

**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, 6 DECEMBER 2016 AT 6:06PM**

**Present:**

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

- |              |  |
|--------------|--|
| North Ward   | - Councillors K Neilson & K Smith  |
| South Ward   | - Councillors R Belleli & P Garcia   |
| East Ward    | - Councillors T Bowen (arrived 6.27pm),<br>M Matson & B Roberts (Deputy Chairperson) |
| West Ward    | - Councillors G Moore & H Stavrinou<br>(Chairperson)                                 |
| Central Ward | - Councillors A Andrews, T Seng &<br>G Stevenson (arrived 6.23pm)                    |

**Officers present:**

General Manager	Mr R Brownlee
Director City Services	Mr J Frangoules
Acting Director City Planning	M K Kyriacou
Acting Director Governance & Financial Services	Mr D Kelly
Acting Manager Development Assessment	Mr F Ko
Manager Strategic Planning	Mr A Bright
Senior Administrative Coordinator	Ms J Hartshorn
Communications Manager	Mr J Hay
Executive Manager	Mr L Fitzgerald

**RESOLVED (PROCEDURAL MOTION): (Matson/Neilson)** that Item D100/16 be brought forward for immediate consideration.

**RESOLVED (PROCEDURAL MOTION): (Matson/Smith)** that Item M19/16 be brought forward for immediate consideration.

**Apologies/Granting of Leave of Absences**

Apologies were received from Crs Nash and Shurey.

**RESOLVED: (Smith/Matson)** that the apologies received from Crs Nash and Shurey 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 8 NOVEMBER 2016

PL131/16

**RESOLUTION: (Smith/Neilson)** that the Minutes of the Planning Committee Meeting held on Tuesday 8 November 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 D101/16 as his wife teaches dancing at the Child Care Centre in question. Cr Belleli indicated that he would not take part in the debate or the voting on this matter.
- b) Cr Stavrinis declared a significant non pecuniary interest in Item D104/16 as as he lives in close proximity to the development. Cr Stavrinis indicated that he would not take part in the debate or the voting on this matter.
- c) Cr Bowen declared a non-significant non pecuniary interest in Item NR7/16 as he lives in close proximity to the Defence land.
- d) Cr Garcia declared a non-significant non pecuniary interest in Item NR7/16 as a former Army Reservist, previously posted to the Randwick Barracks

### 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:

D98/16 18 DUNDAS STREET, COOGEE (DA/780/2015) (DEFERRED)

**Objector** Mr Patrick Holland

**Applicant** Mr Dan Taylor (representing the applicant)

D99/16 32-34 PEROUSE ROAD, RANDWICK (DA/128/2016) (DEFERRED)

**Objector** Mr Warrick La Hood

**Applicant** Mr Edmond Beniacar

D101/16 25 HUME STREET, CHIFLEY (DA/574/2016)

**Objector** Mr Philip Rippon (representing the objectors)

**Applicant** Mr Michael Bell (representing the applicant)

D102/16 36 BONA VISTA AVENUE, MAROUBRA (DA/168/2016)

**Applicant** Ms Nicole Lennon (representing the applicant)

D104/16 131 MOUNT STREET, COOGEE (DA/266/2015/A)

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

Cr Roberts (Deputy Chairperson) chaired the meeting in Cr Stavrinis' absence.

**Applicant** Mr Simon Hanson (representing the applicant)

Cr Stavrinis returned to the meeting and the Chair at this point (7.58pm)

D106/16 155 MALABAR ROAD, SOUTH COOGEE (DA/404/2016)

**Applicant** Mr Bruce Robertson (representing the applicant)

NR7/16 NOTICE OF RESCISSION MOTION FROM THE MAYOR (CR D'SOUZA), CR ANDREWS AND CR STAVRINOS - SYDNEY LIGHT RAIL PROJECT - PROPOSED NEW RAIL DEPOT ON DEFENCE LAND IN BUNDOCK STREET, RANDWICK (F2014/00453)

**Against** Mr Matthew Petersen

The meeting was adjourned at 7.12pm and was resumed at 7.39pm.

**RESOLVED (PROCEDURAL MOTION): (Andrews/Matson)** that Item NR7/16 be brought forward for immediate consideration.

### Urgent Business

Nil.

