed colours, materials and finishes of the building must be consistent with the sample board received by Council on 14 October 2015 with the substitution of "dark grey metallic" Alucobond for the metal wall cladding on the eastern and western elevations.

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

**D79/16 Development Application Report - 202 Oberon Street, Coogee
 (DA/287/2015/A) - Deferred**

PL103/16

RESOLUTION: (Matson/Shurey) that Council, as the consent authority, refuses development consent under Section 96 of the Environmental Planning and Assessment Act 1979, as amended, to Development Application No. DA/287/2015/A at No. 202 Oberon Street, Coogee for modification of the approved development by including an additional storey containing an additional 2 bedroom dwelling, an additional car space and motorcycle space in basement for the following reasons:

1. The proposal is inconsistent with Section 96(2) of the Environmental Planning and Assessment Act, 1979 (as amended) given the modifications are not substantially the same development.
2. The proposal does not satisfy the objectives of the R3: Medium Density Residential Zone in the Randwick Local Environmental Plan 2012.
3. The proposal exceeds the maximum height of buildings of 12m and does not satisfy the objectives specified in Clause 4.3 of the Randwick Local Environmental Plan 2012.
4. The proposal exceeds the maximum floor space ratio of 0.9:1 and does not satisfy the objectives specified in Clause 4.4 of the Randwick Local Environmental Plan 2012.
5. The proposal does not satisfy the objectives or controls for external wall heights & ceiling height set-out in Clause 4.4 of the Randwick Development Control Plan 2013 Part C2.
6. The proposal is excessive in size and scale and the substantial variations to the floor space ratio and height of buildings contributes to an overdevelopment of

the site.

MOTION: (Andrews/Nash) that Council, as the consent authority, grants development consent under Section 96 of the Environmental Planning and Assessment Act 1979, as amended, to Development Application No. DA/287/2015/A at No. 202 Oberon Street, Coogee for modification of the approved development by including an additional storey containing an additional 2 bedroom dwelling, an additional car space and motorcycle space in basement subject to standard conditions of consent. [Reason; the proposal is in character with the street and surrounding area and will result in no adverse impacts on the neighbours]. **LOST.**

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

FOR	AGAINST
Councillor Andrews	Councillor Belleli
Councillor Nash	Councillor D'Souza
Councillor Roberts	Councillor Garcia
Councillor Seng	Councillor Matson
Councillor Stavrinou	Councillor Moore
Councillor Stevenson	Councillor Neilson
	Councillor Shurey
	Councillor Smith
Total (6)	Total (8)

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

D80/16 Development Application Report - 4 - 18 Doncaster Avenue, Kensington (DA/931/2015)

PL104/16

RESOLUTION: (Andrews/Smith) that Council, as the consent authority, grants development consent under Sections 80 and 80A of the Environmental Planning and Assessment Act 1979, as amended, to Development Application No. 931/2015 for demolition of existing dwellings at No. 4-8, 14 and 16 Doncaster Avenue and construction of a new residential flat building development comprising of 48 dwellings, retention and refurbishment of existing terraces at No. 10 and 12 Doncaster Avenue and basement car parking for 71 vehicles (Heritage Item and Heritage Conservation Area) at No.4-8, 10, 12, 14, 16 and 18 Doncaster Avenue Kensington, subject to the following non standard conditions and the standard conditions contained in the development application compliance report attached to this report:

Non standard conditions

Amendment of Plans & Documentation

2. The approved plans and documents must be amended in accordance with the following requirements:
 - a) The following windows shall be treated with one of the following privacy measures: minimum sill height of 1.6m above floor level; fixed, obscure glazing to a height of 1.6m; or fixed, horizontal external privacy louvres-
 - study window on southern elevation of Unit 0.1,
 - study window on southern elevation of Unit 0.9,
 - bedroom windows on the northern elevation of the ground floor of Unit 0.12,
 - windows on the northern and southern elevations of the ground floor of Units 0.18, 0.19 and 0.20,
 - bathroom windows in Unit 0.5, 1.5, 1.8, 2.5, 2.8
 - living room windows on southern elevation of Units 1.9 and 2.9

- b) The following windows shall be highlight windows with a minimum sill height of 1.6m above floor level:
- bedroom windows on the northern elevation of Unit 0.5,
- c) The following windows should be fixed and consist of glass blocks for privacy and security:
- West elevation windows of Unit 0.4.
- d) To avoid privacy, maintenance and security issues the following landscaped areas shall be fenced and allocated to the respective units:
- Common landscaped area along the western and northern sides of Unit 0.10.
 - Common landscaped area along the southern and western sides of Unit 0.11.

In both cases side access should be provided to the allocated landscaped areas.

- e) The windows on the southern elevation of Levels 1 and 2 of Unit 0.17 and the southern elevation of Levels 1 and 2 of Unit 1.16 are to be minimum sill height of 1.6m above floor level; fixed, obscure glazing to a height of 1.6m; or fixed, horizontal external privacy louvres in order to minimise privacy impacts on 20 Doncaster Avenue.
- f) The allocation of visitor and resident car spaces must meet the minimum requirement and each adaptable unit is to be allocated at least one adaptable resident space.
- g) Individual storage must be provided to each dwelling in accordance with the rates set out in the Apartment Design Guide.
- h) No bin storage is to be located in the front setback of the development.
- i) Retractable or demountable clothes lines are to be provided in the private open space of each dwelling unit.
- j) Details of the front fences including elevations must be submitted to Council's Manager Development Assessment for approval prior to issuing of a construction certificate. The proposed fence must be generally in accordance with the relevant DCP criteria in terms of height and form.

Heritage Management

3. An archival recording and salvage plan must be undertaken prior to works commencing on the site. The archival recording should specifically include the dwelling at no.4-8 Doncaster Avenue, the rear wings and outbuildings to be demolished at nos.10-12 Doncaster Avenue, and the semi-detached pair at nos.14-16 Doncaster Avenue. The recording should also include context photographs of the existing site as viewed from the street. The archival recording shall be prepared and submitted to and approved by Council's Director City Planning, in accordance with Section 80A (2) of the Environmental Planning and Assessment Act 1979 prior to a construction certificate being issued for the development. This recording shall be in accordance with the NSW Heritage Office 2006 Guidelines for Photographic Recording of Heritage Items using Film or Digital Capture. Two copies of the endorsed archival recording shall be presented to Council, one of which shall

be placed in the Local History Collection of Randwick City Library.

