

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

**MINUTES OF PLANNING COMMITTEE MEETING OF THE  
COUNCIL OF THE CITY OF RANDWICK HELD ON  
TUESDAY, 8 NOVEMBER 2016 AT 6:07PM**

**Present:**

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

- |              |   |
|--------------|---|
| North Ward   | - Councillors K Neilson, L Shurey & K Smith               |
| South Ward   | - Councillors R Belleli & P Garcia (arrived 6.11pm)       |
| East Ward    | - Councillor B Roberts (Deputy Chairperson)               |
| West Ward    | - Councillors G Moore, S Nash & H Stavrinou (Chairperson) |
| Central Ward | - Councillors A Andrews (arrived 6.10pm) & T Seng         |

**Officers present:**

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

**Apologies/Granting of Leave of Absences**

Apologies were received from Crs Bowen, Matson and Stevenson.

**RESOLVED: (Smith/Shurey)** that the apologies received from Crs Bowen, Matson and Stevenson be accepted and leave of absences from the meeting be granted.

**Confirmation of the Minutes**

**CONFIRMATION OF THE MINUTES OF THE PLANNING COMMITTEE MEETING  
HELD ON TUESDAY 11 OCTOBER 2016**

PL124/16

**RESOLUTION: (Shurey/Roberts)** that the Minutes of the Planning Committee Meeting held on Tuesday 11 October 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) All Councillors present at the meeting declared a non-significant non pecuniary interest in Item D95/16 as the applicant (an ex-Councillor) is known to them through association with the Council.
- B) Cr Andrews declared a significant non pecuniary interest in Item D91/16 as the applicants are well known to him. Cr Andrews indicated that he would not take part in the debate or the voting on the matter.

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

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

D94/16 4 NEPTUNE STREET, COOGEE (DA/107/2016) (DEFERRED)

**Objector** Mr Grant Christmas

**Applicant** Mr Jarad Grice (representing the applicant)

D96/16 5-7 STARK STREET, COOGEE (DA/189/2016)

**Applicant** Louis Adey (representing the applicant)

The meeting was adjourned at 6.26pm and was resumed at 6.35pm.

### **Urgent Business**

Nil.

### **Development Application Reports**

#### **D94/16 Development Application Report - 4 Neptune Street, Coogee (DA/107/2016) (Deferred)**

PL125/16 **RESOLUTION: (Smith/Shurey) –**

- A. That Council supports the exceptions to development standards under Clause 4.6 of Randwick Local Environmental Plan 2012 in respect to non-compliance with Clause 4.3 of Randwick Local Environmental Plan 2012, relating to Building Height, on the grounds that the proposed development complies with the objectives of the above clauses, and will not adversely affect the amenity of the locality, and that the Department of Planning & Environment be advised accordingly.
- B. That Council, as the consent authority, grants development consent under Sections 80 and 80A of the Environmental Planning and Assessment Act 1979, as amended, to Development Application No. 107/2016 for Demolition of existing dwelling, construction of new 3 storey dwelling with garage to front and associated works, at No. 4 Neptune Street, Coogee, subject to the following non standard conditions and the standard conditions contained in the development application compliance report attached to this report:

#### **GENERAL CONDITIONS**

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

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

### Approved Plans & Supporting Documentation

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

<b>Plan</b>	<b>Drawn by</b>	<b>Dated</b>	<b>Received by Council</b>
DA00 Rev B	MCK Architects	16/6/16	20 June 2016
DA10 Rev B		16/6/16	20 June 2016
DA11 Rev B		16/6/16	20 June 2016
DA12 Rev B		16/6/16	20 June 2016
DA13 Rev B		16/6/16	20 June 2016
DA20 Rev B		16/6/16	20 June 2016
DA21 Rev B		16/6/16	20 June 2016
DA22 Rev B		16/6/16	20 June 2016
DA23 Rev B		16/6/16	20 June 2016
DA30 Rev B		16/6/16	20 June 2016
DA31 Rev B		16/6/16	20 June 2016
DA32 Rev B		16/6/16	20 June 2016
L01 Issue E		Amber Road	03.02.2016
L02 Issue C	03.02.2016		25 February 2016
L03 Issue C	03.02.2016		25 February 2016

<b>BASIX Certificate No.</b>	<b>Dated</b>	<b>Received by Council</b>
697226S	01 February 2016	25 February 2016

### Amendment of Plans & Documentation

2. The approved plans and documents must be amended in accordance with the following requirements:
  - a. The rear setback of the ground floor level and first floor level (including blade walls) shall be increased by 850mm. This condition will require removal of blade walls and reduction of internal depth of rooms and void area. This condition has been included in order to ensure a greater retention of views from the ground level living room window of No. 2-2A Neptune Street.
  - b. The east facing living/dining room window at lower ground floor level shall be treated with obscured glazing to a minimum height of 1m above the internal floor level. Alternatively, a horizontal external privacy screen to a height of 1m above the internal floor level may be installed across the window. The external screen shall be fixed to an angle that avoids a sitting view into the rear yards of Nos. 188 & 190 Beach Street. The external privacy screen must be installed prior to the issue of an occupation certificate.
  - c. The east facing day room window at ground floor level shall be treated with obscured glazing to a minimum height of 1.6m above the internal floor level. Alternatively, a horizontal external privacy screen to a height of 1.6m above the internal floor level may be installed across the window. The external screen shall be fixed to an angle that avoids overlooking into the rear yards of No. 188 & 190 Beach Street. The external privacy screen

must be installed prior to the issue of an occupation certificate.