4. The conservation approach and schedules of internal and external works detailed in the Schedule of Conservation Works prepared by GBA Heritage and dated May 2016, are to be implemented in conjunction with the proposed development. An architect suitably qualified and experienced in heritage conservation shall be engaged to oversee the implementation to ensure the use of technically sound and appropriate techniques. All work shall be carried out in accordance with the principles of the Australia ICOMOS Burra Charter and to the satisfaction of the Director City Planning.
5. The rear (eastern) 6.2m of Level 2 of the two south-western modules (corresponding to that part of Level 2 with a flat roof) is to be setback on the northern and southern sides by a minimum of 0.15m from the line of the lower Levels and a change of wall finish introduced. Level 2 of each module is to read as an attic within a two storey building. Amended drawings shall be prepared and submitted to and approved by Council's Director City Planning, in accordance with Section 80A (2) of the Environmental Planning and Assessment Act 1979 prior to a construction certificate being issued for the development.
6. The colours, materials and finishes of the external surfaces to the building are to be compatible with the existing heritage items and surrounding buildings in the heritage conservation area and consistent with the architectural style of the building. Further documentation, including elevations detailing the proposed colours, materials and textures (ie. a schedule and brochure/s or sample board) are to be submitted to and approved by Council's Director City Planning, in accordance with Section 80A (2) of the Environmental Planning and Assessment Act 1979 prior to a construction certificate being issued for the development.

Aboriginal Archaeology

7. The subject site is adjacent to the Stabling Yards for the CBD and South East Light Rail Project where a significant aboriginal archaeological discovery has recently been made. An Aboriginal Archaeological investigation is to be carried out for the site to determine if any Aboriginal objects (as defined by the National Parks & Wildlife Act 1974) are likely to be present. This Preliminary Assessment of Aboriginal Archaeology is to be submitted to and approved by Council's Director City Planning, in accordance with Section 80A (2) of the Environmental Planning and Assessment Act 1979 prior to a construction certificate being issued for the development.
8. The La Perouse Aboriginal Land Council should be invited to monitor topsoil stripping and excavation works (including bulk excavation, remediation, cut and fill and excavation for services) on the development site, to ensure any Aboriginal sites or objects buried beneath fills are identified and appropriately managed.
9. If any Aboriginal sites or objects are found during site construction work, excavation should cease immediately in that area. The La Perouse Aboriginal Land Council should be notified and advice sought before work can recommence. It is an offence under Section 90 of the National Parks and Wildlife Act 1974 to disturb, deface or destroy an Aboriginal site or object without prior consent of the Director General of DECC.

Historical Archaeology

10. No.18 Doncaster Avenue was formerly occupied by a 1914 single storey dwelling which was demolished after 1943 to allow for additional vehicular access to the Racecourse site. In the event that historical archaeological remains or deposits on this site are exposed during the works, the excavation

works shall cease immediately and an evaluation of their potential extent and significance should be undertaken and the Heritage Council of NSW be notified under the requirements of the Heritage Act.

Vehicle passing area

11. The application must be modified to incorporate a vehicle passing area within the first 10-12 metres of the internal driveway. This applicant must engage a suitable qualified traffic engineer to design the passing area. Away from the passing bay the internal driveway must be a minimum of 3.6 metres wide (with 2 x 300mm kerbs) in general accordance with AS 2890.1-2004. The proposed bin storage area must be redesigned to accommodate the passing area. All internal circulation ramps must be suitably designed for two (2) way movements. The applicant must liaise with Council's Development Engineer Coordinator to obtain Council's requirements for the passing bay and the internal driveway in general.

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

D81/16 Development Application Report - 25 Bay Parade, Malabar (DA/561/2012/A)

PL105/16

RESOLUTION: (Garcia/Smith) that Council, as the consent authority, grants development consent under Section 96 of the Environmental Planning and Assessment Act 1979, as amended, to Development Application No. DA/561/2012/A of the approved development by altering the internal layout of the rear outbuilding including pergola above patio area and increase the height of the outbuilding by 200mm, at 25 Bay Parade, Malabar, subject to the following conditions:

A. Amend Condition No. 1 to read:

Approved Plans & Supporting Documentation

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

Plan	Drawn by	Dated	Received
Da_007 Revision: H	ISA Designs - Alon Musael	Sent: 14/02/2013	18 February 2013
Da_008 Revision: H	ISA Designs - Alon Musael	Sent: 14/02/2013	18 February 2013
Da_009 Revision: H	ISA Designs - Alon Musael	Sent: 14/02/2013	18 February 2013
Da_0010 Revision: H	ISA Designs - Alon Musael	Sent: 14/02/2013	18 February 2013
Da_0011 Revision: H	ISA Designs - Alon Musael	Sent: 14/02/2013	18 February 2013
Da_0012 Revision: H	ISA Designs - Alon Musael	Sent: 14/02/2013	18 February 2013
Da_0013 Revision: H	ISA Designs - Alon Musael	Sent: 14/02/2013	18 February 2013
Da_0014 Revision: H	ISA Designs - Alon Musael	Sent: 14/02/2013	18 February 2013
Da_0015 Revision: H	ISA Designs - Alon Musael	Sent: 14/02/2013	18 February 2013
Da_0016 Revision: H	ISA Designs - Alon Musael	Sent: 14/02/2013	18 February 2013
Da_0017 Revision: H	ISA Designs -	Sent:	18 February

	Alon Musael	14/02/2013	2013
Da_0026 Revision: H	ISA Designs – Alon Musael	Sent: 14/02/2013	18 February 2013
Da_0027 Revision: H	ISA Designs – Alon Musael	Sent: 14/02/2013	18 February 2013

BASIX Certificate No.	Dated	Received
472004S	11 March 2013	11 March 2013

Except as amended by the **Section 96 'A' plans**

Plan	Drawn by	Dated
1616-1	B.M. – Peter Carters & Associates	11/03/2016
1616-2	B.M. – Peter Carters & Associates	11/03/2016
1616-3	B.M. – Peter Carters & Associates	11/03/2016

Only in so far as they are highlighted and detailed below, and as may be amended by the following conditions and as may be shown in red on the attached plans:

B. Add Condition Nos. 58 & 59 to read:

58. The detached studio must not be used as a separate dwelling/domicile.
59. No cooking facilities are to be installed in the detached studio.