- d. A 650mm wide planter shall be installed along the eastern side of the ground floor level day room balcony. Only low lying shrub planting (at maturity) to balustrade height shall be installed within this planter to ensure no appreciable impact on views from the living room window of No. 2-2A Neptune Street.
- e. Air conditioning equipment shall be located at lower ground level or within the garage and subject to compliance with associated acoustic privacy operational conditions.
- f. The rear first floor level balcony shall be deleted from the development.
- g. The Hibiscus tiliaceous 'Rubra' located on the garage roof shall be replaced with a species that doesn't attain a height greater than 2-3m at maturity.
- h. Deleted.
- i. The Livistona australis 'Cabbage Tree Palm' shall be replaced with a species that does not attain a height of more than 7-9.5m at maturity.

#### **REQUIREMENTS BEFORE A CONSTRUCTION CERTIFICATE CAN BE ISSUED**

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

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

#### **Consent Requirements**

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

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

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

External materials, finishes and colours of the building are required to compliment natural elements in the coastal area (using light toned neutral hues), and use durable materials suited to coast. To limit the level of reflection and glare, any metal roof sheeting is to be pre-painted (e.g. Colourbond) and the reflectivity index of glass used in the external façade of the development must not exceed 20 percent.

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 \$2,193,734 the following applicable monetary levy must be paid to Council: \$21,937.35.

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](http://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.*

### **Security Deposit**

7. The following damage / civil works security deposit requirement must be complied with as security for making good any damage caused to the roadway, footway, verge or any public place; and as security for completing any public work; and for remedying any defect on such public works, in accordance with section 80A(6) of the *Environmental Planning and Assessment Act 1979*:

- \$3000.00 - Damage / Civil Works Security Deposit

The damage/civil works security deposit may be provided by way of a cash, cheque or credit card payment and is refundable upon a satisfactory inspection by Council upon the completion of the civil works which confirms that there has been no damage to Council's infrastructure.

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

To obtain a refund of relevant deposits, a *Security Deposit Refund Form* is to be forwarded to Council's Director of City Services upon issuing of an occupation certificate or completion of the civil works.

### **Design Alignment levels**

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

Eastern Side Pedestrian Gate Entrance – RL 40.10 AHD  
Eastern Edge Garage Opening – RL 40.10 AHD  
Western Edge Garage Opening – RL 40.15 AHD  
Main Pedestrian Entrance – Match the existing Council footpath level

**The design alignment levels at the property boundary as issued by Council must be indicated on the building plans for the construction certificate. The design alignment level at the street boundary, as issued by the Council, must be strictly adhered to.**

Any enquiries regarding this matter should be directed to Council's Development Engineer on 9399 0923.

9. The above alignment levels and the site inspection by Council's Development Engineering Section have been issued at a prescribed fee of \$633.00 calculated at \$52.00 (inclusive of GST) per metre of site frontage. This amount is to be paid prior to a construction certificate being issued for the development.

#### **Sydney Water**

10. 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.

#### **Stormwater Drainage**

11. Detailed drainage plans with levels reduced to Australian Height Datum (AHD), shall be prepared by a suitably qualified Hydraulic Engineer and be submitted to and approved by the certifying authority. A copy of the plans shall be forwarded to Council, if Council is not the certifying authority.

The drainage plans must demonstrate compliance with the Building Code of Australia, Australian Standard AS3500.3:2003 (Plumbing and Drainage - Stormwater Drainage) and the relevant conditions of this development

approval.

12. A site stormwater drainage system is to be provided in accordance with the following requirements (as applicable):

- a) The stormwater drainage system must be designed and constructed to satisfy the relevant requirements in the Building Code of Australia,
- b) Roof stormwater must be directed to a suitably designed and constructed rainwater tank, as required in the relevant BASIX Certificate for the dwelling,
- c) The overflow from the rainwater tank and other surface stormwater must be directed to a suitably designed sediment/silt arrestor pit/s which drain/s to Council's kerb and gutter directly in front of the site **and/or** to a suitably designed infiltration area having a minimum base area of 5m<sup>2</sup>,
- d) The design and construction of the infiltration areas must be appropriate having regard to the site and ground characteristics.

Should the site or ground conditions preclude the construction of an infiltration pit (i.e. due to rock being located within 300mm of the base of the infiltration area), an infiltration pit need not be provided and the stormwater is to be discharged directly to the kerb and gutter via a sediment/silt arrestor pit.

- e) Should a charged system be required to drain any portion of the site, the charged system must be designed such that;
  - i. There are suitable clear-outs/inspection points at pipe bends and junctions.
  - ii. The maximum amount of head within the charged line does not exceed 1m in depth
- f) Site discharge pipelines shall cross the verge at an angle no less than 45 degrees to the kerb line and must not encroach across a neighbouring property's frontage unless approved in writing by Council's Development Engineering Coordinator.
- g) Details of the design and construction of the stormwater drainage system, sediment site arrestor pit/s and infiltration areas must be submitted to and approved by the Certifying Authority with the Construction Certificate and all works are to be carried to the satisfaction of the Principal Certifying Authority.

13. Sediment/silt arrestor pit/s are to be provided within the site at or near the street boundary prior to stormwater being discharged from the site or into any infiltration areas. The sediment/silt arrestor pits are to be constructed generally in accordance with the following requirements, to the satisfaction of the principal certifying authority:

- The base of the pit located a minimum 300mm under the invert level of the outlet pipe.
- The grate is to be a galvanised heavy-duty grate that has a provision for a child proof fastening system.
- A minimum of 4 x 90 mm diameter weep holes located in the walls of the pit at the floor level with a suitable geotextile material with a high filtration rating located over the weep holes.

- A galvanised heavy-duty screen located over the outlet pipe (Mascot GMS Multi-purpose filter screen or similar)
- A child proof and corrosion resistant fastening system for the access grate (spring loaded j-bolts or similar).
- The inlet pipeline located on the side of the pit so that the stormwater will discharge across the face of the screen.
- A sign adjacent to this pit stating that:  
 "This sediment/silt arrester pit shall be regularly inspected and cleaned."

**Note: Sketch details of a standard sediment/silt arrester pit can be obtained from Council's Drainage Engineer.**

14. The Infiltration area is required to be constructed generally in accordance with the following requirements:

Provision of a minimum 300 mm of soil cover (600 mm where the pit is located under a garden/landscaped area).

Located a minimum of 3.0 metres from any structures (note: this set back requirement may not be necessary if a structural engineer or other suitably qualified person certifies that the infiltration area will not adversely affect the structure) and 2.1 metres from the adjacent side or rear boundaries.

Having a minimum base infiltration area of 5.0 m<sup>2</sup> with a suitable means of dispersing stormwater over the area of infiltration.

#### **Landscape Plans**

15. The Certifying Authority/PCA must ensure that the Landscape Plans submitted as part of the approved Construction Certificate are substantially consistent with the Landscape Plans by Amber Road, dwg L01-02, Issue E, dated 03.02.16 unless otherwise required to be amended by condition No. 2.

#### **Street Tree Management**

16. The applicant must submit a payment of **\$756.25** (incl GST) to cover the following costs:
- a. For Council to remove, stump-grind and dispose of the two street trees from the Neptune Street verge, being from east to west, the *Callistemon viminalis* (Bottlebrush) and a *Callistemon salignus* (Willow Bottlebrush) so as to accommodate the new vehicle crossing, internal garage, changes to existing ground levels, new pedestrian steps and associated works in this same area as shown, as well as to ensure that a clear, unobstructed line of sight of approaching vehicles from the west is provided.
  - b. For Council to supply, plant and maintain 1 x 25 litre replacement native coastal street tree elsewhere in the immediate area.

This fee must be paid into **Tree Amenity Income** at the Cashier on the Ground Floor of the Administrative Centre **prior to a Construction Certificate being issued for the development.**

**The applicant must contact Council's Landscape Development Officer on 9399-0613 (quoting the receipt number), and giving at least four working weeks' notice (allow longer for public holidays or extended periods of rain) to arrange for removal of the trees prior to the commencement of site works.**



**After this, any further enquiries regarding scheduling/timing or completion of works are to be directed to Council's North Area Tree Preservation & Maintenance Coordinator on 9399-0858.**

#### **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**

17. 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.

#### **Driveway Design**

18. The gradient of the internal access driveway must be designed and constructed in accordance with AS 2890.1 (2004) – Off Street Car Parking and the levels of the driveway must match the alignment levels at the property boundary (as specified by Council). Details of compliance are to be included in the construction certificate.

#### **BASIX Requirements**

19. 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.

An amended BASIX certificate must be consistent with the plans referenced in Condition 1 of this determination and a copy shall be submitted to Council and the Principal Certifying Authority prior to an occupation certificate being issued for the development.

#### **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**

20. 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**

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

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

### **Dilapidation Reports**

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

- excavations for new dwellings, additions to dwellings, swimming pools or the like which are proposed to be located within the *zone of influence* of the footings of any dwelling, associated garage or other substantial structure located upon an adjoining premises,
- new dwellings or additions to dwellings sited up to shared property boundaries (e.g. additions to a semi-detached dwelling or terraced

dwellings),

- excavations for new dwellings, additions to dwellings, swimming pools or the like which are within rock and may result in vibration and or potential damage to any dwelling, associated garage or other substantial structure located upon an adjoining premises,
- as otherwise may be required by the Principal Certifying Authority.