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

D82/16 Development Application Report - 21 Meehan Street, Matraville (DA/863/2015)

PL106/16

RESOLUTION: (Matson/Shurey) that Council **confirms** its original determination for refusal of DA/863/2015, for the following reasons:

1. The proposal fails to satisfy the relevant objectives of R2 – Low Density zone under Randwick Local Environmental Plan 2012 in relation to the desired future character of the locality and the protection of residential amenity.
2. The proposal exceeds the maximum floor space ratio of 0.5:1 specified in Clause 4.4 of Randwick Local Environmental Plan 2012 and the Clause 4.6 variation to the development standard is not well founded.
3. The proposal fails to satisfy the relevant objectives of Building Design under Part C1 of the Randwick Comprehensive Development Control Plan 2013 in that the form and massing does not respond to the topography of the site and the design lacks suitable articulation resulting in unreasonable impacts upon the adjoining dwellings in terms of visual amenity.
4. The proposal exceeds the maximum external wall height control under Part C1 of the Randwick Comprehensive Development Control Plan 2013.
5. The proposal does not satisfy the visual privacy requirements under Part C1 of the Randwick Comprehensive Development Control Plan 2013 because it would result in unreasonable privacy impacts to the adjoining properties.

MOTION: (Andrews/Nash) -

- A. That Council overturns its original determination for refusal of DA/863/2015, noting that significant amendments have been made in the s82 application and that there are examples of other similar proposals in the area.
- B. That Council supports the exceptions to development standards under Clause 4.6 of Randwick Local Environmental Plan 2012 in respect to non-compliance with Clause 4.4 of Randwick Local Environmental Plan 2012, relating to Floor Space Ratio, on the grounds that the proposed development complies with the objectives of the above clause, and will not adversely affect the amenity of the adjoining properties, and that the Department of Planning & Environment be advised accordingly.
- C. That Council, as the consent authority, grants its consent under Section 80 of the *Environmental Planning and Assessment Act 1979* as amended, to Development Application No. 863/2015 in relation to the demolition of the existing dwelling and construction of a part 2 and 3 storey attached dual occupancy at 21 Meehan Street, Randwick, subject to standard conditions of consent. **LOST.**

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

FOR	AGAINST
Councillor Andrews	Councillor Belleli
Councillor Nash	Councillor D'Souza
Councillor Roberts	Councillor Garcia
Councillor Smith	Councillor Matson
Councillor Stavrinou	Councillor Moore
	Councillor Neilson
	Councillor Seng
	Councillor Shurey
	Councillor Stevenson
Total (5)	Total (9)

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

**D83/16 Development Application Report - 195 Beach Street, Coogee
(DA/445/2016)**

PL107/16

RESOLUTION: (Smith/Matson) that Council, as the consent authority, refuse its consent under Section 80 of the *Environmental Planning and Assessment Act 1979* as amended, to Development Application No. 445/2016 in relation to the attached proposed dual occupancy at 195 Beach Street, Coogee, for the following reasons:

1. The proposal fails to satisfy the relevant objectives of R3 – Medium Density zone under Randwick Local Environmental Plan 2012 in relation to the desired future character of the locality and the protection of residential amenity.
2. The proposal exceeds the maximum building height control of 12m specified in Clause 4.3 of Randwick Local Environmental Plan 2012, and no written request justifying the contravention to the development standard was submitted with the application.
3. The proposal exceeds the maximum site coverage control under Part C1 of the Randwick Comprehensive Development Control Plan 2013.
4. The proposal exceeds the maximum external wall height control under Part C1 of the Randwick Comprehensive Development Control Plan 2013.

5. The proposal does not comply with the building design controls under Part C1 of the Randwick Comprehensive Development Control Plan 2013, and would result in a poor design outcome for the street.
6. The proposal does not comply with the minimum deep soil landscaped area control under Part C1 of the Randwick Comprehensive Development Control Plan 2013.
7. The proposal does not comply with the side setback controls under Part C1 of the Randwick Comprehensive Development Control Plan 2013.
8. The proposal does not satisfy the solar access and overshadowing requirements under Part C1 of the Randwick Comprehensive Development Control Plan 2013 because it would result in unreasonable overshadowing impacts to the adjoining property to the south.
9. The proposal does not satisfy the visual privacy requirements under Part C1 of the Randwick Comprehensive Development Control Plan 2013 because it would result in unreasonable privacy impacts to the adjoining properties.
10. The proposal does not satisfy the view sharing requirements under Part C1 of the Randwick Comprehensive Development Control Plan 2013 because it would result in unreasonable view impacts to the surrounding residential properties.

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

**D84/16 Development Application Report - 40 Dutruc Street, Randwick
(DA/895/2015)**

PL108/16

RESOLUTION: (Andrews/Matson) that the application be deferred for mediation and to seek input from interested Councillors in relation to alternative concepts for the site incorporating and maximising the heritage preservation.

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

**D85/16 Development Application Report - 293-297 Alison Road, Coogee
(DA/11/2015/A)**

PL109/16

RESOLUTION: (Neilson/Smith) that Council, as the consent authority, grants development consent under Sections 80 and 80A of the Environmental Planning and Assessment Act 1979, as amended, to Development Application No. DA/11/2015 to modify the land and environment court approval by alteration to unit mix, increase in floor area by alteration to building line, alteration to internal layout, and deletion of condition 10(a) which required solid balustrades on some balconies at No. 293-297 Alison Road, 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:

Plan	Drawn by	Dated
Cover A0000 Rev C01	Alex Phegan Pty Ltd	12 June 2015
Location A0000 Rev C01		12 June 2015
Site Analysis A1002 Rev		12 June 2015