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

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

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

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

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

#### **Construction Site Management Plan**

24. 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**

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

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

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

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

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

#### **Notes**

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

### **Demolition & Construction Waste**

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

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

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

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

### **Public Utilities**

27. A *Public Utility Impact Assessment* must be carried out to identify all public utility services located on the site, roadway, nature strip, footpath, public reserve or any public areas associated with and/or adjacent to the building works. The assessment should include relevant information from public utility authorities and exploratory trenching or pot-holing, if necessary, to determine the position and level of services.

28. The owner/builder must make the necessary arrangements and meet the full cost for telecommunication companies, gas providers, Ausgrid, Sydney Water and other authorities to adjust, repair or relocate their services as required.

**Landscape Plan**

29. The Certifying Authority/PCA must ensure that the Landscape Plans by Amber Road, dwg L01-02, Issue E, dated 03.02.16 are amended to include the provision of three replacement native palms in the rear yard, around the northeast corner of the site, and are to be a minimum 100 litre pot/bag size at the time of planting.

**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**

30. 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**

31. 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**

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

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

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

### **Demolition Work Requirements**

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

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

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

### **Removal of Asbestos Materials**

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

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

contractor), must be provided to Council and the Principal certifying authority upon completion of the asbestos related works which confirms that the asbestos material have been removed appropriately and the relevant conditions of consent have been satisfied.

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

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

35. 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**

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

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

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

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

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

37. In accordance with section 80 A (11) of the *Environmental Planning & Assessment Act 1979* and clause 98 E of the *Environmental Planning & Assessment Regulation 2000*, it is a prescribed condition that the adjoining land and buildings located upon the adjoining land must be adequately supported at all times.
38. All excavations and backfilling associated with the erection or demolition of a building must be executed safely in accordance with appropriate professional standards and excavations must be properly guarded and supported to prevent them from being dangerous to life, property or buildings.

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

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

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

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

**Building Encroachments**

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

**Road/Asset Opening Permit**

41. Any openings within or upon the road, footpath, nature strip or in any public place (i.e. for proposed drainage works or installation of services), must be carried out in accordance with the following requirements, to the satisfaction of Council:
- A *Road / Asset Opening Permit* must be obtained from Council prior to carrying out any works within or upon a road, footpath, nature strip or in any public place, in accordance with section 138 of the *Roads Act 1993* and all of the conditions and requirements contained in the *Road / Asset Opening Permit* must be complied with.



- The owner/builder must ensure that all works within or upon the road reserve, footpath, nature strip or other public place are completed to the satisfaction of Council, prior to the issuing of a *final occupation certificate* for the development.
- Relevant *Road / Asset Opening Permit* fees, repair fees, inspection fees and security deposits, must be paid to Council prior to commencing any works within or upon the road, footpath, nature strip or other public place.

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

### **Council Driveway Design**

42. The applicant is to arrange for their own suitably qualified Engineer to submit to Council design details/specifications for the works to be carried out on Council's footpath and roadway, this shall include but not limited to the following:
- Gutterbridge design with concrete crossing. (The concrete crossing is to be a maximum 3.00m wide taken from the eastern opening of the garage)
  - New footpath and step design.
  - Traffic island design, upstream from Council driveway.
  - Associated road reknit and any other works determined by Council's Coordinator Engineering Services.
  - Any retaining walls and handrails adjacent to the new footpath/steps.

The details/specifications are to be approved by Council's Coordinator Engineering Services (Stephen Audet – 9399 0906) and any relevant approval fees are to be paid by the applicant.

### **Tree Management**

43. Despite the three mature *Howea fosteriana* (Kentia Palms) in the rear yard, in the northeast corner of the site being shown for retention on some plans, this will not be possible given a combination of the major changes in level that are proposed in this same area, as well as damage that would be caused during construction of the new boundary retaining wall along both the eastern and northern site boundaries as has been shown, with approval granted for their removal, subject to implementation of the approved Landscape Plan, which includes the requirement for replacement in their place and amendments required in condition 2.

### **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**

44. 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**

45. 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 & Road Openings**

46. The owner/developer must meet the full cost for a Council approved contractor to:
- a) Construct a new concrete vehicular crossing with gutterbridge and traffic island, upstream from the vehicular crossing including any asphalt road reknit and any other works deemed necessary by Council's Coordinator Engineering Services. The works are to be to Council's specifications and requirements.
  - b) Reconstruct Council's footpath, with stairs, handrail and any other associated works required to suit the new garage entrance to the site. The works are to be to Council's specifications and requirements.
47. 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.
48. All external civil work to be carried out on Council property (including the installation and repair of roads, footpaths, vehicular crossings, kerb and guttering and drainage works), must be carried out in accordance with Council's Policy for "Vehicular Access and Road and Drainage Works" and the following requirements:
- a) All work on Council land must be carried out by Council, unless specific written approval has been obtained from Council to use non-Council contractors.
  - b) Details of the proposed civil works to be carried out on Council land must be submitted to Council in a *Civil Works Application Form*, prior to an occupation certificate being issued for the development, together with payment of the relevant fees.
  - c) If it is proposed to use non-Council contractors to carry out the civil works on Council land, the work must not commence until the written approval has been obtained from Council and the work must be carried out in accordance with the conditions of consent, Council's design details and payment of a Council design and supervision fee.
  - d) The civil works must be completed in accordance with Council's conditions of consent and approved design and construction

documentation, prior to occupation of the development, or as otherwise approved by Council in writing.

49. The naturestrip upon Council's footway 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 installed prior to the issue of a final Occupation Certificate.

#### **Stormwater Drainage**

50. The applicant shall submit to the Principal Certifying Authority (PCA) and Council, certification from a suitably qualified and experienced Hydraulic Engineer confirming that the design and construction of the stormwater drainage system complies with Australian Standard 3500.3:2003 (Plumbing & Drainage- Stormwater Drainage) and the conditions of this development consent.

The certification must be provided following inspection/s of the site stormwater drainage system by the certifying engineers and shall be provided to the satisfaction of the PCA.

#### **Landscaping**

51. Prior to issuing any type of Occupation Certificate, certification from a qualified professional in the landscape/horticultural industry must be submitted to, and be approved by, the PCA, confirming the date that the completed landscaping was inspected, and that it has been installed substantially in accordance with the Landscape Plans by Amber Road, dwg L01-02, Issue E, dated 03.02.16, and any relevant conditions of consent.
52. Suitable strategies shall be implemented to ensure that the landscaping is maintained in a healthy and vigorous state until maturity, for the life of the development.
53. The nature-strip upon Council's footway 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 installed prior to the issue of a final Occupation Certificate.

#### **OPERATIONAL CONDITIONS**

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

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

#### **Use of premises**

54. The premises must only be used as a single residential dwelling and must not be used for dual or multi-occupancy purposes.
55. The car spaces within the development are for the exclusive use of the occupants of the building. The car spaces must not be leased to any person/company that is not an occupant of the building.

#### **External Lighting**

56. 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**

57. 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**

58. 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**

59. 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 Underground assets (eg pipes, cables etc) may exist in the area that is subject to your application. In the interests of health and safety and in order to protect damage to third party assets please contact Dial before you dig at [www.1100.com.au](http://www.1100.com.au) or telephone on 1100 before excavating or erecting structures (This is the law in NSW). If alterations are required to the

configuration, size, form or design of the development upon contacting the Dial before You Dig service, an amendment to the development consent (or a new development application) may be necessary. Individuals owe asset owners a duty of care that must be observed when working in the vicinity of plant or assets. It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial before you dig service in advance of any construction or planning activities.

A4 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.

A5 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.

A6 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.

A7 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.

A8 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.

A9 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.

A10 Prior to commencing any works, the owner/builder should contact *Dial Before You Dig* on 1100 or [www.dialbeforeyoudig.com.au](http://www.dialbeforeyoudig.com.au) and relevant Service Authorities, for information on potential underground pipes and cables within the vicinity of the development site.

A11 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).

A12 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.

A13 Demolition work and removal of asbestos materials:

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

A14 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.

A15 Building owners and occupiers should consider implementing appropriate measures to prevent children from falling from high-level window openings and balconies (e.g. by installing window locking devices; installing heavy-duty screens to window openings; limiting the dimensions of any openings to 125mm; ensuring balustrades to balconies are at least 1m high and; locating fixtures, fittings and furniture away from high-level windows and balconies).

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

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

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

<b>FOR</b>	<b>AGAINST</b>
Councillor Andrews	Councillor Roberts
Councillor Bellei	
Councillor D'Souza	
Councillor Garcia	
Councillor Moore	
Councillor Nash	
Councillor Neilson	
Councillor Seng	
Councillor Shurey	
Councillor Smith	

Councillor Stavrinou

**Total (11)****Total (1)****D95/16 Development Application Report - 341 Bunnerong Road, Maroubra (DA/701/2016)****Note: Having previously declared an interest, Cr Andrews left the chamber and took no part in the debate or voting on this matter.**

PL126/16

**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. 701/2016 for alterations and additions to an existing outbuilding and conversion to secondary dwelling, at No. 341 Bunnerong Road, Maroubra subject to the following standard conditions and non-standard conditions contained in the development application compliance report attached to this report:

**Non standard conditions****Stormwater drainage**

10. Should stormwater be discharged to Council's underground drainage line located within the 3.05m wide drainage easement the design of the proposed connection point must be approved by Council's Development Engineers prior to the issuing of a construction certificate. Inspection of the completed connection point must also be undertaken by Council's Engineers prior to an occupation certificate being issued.