C01		
Demolition A0000 Rev C01		12 June 2015
Level 04 A0000 Rev C01		12 June 2015
Level 03 A0000 Rev C01		12 June 2015
Level 02 A0000 Rev C01		12 June 2015
Level 01 A0000 Rev C01		12 June 2015
Ground A0000 Rev C01		12 June 2015
Basement 01 A0000 Rev C01		12 June 2015
Basement 02 A0000 Rev C01		12 June 2015
Area GFA A0000 Rev C01		12 June 2015
Landscape/Deep Soil A0000 Rev C01		12 June 2015
Elevation North A0000 Rev C01		12 June 2015
Elevation North 02 A0000 Rev C01		12 June 2015
Elevation South A0000 Rev C01		12 June 2015
Elevation South 02 A0000 Rev C01		12 June 2015
Elevation East A0000 Rev C01		12 June 2015
Elevation West A0000 Rev C01		12 June 2015
A3100 Section Section 01 A3101 Rev C01		12 June 2015
A3100 Section Section 02 A3102 Rev C01		12 June 2015
A3100 Section Section 03 A3103 Rev C01		29 July 2015
A3100 Section Section 04 A3104 Rev C02		29 July 2015
Finished Board A6001 Rev C01		12 June 2015

BASIX Certificate No.	Received
598125m_2	19 June 2015

as amended by the Section 96 plans and documentation listed below, only in so far as they relate to the modifications highlighted on the Section 96 plans and detailed in the Section 96 application,:

Plan	Drawn by	Dated
Cover A0000 Rev S9602	Alex Phegan Pty Ltd	4 July 2016
Location A1001 Rev S9602		4 July 2016
Site Analysis A1002 Rev S9602		4 July 2016
Demolition A1010 Rev S962		4 July 2016
Roof Plan A2102 Rev S9602		4 July 2016
Level 03 A2103 Rev S9602		4 July 2016
Level 02 A2104 Rev S9602		4 July 2016
Level 01 A2105 Rev S9602		4 July 2016

Ground A2106 Rev S9602		4 July 2016
Basement 01 A2107 Rev S9602		4 July 2016
Basement 02 A2108 Rev S9602		4 July 2016
Area GFA A2301 Rev S9602		4 July 2016
Landscape/Deep Soil A2302 Rev S9602		4 July 2016
Elevation North A3001 Rev S9602		4 July 2016
Elevation North 02 A3002 Rev S9602		4 July 2016
Elevation South A3003 Rev S9602		4 July 2016
Elevation South 02 A3004 Rev S9602		4 July 2016
Elevation East A3005 Rev S9602		4 July 2016
Elevation West A3006 Rev S9602		4 July 2016
A3100 Section Section 01 A3101 Rev S962		4 July 2016
A3100 Section Section 02 A3102 Rev C01		4 July 2016
A3100 Section Section 03 A3103 Rev C01		4 July 2016
A3100 Section Section 04 A3104 Rev C02		4 July 2016
Finished Board A6001 Rev C01		4 July 2016
A4000 Detail Façade Detail Façade 01 A4001 Rev S9602		4 July 2016
A4000 Detail Façade Detail Façade 01 A4002 Rev S9602		4 July 2016

<i>BASIX Certificate No.</i>	<i>Received</i>
598125m_3	12 April 2016

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

Non-standard conditions

- **Add the following conditions**

3. The approved plans and documents must be amended in accordance with the following requirements:
 - a) An area (approximately 158sqm) in the rear yard measuring a minimum of 5.2m from the south western corner of the rear boundary and 10.04m from the south eastern corner of the rear boundary (setback 4m inside the site) shall be dedicated as communal open space. This area shall be appropriately screened to ensure that suitable privacy is provided to the ground level three-bedroom unit at the rear.
 - b) The proposed modifications to the ground level apartments shall be deleted from the development and the area between the two buildings shall be retained as communal open space.

Condition No. 10a shall be amended to read:

Design matters

10. The Construction Certificate plans shall include the following details:

- a. Visually solid balustrades (e.g. Translucent glass or masonry) shall be provided to the balconies of the following units in the southern building (2.07, 2.08, 3.05 (labelled as 3.07 in the Section 96 "A" plans) and 3.06 (labelled as 3.08 in the section 96 "A" plans).
- b. A schedule providing demonstrating that each unit is provided with storage for each unit consistent with section 7.6 of Randwick Development Control Plan 2013.

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

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

FOR	AGAINST
Councillor Andrews	Councillor Stevenson
Councillor Belleli	
Councillor D'Souza	
Councillor Garcia	
Councillor Matson	
Councillor Moore	
Councillor Nash	
Councillor Neilson	
Councillor Roberts	
Councillor Seng	
Councillor Shurey	
Councillor Smith	
Councillor Stavrinou	
Total (13)	Total (1)

D86/16 Development Application Report - 18 Snape Street, Kingsford (DA/572/2016)

PL110/16

RESOLUTION: (Smith/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.572/2016 for construction of a new flat metal deck roof and associated privacy screens to the rear first floor balcony and the construction of a gazebo at the rear adjacent to the swimming pool at No.18 Snape Street, Kingsford subject to the following non standard conditions and the standard conditions contained in the development application compliance report attached to this report:

Non standard conditions

Amendment of Plans & Documentation

2. The approved plans and documents must be amended in accordance with the following requirements:
 - a. The proposed aluminium privacy screens along the eastern and western side of the rear, first floor balcony shall not exceed 1.6m in height, measured from the existing floor level of the balcony. The total area of any openings within the privacy screens must not exceed 30% of the area of the screen. Details of compliance will be provided with the Construction Certificate and will be to the satisfaction of the Principal Certifier
 - b. The aluminium privacy screens, metal deck roof and supporting beams/ columns above the rear first floor balcony shall be deleted.

MOTION: (Smith/Shurey) CARRIED – SEE RESOLUTION.

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

FOR	AGAINST
Councillor Andrews	Councillor Belleli
Councillor D'Souza	Councillor Moore
Councillor Garcia	Councillor Neilson
Councillor Matson	
Councillor Nash	
Councillor Roberts	
Councillor Seng	
Councillor Shurey	
Councillor Smith	
Councillor Stavrinou	
Councillor Stevenson	
Total (11)	Total (3)

D87/16 Development Application Report - 34 Mirrabooka Crescent, Little Bay (DA/502/2016)

PL111/16

RESOLUTION: (Garcia/Smith) that Council, as the consent authority, grants development consent under Sections 80 and 80A of the Environmental Planning and Assessment Act 1979, as amended, to Development Application No. 502/2016 for alterations and first floor additions to the existing dwelling, at No. 34 Mirrabooka Crescent, Little Bay, subject to the following non standard conditions and the standard conditions contained in the development application compliance report attached to this report:

Non standard conditions

2. The approved plans and documents must be amended in accordance with the following requirements:
 - a. A privacy screen having a height of 1.6m above finished floor level must be provided along the full length of the eastern edge of the existing ground floor timber deck. The privacy screen must be constructed of metal or timber and the total area of any openings within the privacy screen must not exceed 30% of the area of the screen. Alternatively, the privacy screen may be constructed with translucent, obscured, frosted or sandblasted glazing in a suitable frame.
 - b. A privacy screen having a height of 1.6m above finished floor level must be provided along the full length of the eastern and western edges of the first floor balcony (to limit overlooking into neighbouring private open space). The privacy screen must be constructed of metal or timber and the total area of any openings within the privacy screen must not exceed 30% of the area of the screen. Alternatively, the privacy screen may be constructed with translucent, obscured, frosted or sandblasted glazing in a suitable frame.