**Flooding**

11. To minimise the potential for flooding, plans submitted for the construction certificate shall demonstrate compliance with the following requirements/amendments:
- a) The secondary dwelling must be constructed as a slab on piers as indicated on the approved plans.
  - b) The proposed floor level must not be lower than indicated on the approved plans without the prior consent of the Council
  - c) Natural Surface levels must not be raised in the vicinity of the proposed development.
  - d) The area underneath the floor slab must not be enclosed or used for the storage of goods.

**Footings adjacent to drainage easements.**

12. All proposed footings located adjacent to the existing drainage easement shall either be:
- A. Founded on rock, or;
  - B. Extend below a 30 degrees line taken from the level of the pipe invert at the edge of the drainage easement (angle of repose).

Structural details demonstrating compliance with this condition shall be submitted with the construction certificate application.

**Footings adjacent to drainage easements**

30. Any footings adjacent to the drainage easement/s must be inspected by the applicant's engineer to ensure that these footings are either founded on rock or extend below the "angle of repose". Documentary evidence of compliance with this condition is to be submitted to certifying authority, prior to proceeding to

the subsequent stages of construction.

#### **Overland Flow Path**

36. A "restriction on the use of land" and "positive covenant" (under section 88E of the Conveyancing Act 1919) shall be placed on the title of the subject property to ensure that the area underneath the ground floor slab shall not be enclosed or used for the storage of goods and there shall be no change to natural surface levels. This is to ensure any overland flow path is maintained through the subject property. Such restriction and positive covenant shall not be released, varied or modified without the consent of the Council.

- The "restriction on the use of land" and "positive covenant" are to be to the satisfaction of Council. A copy of Council's wording/layout for the restriction and positive covenant may be obtained from Council's Development Engineer.

#### **Stormwater Drainage**

37. The applicant shall submit to the Principal Certifying Authority (PCA) and Council, certification from a suitably qualified and experienced Hydraulic Engineer confirming that the design and construction of the stormwater drainage system complies with Australian Standard 3500.3:2003 (Plumbing & Drainage- Stormwater Drainage) and the conditions of this development approval. The certification must be provided following inspection/s of the site stormwater drainage system by the certifying engineers and shall be provided to the satisfaction of the PCA.

NOTE: If connecting to Council's underground drainage pipe within the 3.05m wide drainage easement, inspection of the completed connection point must be undertaken by Council's Engineers prior to an occupation certificate being issued.

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

#### **D96/16 Development Application Report - 5-7 Stark Street, Coogee (DA/189/2016)**

PL127/16 **RESOLUTION: (Smith/Shurey) -**

- A. That Council supports the exceptions to development standards under Clause 4.6 of Randwick Local Environmental Plan 2012 in respect to non-compliance with Clause 4.4 of Randwick Local Environmental Plan 2012, relating to floor space ratio, on the grounds that the proposed development complies with the objectives of the above clauses, and will not adversely affect the amenity of the locality, and that the Department of Planning & Environment be advised accordingly.
- B. That Council, as the consent authority, grants development consent under Sections 80 and 80A of the Environmental Planning and Assessment Act 1979, as amended, to Development Application No. DA/189/2016 for the demolition of the existing structures, construction of a part 3/part 4 storey residential flat building containing 11 dwellings, semi-basement car parking for 20 vehicles, landscaping, strata subdivision and associated works, at 5 and 7 Stark Street, Coogee, subject to the following non-standard conditions and the standard conditions contained in the development application compliance report attached to this report:

#### **Non-Standard Conditions**

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



following requirements:

- a. The height of the proposed fencing and gates on the Stark Street boundary shall not exceed 1.8m above footpath level and the upper two-thirds of the fence and the entire gates must be a minimum of 30% open.
- b. A continuous screen planting using a species that will attain either a minimum height of 1.8m at maturity, or one which will be slipped/hedged to this height, shall be provided behind the front fence, for the full width of the terrace of unit 1.01 (except where a splay is required by condition 11). This condition is included in order to maintain reasonable levels of privacy and screening between the terrace of unit 1.01 and the street.

The applicant will be required to demonstrate compliance with this condition through the submission of details of details confirming appropriate species selection, to the satisfaction of the certifying authority, prior to the issue of a construction certificate.

The screen planting shall be maintained as an effective privacy measure for the duration of the approved use on the site.

- c. Slabs above the deep soil zones on both sides of the basement car park shall be deleted.
- d. The finished levels for the landscaped areas including the associated paved areas and pathways/ramps on both sides of the building as shown on drawing No. 10.2\_A shall be retained at the existing ground levels.
- e. The paved area to the south-western side of unit 1.01 shall be deleted.
- f. Consent is not granted for the construction of the dividing boundary fences on the side 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](#).
- g. The glass awning roof structure over the rear pedestrian entrance shall be deleted. The gate associated with the awning structure shall not exceed a height of 1.8m and shall be designed to be a minimal of 30% open. Side fencing shall be in accordance with condition 2(e) above.
- h. All privacy screens must be constructed of metal or timber and the total area of any openings within the privacy screens must not exceed 25% of the area of the screen. Alternatively, the privacy screen may be constructed with translucent, obscured, frosted or sandblasted glazing in a suitable frame.