MOTION: (Garcia/Smith) CARRIED UNANIMOUSLY - SEE RESOLUTION.**D88/16 Development Application Report - 25 Bay Parade, Malabar (DA/561/2012/B)**

PL112/16

RESOLUTION: (Garcia/Smith) that Council, as the consent authority, grants

development consent under Section 96 of the Environmental Planning and Assessment Act 1979, as amended, to Development Application No. DA/561/2012/B of the approved development by modifying window openings on northern elevation and new windows added to rear elevation of the outbuilding, at 25 Bay Parade, Malabar, subject to the following conditions:

A. Amend Condition No. 1 to read:

Approved Plans & Supporting Documentation

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

Plan	Drawn by	Dated	Received
Da_007 Revision: H	ISA Designs – Alon Musael	Sent: 14/02/2013	18 February 2013
Da_008 Revision: H	ISA Designs – Alon Musael	Sent: 14/02/2013	18 February 2013
Da_009 Revision: H	ISA Designs – Alon Musael	Sent: 14/02/2013	18 February 2013
Da_0010 Revision: H	ISA Designs – Alon Musael	Sent: 14/02/2013	18 February 2013
Da_0011 Revision: H	ISA Designs – Alon Musael	Sent: 14/02/2013	18 February 2013
Da_0012 Revision: H	ISA Designs – Alon Musael	Sent: 14/02/2013	18 February 2013
Da_0013 Revision: H	ISA Designs – Alon Musael	Sent: 14/02/2013	18 February 2013
Da_0014 Revision: H	ISA Designs – Alon Musael	Sent: 14/02/2013	18 February 2013
Da_0015 Revision: H	ISA Designs – Alon Musael	Sent: 14/02/2013	18 February 2013
Da_0016 Revision: H	ISA Designs – Alon Musael	Sent: 14/02/2013	18 February 2013
Da_0017 Revision: H	ISA Designs – Alon Musael	Sent: 14/02/2013	18 February 2013
Da_0026 Revision: H	ISA Designs – Alon Musael	Sent: 14/02/2013	18 February 2013
Da_0027 Revision: H	ISA Designs – Alon Musael	Sent: 14/02/2013	18 February 2013

BASIX Certificate No.	Dated	Received
472004S	11 March 2013	11 March 2013

Except as amended by the **Section 96 'A' plans**

Plan	Drawn by	Dated
1616-1	B.M. – Peter Carters & Associates	11/03/2016
1616-2	B.M. – Peter Carters & Associates	11/03/2016
1616-3	B.M. – Peter Carters & Associates	11/03/2016

Except as amended by the **Section 96 'B' plans**

Plan	Drawn by	Dated
1611-B	B.M. – Peter Carters & Associates	08/06/2016

Only in so far as they are highlighted and detailed below, and as may be amended by the following conditions and as may be shown in red on the attached plans:

B. Add Condition No. 60 to read:

60. The following windows must have a minimum sill height of 1.6m above floor level, or alternatively, the windows are to be provided with translucent, obscured, frosted or sandblasted glazing with a top hung awning sash below this specified height:

- W5 & W6

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

D89/16 Development Application Report - 89-91 Bream Street, Coogee (DA/399/2016)

PL113/16

RESOLUTION: (Smith/Nash) that Council, as the consent authority, grants development consent under Sections 80 and 80A of the Environmental Planning and Assessment Act 1979, as amended, to Development Application No. 399/2016 for the demolition of existing structures and construction of a new part 3/part 4 storey residential flat building with 9 units and 12 car spaces at no. 89-91 Bream Street, Coogee, subject to the following non standard conditions and the standard conditions contained in the development application compliance report attached to this report:

Non standard conditions

Amendment of Plans & Documentation

2. The approved plans and documents must be amended in accordance with the following requirements:
 - a. The proposed covered walkway including the planters and skylight windows above the pedestrian access adjoining Bream Street shall be deleted from the approved plans. A covering over the entrance may be provided forward of the carpark door access along the western boundary with a minimum dimension of 2 metres and a height of 2.7 metres above the finished carpark level.
 - b. The swimming pool and all associated structures including pool plant equipment, pool fencing and steps must be deleted from the proposed plans. The sliding door between the pool area and the kitchen shall be replaced with an enclosed wall and/or a suitably sized window opening.
 - c. A communal open space area with a minimum dimension of 5m x 5m shall be provided within the north-western corner of the subject site and suitably sized stairs and pathway shall be constructed to provide access from the basement to the first floor communal open space area. Details to be submitted to Council's Manager Development Assessment for approval prior to issuing a construction certificate for the development.
 - d. The second floor east facing balcony and associated balustrading to unit 8 shall be setback from the eastern boundary to match the alignment of the eastern edge of bedroom no.1. The balcony must provide a depth of 2 metres and area of 10sqm to comply with the Apartment Design Guide for Private Open Space and Balconies.
 - e. The third floor east facing balcony and associated balustrading to unit 9 shall be setback from the eastern boundary to match the alignment of the eastern edge of dining room. The balcony must provide a depth of 2

metres and area of 10sqm to comply with the Apartment Design Guide for Private Open Space and Balconies.