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

**D97/16 Development Application Report - 323 Malabar Road, Maroubra (DA/490/2012/C)**

PL128/16

**RESOLUTION: (Smith/Andrews)** that Council, as the consent authority, grants development consent under Section 96 of the Environmental Planning and Assessment Act 1979, as amended, to modify Development Consent No DA/490/2012 by addition of stair access to first floor dwelling from Malabar Road, increase size of bedroom 3 and bathroom in rear building, alteration to floor levels and deletion of bathroom for bedroom 2, decrease size of living room in rear building and alteration to stormwater disposal at 323 Malabar Road, Maroubra, subject to the following conditions:

**A) Modify Conditions 1 & 13 to read as follows:**

**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:

<b>Drawing Number</b>	<b>Rev.</b>	<b>Drawn by.</b>	<b>Received by Council</b>
D1 (Concept Drainage Plans and Details)	C	LMW Design Group P/L	2 August 2012
02	A	Rodney Albert Yannakis	2 August 2012
03	A	Rodney Albert Yannakis	2 August 2012
04	A	Rodney Albert Yannakis	2 August 2012
05	A	Rodney Albert Yannakis	2 August 2012
06	A	Rodney Albert Yannakis	2 August 2012
07	A	Rodney Albert Yannakis	2 August 2012
08	A	Rodney Albert Yannakis	2 August 2012
09	A	Rodney Albert Yannakis	2 August 2012
10 (colours & materials)	A	Rodney Albert Yannakis	2 August 2012

<b>BASIX Certificate</b>	<b>No.</b>	<b>Dated</b>
323 Malabar Road	324055S	Thursday, 26 July 2012

Except as amended by the Section 96 'A' plans listed below and endorsed with Council's approved stamp:

<b>Drawing Number</b>	<b>Rev.</b>	<b>Drawn by.</b>	<b>Received by Council</b>
00	A	Rodney Albert Yannakis	3 February 2014
02	A	Rodney Albert Yannakis	3 February 2014
03	A	Rodney Albert Yannakis	3 February 2014
04	A	Rodney Albert Yannakis	3 February 2014
05	A	Rodney Albert Yannakis	3 February 2014
06	A	Rodney Albert Yannakis	3 February 2014
07	A	Rodney Albert Yannakis	3 February 2014
08	A	Rodney Albert Yannakis	3 February 2014

Except as amended by the Section 96 'B' plans listed below and endorsed with Council's approved stamp:

<b>Drawing Number</b>	<b>Rev.</b>	<b>Drawn by.</b>	<b>Received by Council</b>
D1 (Concept Drainage Plans and Details)	C	LMW Design Group P/L	2 August 2012
02	A	Rodney Albert Yannakis	2 August 2012
03	A	Rodney Albert Yannakis	2 August 2012
04	A	Rodney Albert Yannakis	2 August 2012
05	A	Rodney Albert Yannakis	2 August 2012
06	A	Rodney Albert Yannakis	2 August 2012
07	A	Rodney Albert Yannakis	2 August 2012
08	A	Rodney Albert Yannakis	2 August 2012
09	A	Rodney Albert Yannakis	2 August 2012
10 (colours &	A	Rodney Albert Yannakis	2 August 2012

materials)			
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<b>Plan Name</b>	<b>Sheet number</b>	<b>Drawn by</b>
<b>Strata Plan Form 2: Location Plan</b>	<b>Sheet 1</b>	<b>John P. Ballenden</b>
<b>Strata Plan Form 2: Level 1 (Basement) / Level 2 (Ground Floor)</b>	<b>Sheet 2</b>	<b>John P. Ballenden</b>
<b>Strata Plan Form 2: Level 3 (First Floor) / Level 4 (Second Floor)</b>	<b>Sheet 3</b>	<b>John P. Ballenden</b>
<b>BASIX Certificate</b>	<b>No.</b>	<b>Dated</b>
323 Malabar Road	324055S	Thursday, 26 July 2012

Except as amended by the Section 96 'C' plans listed below and endorsed with Council's approved stamp:

<b>Drawing Number</b>	<b>Rev.</b>	<b>Drawn by.</b>	<b>Received by Council</b>
02	C	Rodney Albert Yannakis	03/06/2016
03	C	Rodney Albert Yannakis	03/06/2016
04	C	Rodney Albert Yannakis	03/06/2016
05	C	Rodney Albert Yannakis	03/03/2016
07	C	Rodney Albert Yannakis	03/06/2016
08	C	Rodney Albert Yannakis	03/06/2016