- f. Privacy screens must be installed above the full eastern edge of the third floor balcony to a height of 1.6 metres from the finished floor level of the balcony. The total area of any openings within the privacy screen must not exceed 25% of the area of the screen.
- g. The horizontal fixed louvres along the full eastern edge of the second floor balcony shall have a maximum height of 1.6 metres as measured from the finished floor level of the balcony. The total area of any openings within the privacy screen must not exceed 25% of the area of the screen.
- h. The height of the garage roof parapet on the Bream Street property boundary shall not exceed the height of the roof parapet of the eastern neighbour at 93-93A Bream Street.
- i. The balustrading along the southern edge of the south-facing terraces at the ground floor level to units 1 and 2 shall be setback a minimum of 2 metres from the front property boundary.
- j. The sandstone blocks of the existing front retaining wall must be recycled and reused.
- k. Ceiling fans must be provided to all bedrooms to provide appropriate circulation and natural ventilation into habitable rooms.
- l. Consent is not granted for the construction of the dividing boundary fences on the side and rear boundaries unless the boundary fences meet the relevant requirements under the Dividing Fences Act 1991 or the [State Environmental Planning Policy \(Exempt and Complying Development Codes\) 2008](#).
- m. The following windows must have a minimum sill height of 1.6m above floor level, or alternatively, the windows are to be fixed and be provided with translucent, obscured, frosted or sandblasted glazing below this specified height:
 - Ground floor, west facing living room window (Unit 1) (W1.2)
 - First floor, west facing living room windows (Unit 5) (W5.6 & W5.7)
 - First floor, west facing living room window (Unit 3) (W3.2)
 - Second floor, west facing living room windows (Unit 8) (W8.6 & W8.7)
 - Second floor, west facing living room window (Unit 6) (W6.2)
 - Second floor, north facing living room window (Unit 8) (W8.1)
 - Third floor, north facing living room window (Unit 9) (W9.2)

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

**D90/16 Development Application Report - 127 Doncaster Avenue,
Kensington (DA/872/2014/A)**

PL114/16

RESOLUTION: (Garcia/Smith) that Council, as the consent authority, grants development consent under Sections 96 of the Environmental Planning and Assessment Act 1979, as amended, to Development Application No. DA/561/2012/B of the approved development by modifying window openings on northern elevation and new windows added to rear elevation, at 25 Bay Parade, Malabar, subject to the

following conditions:

A. Amend Condition No. 1 to read:

Plan	Drawn by	Dated	Received by Council
DA1.01	Stubbs Design Tribe	27.03.2015	31.03.2015
DA1.02	Stubbs Design Tribe	27.03.2015	31.03.2015
DA1.03	Stubbs Design Tribe	27.03.2015	31.03.2015

BASIX Certificate No.	Dated	Received by Council
588086S_02	27.03.2015	31.03.2015
A204440_02	27.03.2015	31.03.2015

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

Plan	Drawn by	Dated
S96-1.00	Stubbs Design Tribe	01/06/2016
S96-1.01	Stubbs Design Tribe	01/06/2016
S96-1.02	Stubbs Design Tribe	01/06/2016

BASIX Certificate No.	Dated
A204440_03	01 June 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:

B. Add Conditions 2a and 2b to read:

- 2a. The tile roof for the carport approved in the original application is to be retained. The use of corrugated iron for the approved pitched roof form would be very visible and would be incompatible with the material of the main roof form. Amended drawings are to be submitted to and approved by Council's Director City Planning, in accordance with Section 80A (2) of the Environmental Planning and Assessment Act 1979 prior to a construction certificate being issued for the development.
- 2b. The new window to the north side elevation of the original dwelling is to maintain the form, dimensions, detail and construction of the adjacent original window in this elevation. Details of the proposed window are to be submitted to and approved by Council's Director City Planning, in accordance with Section 80A (2) of the Environmental Planning and Assessment Act 1979 prior to a construction certificate being issued for the development.

C. Delete Conditions Nos. 16, 18 and 24

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

D91/16 Development Application Report - 32-34 Perouse Road, Randwick (DA/128/2016)

PL115/16

RESOLUTION: (Stevenson/Matson) that the application be deferred for mediation and to enable legal advice to be sought in relation to the application of the SEPP (Affordable Rental Housing) 2009 where a boarding house and mixed use development exist.

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

Cr Bowen returned to the meeting at this point (10.48pm).

D92/16 Development Application Report - 4/199-203A Malabar Road, South Coogee (DA/153/2015/A)

Note: a Rescission Motion in relation to this matter was submitted by Councillors Matson, Shurey and Stevenson, in accordance with Council's Code of Meeting Practice and will be considered at the Ordinary Council Meeting to be held on 25 October 2016.

PL116/16

RESOLUTION: (Smith/Roberts) that Council, as the consent authority, grants development consent under grant its consent under Section 96 of the Environmental Planning and Assessment Act 1979 as amended to modify Development Consent No DA/153/2015 for permission to convert the rear car parking area to courtyard patron outdoor seating; increase the outdoor footpath seating at 4/199-203A Malabar Road, South Coogee, subject to the following conditions:

Non-standard conditions**Amend Condition the following conditions:**

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

Plan No./ Documents	Drawn by	Dated	Received
The Lion and Buffalo 203a Malabar Road, South Coogee	-	-	25 March 2015
Sketch Plan K	Caroline Beresford Design	19 January 2015	10 March 2015
A-01	IQ Homes	5 March 2015	10 March 2015
A-02	IQ Homes	5 March 2015	10 March 2015
A-03	IQ Homes	5 March 2015	10 March 2015
Statement of Environmental Effects	Anna Allison	-	10 March 2015

as amended by the **Section 96 plans and documentation listed below, only in so far as they relate to the modifications highlighted on the Section 96 plans and detailed in the Section 96 application,**

Plan No./ Documents	Drawn by	Dated	Received
Site plan sheet 1 of 1	Classic Plans	11/11/15	30 May 2016

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

Waste Management

- A Waste Management Plan detailing the waste and recycling storage and removal strategy for all of the development is required to be submitted to and approved by Council's Manager of Development Assessment.

The Waste Management plan is required to be prepared in accordance with

Council's Waste Management Guidelines for Proposed Development and must include the following details (as applicable):

- The use of the premises and the number and size of occupancies.
- The type and quantity of waste to be generated by the development.
- Demolition and construction waste, including materials to be re-used or recycled.
- Details of the proposed recycling and waste disposal contractors.
- Waste storage facilities and equipment.
- Access and traffic arrangements.
- The procedures and arrangements for the on-going waste management of the café including collection, storage and removal of waste and recycling of materials.
- Requirements for a screen, management and size of the waste bin area imposed in this consent.

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

Environmental Amenity

33. An acoustic report from a suitably qualified and experienced consultant in acoustics for the subject development shall be provided to Council within 1 month of commencement of use and from time to time as reasonably requested by Council may be requested by Council from time to time, which demonstrates and certifies that noise from the use and operation from the development complies with the relevant provisions of the *Protection of the Environment Operations Act 1997*, NSW EPA/DECC Noise Control Manual & Industrial Noise Policy and conditions of Council's consent.

The acoustic report is to include (but not be limited) to;

- Noise emission from the proposed development (e.g. operational noise, mechanical noise, monitoring from nearest affected residential premises during the use and operation of the premises when there is maximum occupancy to satisfy intrusiveness and amenity criteria)
- Patron noise from the development having regard to the footway dining and the proposed hours of operation
- Background noise levels shall be in the absence of any other businesses operating in the area.
- The validation acoustic report shall be conducted at the nearest sensitive receivers including but not limited to residential occupancies above 119-203A Malabar Road, South Coogee. A copy of the report is to be forwarded and approved by Council.

Operational Hours

35. The operating hours of the café including the footpath dining area must be restricted to the following and are subject to a review period in accordance with Section 80A (10B) of the Environmental Planning & Assessment Act 1979 and Division 14 of the Environmental & Assessment Regulation 2000:

- Sunday to Thursday: 7:00am – 8.30pm
- Friday & Saturday : 7:00am – 9.30pm

Footpath trading:

- Sunday to Thursday: 7.00am - 6.00pm
- Friday & Saturday: 7:00am – 9.30pm

All food services to customers in footway dining area shall only be provided

within the abovementioned hours of operation and all patrons must vacate the area and all outdoor furniture is to be removed within 30 minutes of the specified hours.

The operating hours will be reviewed by Council in six months and at the end of twelve months from the date of this amended consent. Appropriate supporting evidence (including but not limited to, relevant acoustics measurements) must be provided at the end of these review periods to demonstrate compliance with all conditions of this consent as part to the review.

- 36 Deliveries of goods are restricted to the following hours:

Monday to Friday: 7:00am- 5:00pm
Saturday: 8:00am- 1:00pm
Sunday: No deliveries of any goods allowed

When in operation, all deliveries shall be undertaken from the Randwick Traffic Committee (RTC) approved Loading Zone located approximately 20m north of the site on Malabar Road.

37. The footpath dining area is to be limited to twenty (20) persons.

Add the following conditions:

Amended of plans and documentation

The following parts of the Section 96 application shall be amended and submitted to Council for approval prior to an amended license being drawn up and a construction certificate being issued for the works encompassed within this section 96 application:

77. The bins shall only be placed for collection outside of the premises along Malabar Road. Bins shall only be placed on the public footpath during morning periods. The waste bin area shall be increased in size to accommodate the additional bins required for the premises. A 1.8m high screen shall also be installed along the waste bin area fronting Denning Street. The screen shall be designed so that it is 25% open across the whole of the screens surface area. Details shall be submitted to Council for approval prior to an amended construction certificate being issued for the development.

Carparking

78. The 700mm wide planter box underneath the rear window shall be removed to allow for the provision of 1 carspace for staff. A carspace of minimum dimensions 5.0m x 2.4m (or 2.7m if adjacent to an obstruction) shall be provided.

Footpath Dining

79. The proposed 1.2m extension of the footpath dining area on the Malabar Road frontage incorporating table 4 (and three chairs) on the approved plans is not supported as it will be a hindrance for pedestrian access to the café and footpath to Denning Street. It shall be deleted from the application.
80. The extension of the footpath dining area to incorporate Table 11 (four chairs) on the approved plans is not supported and shall be deleted from the application.
81. The addition of the single seat to the northern end of Table 1 on the approved plans is not supported and shall be deleted from the application.

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.

82. The L_{10} noise level emitted from the licensed premises shall not exceed the background noise level (L_{90}) in any Octave Band Centre Frequency (31.5Hz – 8kHz inclusive) by more than 5dB between 7.00am and 12.00 midnight at the boundary of any affected residence. The background noise level shall be measured in the absence of noise emitted from the licensed premises.

The L_{A10} noise level emitted from the licensed premises shall not exceed the background noise level (L_{A90}) in any Octave Band Centre Frequency (31.5Hz – 8kHz inclusive) between 12.00 midnight and 7.00am at the boundary of any affected residence. The background noise level shall be measured in the absence of noise emitted from the licensed premises.

Notwithstanding compliance with the above, the noise from the licensed premises shall not be audible within any habitable room in any residential premises between the hours of 12.00 midnight and 7.00am.

83. The licensee must establish and maintain a formal and documented system for the recording and resolution of complaints made to the licensed premises by residents. All complaints are to be attended to in a courteous and efficient manner and referred promptly to the licensee or duty manager. The appropriate remedial action, where possible, is to be implemented immediately and the licensee or duty Manager is to contact the complainant within 48 hours to confirm details of action taken.

Upon reasonable prior notice, the licensee must make available the incident book to the police and Council officers.

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.

Waste Management

84. All waste collection shall be undertaken from Malabar Road during the morning (AM) period and waste bins must be immediately removed from the footpath area once collection has been undertaken.
85. The café operators are not permitted to deliver to patrons on the reserve. The café operators are not permitted to provide seating to patrons in the reserve.