<b>BASIX Certificate</b>	<b>No.</b>	<b>Dated</b>
323 Malabar Road	324055S_06	Saturday, 4 June 2016

in so far as they relate to the modifications highlighted on the Section 96 plans and detailed in the Section 96 applications, except where amended by Council in red and/or by other conditions of this consent:

#### **Stormwater Drainage**

13. Stormwater runoff from the (redeveloped portion) site shall be discharged either:
- a) *To the kerb and gutter along the site frontage by gravity (preferably without the use of a charged system); OR*
  - b) *Through a private drainage easement(s) over adjoining land to Council's kerb and gutter (or underground drainage system);*
  - c) *To a suitably sized infiltration area. As a guide the infiltration area shall be sized based on a minimum requirement of 1 m<sup>2</sup> of infiltration area (together with 1 m<sup>3</sup> of storage volume) for every 20 m<sup>2</sup> of roof/impervious area on the site.*

Prior to the use of infiltration in rear draining lots (where there is no formal overland escape route to Council's kerb and gutter/street drainage system), a geotechnical investigation will be required to determine whether the ground is suitable for infiltration. Should rock

and/or a water table be encountered within two metres of the proposed base of the infiltration pit, or the ground conditions comprise low permeability soils such as clay, infiltration may not be appropriate.

NOTE: Should the applicant be unable to obtain a private drainage easement over properties to the rear of the development site (to facilitate stormwater discharge in accordance with option b)); and ground conditions preclude the use of infiltration (Option c), consideration may be given to the use of a charged system or a pump out system to drain that portion of the site that cannot be drained by gravity to the kerb and gutter at the front of the property.

#### **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.

71. Should a charged system be required to drain any portion of the site, the charged system must be designed with suitable clear-outs/inspection points at pipe bends and junctions.
72. Should a pump system be required to drain any portion of the site the system must be designed with a minimum of two pumps being installed, connected in parallel (with each pump capable of discharging at the required discharge rate) and connected to a control board so that each pump will operate alternatively. The pump wet well shall be sized for the 1 in 100 year, 2 hour storm assuming both pumps are not working.  
  
The pump system must also be designed and installed strictly in accordance with Randwick City Council's Stormwater Code.
73. All pump out water must pass through a stilling pit, located within the site, prior to being discharged by gravity to the kerb and gutter.

#### **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.

#### **Stormwater Drainage**

74. Should an infiltration or pump-out system be provided, a "restriction on the use of land" and "positive covenant" (under section 88E of the Conveyancing Act 1919) shall be placed on the title of the subject property to ensure that the pump-out/infiltration system is maintained and that no works which could affect the design function of the pump-out/infiltration system are undertaken

without the prior consent (in writing) from Council. Such restriction and positive covenant shall not be released, varied or modified without the consent of the Council.

Notes:

- a. The "restriction on the use of land" and "positive covenant" are to be to the satisfaction of Council. A copy of Council's standard wording/layout for the restriction and positive covenant may be obtained from Council's Development Engineer.
- b. The hydraulic certification must be submitted to Council prior to the "restriction on the use of land" and "positive covenant" being executed by Council.

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

### Miscellaneous Reports

**M17/16 Miscellaneous Report - Report for Variation to Development Standard under SEPP No. 1 and Clause 4.6 between 1 September to 31 October 2016 (F2008/00122)**

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PL129/16 **RESOLUTION: (Smith/Shurey)** that the report be received and noted.

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

**M18/16 Miscellaneous Report - Request to nominate delegates and alternates to the new Sydney Planning Panel (F2004/08420)**

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PL130/16 **RESOLUTION: (Seng/Andrews)** that Council:

1. appointed delegates and the alternates to the Sydney Planning Panel, in accordance with the required expertise, for the period 21 November 2016 until 30 September 2017, as follows;
  - Delegates - Cr Matson and Cr Nash; and
  - Alternates - Cr Andrews, Cr Bowen and Cr Moore;
2. advise the Department of Planning and Environment of the nominations together with written acknowledgment from those appointed members that they will comply with the requirements of the recently revised *Planning Panels Code of Conduct (September 2016)*;
3. determine that Councillors be remunerated a maximum of \$600 per meeting to prepare for and attend Panel meetings.

**MOTION: (Moore/Neilson)** that Council:

1. Appointed delegates to the Sydney Planning Panel, in accordance with the required expertise, for the period 21 November 2016 until 30 September 2017, as follows;
  - Cr Moore and Cr Nash.
2. Advise the Department of Planning and Environment of the nominations together with written acknowledgment from those appointed members that they will comply with the requirements of the recently revised *Planning Panels Code of Conduct (September 2016)*. **LOST.**

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

**Notice of Rescission Motions**

Nil.

The meeting closed at 6.55pm.

**The minutes of this meeting were confirmed at the Planning Committee Meeting of the Council of the City of Randwick held on Tuesday, 6 December 2016.**

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**CHAIRPERSON**