MOTION: (Roberts/Andrews) that application be approved in accordance with the recommendation subject to the following amendments:

- the addition of 4 extra seats (at table 11 on the Malabar Road frontage) in addition to what is recommended and that conditions 80 and 37 be amended to reflect this;
- the opening hours being amended by 30 mins to 10pm (Fri + Sat nights) and that condition 35 be amended to reflect this; and

- the deletion of condition 78 to allow the rear courtyard to remain as a quiet space for staff, but is not to be used by customers. **LOST.**

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

FOR	AGAINST
Councillor Andrews	Councillor Belleli
Councillor Nash	Councillor Bowen
Councillor Roberts	Councillor D'Souza
Councillor Seng	Councillor Garcia
Councillor Stavrinou	Councillor Matson
	Councillor Moore
	Councillor Neilson
	Councillor Shurey
	Councillor Smith
	Councillor Stevenson
Total (5)	Total (10)

AMENDMENT: (Matson/Shurey) that application be approved in accordance with the recommendation subject to the following amendments:

- there is to be no use of the footpath dining area after 6pm;
- the courtyard area is to be fully screened, consistent with what was in place when the Vets were using the site; and
- the numbers being kept at the current approved level. **LOST.**

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

FOR	AGAINST
Councillor D'Souza	Councillor Andrews
Councillor Matson	Councillor Belleli
Councillor Neilson	Councillor Bowen
Councillor Shurey	Councillor Garcia
Councillor Stevenson	Councillor Moore
	Councillor Nash
	Councillor Roberts
	Councillor Seng
	Councillor Smith
	Councillor Stavrinou
Total (5)	Total (10)

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

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

FOR	AGAINST
Councillor Belleli	Councillor Andrews
Councillor Bowen	Councillor Garcia
Councillor D'Souza	Councillor Moore
Councillor Matson	Councillor Nash
Councillor Shurey	Councillor Neilson
Councillor Stavrinou	Councillor Roberts
Councillor Stevenson	Councillor Seng
	Councillor Smith
Total (7)	Total (8)

RESOLVED (Procedural Motion): (Seng/Matson) that the meeting be extended to 12 midnight. **CARRIED.**

MOTION: (Smith/Roberts) CARRIED - SEE RESOLUTION.

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

FOR	AGAINST
Councillor Andrews	Councillor Matson
Councillor Belleli	Councillor Stevenson
Councillor Bowen	
Councillor D'Souza	
Councillor Garcia	
Councillor Moore	
Councillor Nash	
Councillor Neilson	
Councillor Roberts	
Councillor Seng	
Councillor Shurey	
Councillor Smith	
Councillor Stavrinou	
Total (13)	Total (2)

D93/16 Development Application Report - 152-154 Avoca Street, Randwick (DA/281/2016)

PL117/16

RESOLUTION: (Smith/Matson) -

- A. That Council supports the exceptions to development standards under Clause 4.6 of Randwick Local Environmental Plan 2012 in respect to non-compliance with Clause 4.4 Floor Space Ratio of Randwick Local Environmental Plan 2012, relating to 152-154 Avoca Street Randwick, 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 & 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. 281/2016 for construction of one additional apartment above the modern rear addition, at No. 152-154 Avoca Street, Randwick, subject to the following non standard conditions and the standard conditions contained in the development application compliance report attached to this report:

Non standard conditions:

Sustainability Measures

3. The following sustainability measures are to be incorporated into the design and shown on the Construction Certificate drawings:
 - a. ceiling fans should be provided for each bedroom and the living area;
 - b. the northern glass in the entry is to be shaded; and
 - c. natural light and ventilation should be provided to the ensuite bathroom.

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

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

FOR	AGAINST
Councillor Andrews	Councillor Matson
Councillor Belleli	Councillor Stevenson
Councillor Bowen	
Councillor D'Souza	
Councillor Garcia	
Councillor Moore	
Councillor Nash	
Councillor Neilson	
Councillor Roberts	
Councillor Seng	
Councillor Shurey	
Councillor Smith	
Councillor Stavrinou	
Total (13)	Total (2)

Miscellaneous Reports

M11/16 Miscellaneous Report - 438-448 Anzac Parade, Kingsford Fire and Rescue New South Wales (FRNSW) Report (F2015/06103)

PL118/16 **RESOLUTION: (Garcia/Smith)** that Council investigate the concerns raised by FRNSW and if necessary, issue the relevant Fire Safety Notice/Order to address the levels of fire safety within the subject building.

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

M12/16 Miscellaneous Report - 717 - 737 Anzac Parade, Kingsford Fire and Rescue New South Wales (FRNSW) Report (F2015/06103)

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

PL119/16 **RESOLUTION: (Smith/Garcia)** that Council investigate the concerns raised by FRNSW and if necessary, issue the relevant Fire Safety Notice/Order to address the levels of fire safety within the subject building.

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

Cr Belleli returned to the meeting at this point (11.38pm).

M13/16 Miscellaneous Report - Cultural and Community Grants Program - Recommended Allocations - September 2016 (F2009/00182)

PL120/16 **RESOLUTION: (Garcia/Smith)** that Council approves the allocation of Cultural and Community Program funds totaling \$49,656.50 to be allocated to the recommended grant applicants as listed in Attachment One.

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

M14/16 Miscellaneous Report - 90-98E Rainbow Street, Randwick (DA/333/2016) JRPP

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

Note: Having previously declared interests, Crs Andrews, Matson, Moore and Nash left the chamber and took no part in the debate or voting on this

matter.

PL121/16 **RESOLUTION: (Smith/Roberts)** that the assessment report for the Joint Regional Planning Panel in relation to DA/333/2016 for 90-98E Rainbow Street, Randwick be received and noted.

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

**M15/16 Miscellaneous Report - 62-88E Avoca Street, Randwick
(DA/338/2016) - JRPP**

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

PL122/16 **RESOLUTION: (Smith/Roberts)** that the assessment report for the Joint Regional Planning Panel in relation to DA/333/2016 for 62-88E Avoca Street, Randwick be received and noted.

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

**M16/16 Miscellaneous Report - Planning Proposal - 391-397 Anzac Parade
and 17 Bunnerong Road, Kingsford (RZ/3/2016)**

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

PL123/16 **RESOLUTION: (Smith/Neilson)** that Council:

1. not forward the Planning Proposal prepared by DDC Urban Planning lodged on 14 July 2016 for the change to height of buildings control from 24m to 58m and change to floor space ratio control from 3:1 to 8:1 for land at 395-397 Anzac Parade and 17 Bunnerong Road Kingsford to the Minister for Planning for a gateway determination in accordance with Section 56 to the Environmental Planning and Assessment Act, 1979;
2. Advise the applicant of Council's decision.

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

Notice of Rescission Motions

A Rescission Motion in relation to Item D92/16 (4/199-203A Malabar Road, South Coogee (DA/153/2015/A)) was submitted by Councillors Matson, Shurey and Stevenson, in accordance with Council's Code of Meeting Practice and will be considered at the Ordinary Council Meeting to be held on 25 October 2016.

The meeting closed at 11.40pm.

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

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CHAIRPERSON