### Development Application Reports

**D98/16 Development Application Report - 18 Dundas Street, Coogee (DA/780/2015) (Deferred)**

PL132/16

**RESOLUTION: (Matson/Roberts) -**

- A. That Council supports the exceptions to development standards under Clause 4.6 of Randwick Local Environmental Plan 2012 in respect to non-compliance with Clauses 4.3 of Randwick Local Environmental Plan 2012, relating to Height of Buildings, on the grounds that the proposed development complies with the objectives of the above clauses, and will not adversely affect the amenity of the locality, and that the Department of Planning & Infrastructure be advised accordingly.
- B. That Council, as the consent authority, grants development consent under Sections 80 and 80A of the Environmental Planning and Assessment Act 1979, as amended, to Development Application No. 780/2015 for the conversion of the existing dual occupancy into a single dwelling, alterations and first floor additions to the proposed dwelling, construction of a new secondary dwelling at the rear with 2 car spaces above (variation to height of buildings), at No. 18 Dundas Street, Coogee, subject to the following conditions in 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</b>
DA01 (Revision C)	The Plan House	20/05/2016	20 May 2016
DA02 (Revision D)	The Plan House	31/05/2016	31 May 2016
DA03 (Revision C)	The Plan House	20/05/2016	20 May 2016
DA04 (Revision C)	The Plan House	20/05/2016	20 May 2016
DA05 (Revision C)	The Plan House	20/05/2016	20 May 2016

DA06 (Revision C)	The Plan House	20/05/2016	20 May 2016
DA07	The Plan House	02/03/2016	3 March 2016
DA08	The Plan House	02/03/2016	3 March 2016
DA09 (Revision D)	The Plan House	31 May 2016	31 May 2016
DA10 (Revision D)	The Plan House	31 May 2016	31 May 2016

<b>BASIX Certificate No.</b>	<b>Dated</b>	<b>Received</b>
672138S	11 October 2015	6 November 2016
A231669	31 August 2016	6 November 2016

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

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

- a. A privacy screen having a height of 1.6 m above floor level must be provided along the full northern and southern edge of the rear first floor 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 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. A new fence having a height of at least 1.8m above the floor level of the secondary dwelling shall be provided along the northern side boundary of the site. Details of the proposed boundary fence including elevations showing the height of the proposed fence above the existing ground levels of Nos. 16 and 18 Dundas Street must be submitted to Council's Manager Development Assessment prior to the issuing of a Construction Certificate.

The applicant and owner are advised that the relevant provisions of the *Dividing Fences Act 1991* are to be satisfied accordingly and any necessary approvals or agreements should be obtained from the owner/s of the adjoining land beforehand.

- c. A privacy screen having a height of 1.6m above the finished level of the roof parking area is to be provided along the entire northern edge of the roof car parking area. The privacy screen must be designed to prevent overlooking of the neighbouring property at 16 Dundas St. Details of the privacy screen must be submitted to Council's Manager Development Assessment prior to the issuing of a Construction Certificate..
  - d. Landscaping shall be provided to the site to enhance its amenity and reduce the impact of the development upon neighbouring properties and streetscape. A landscape plan shall be submitted to and approved by the Director of City Planning prior to issue of a construction certificate.
3. Prior to the issuing of a Construction Certificate, Development Consent DA/1118//2006 and stamped plans must be surrendered to Council.
  4. Prior to the issuing of a Construction Certificate, the construction certificate CC/246/2007 and submitted plans must be surrendered to Council.
  5. Prior to the issuing of an Occupation Certificate the existing dual occupancy must be converted into a single dwelling including all associated works at the sub-floor level.

### **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**

6. 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**

7.
  - a) External materials, finishes and colours of the building are required to match, as closely as possible, the existing building and any metal roof sheeting is to be pre-painted (e.g. Colourbond) to limit the level of reflection and glare.
  - b) 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**

8. In accordance with Council's Section 94A Development Contributions Plan effective from 21 April 2015, based on the development cost of \$480,000 the following applicable monetary levy must be paid to Council: \$4,800.

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**

9. 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**

10. 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.

### **Vehicle Access & Carpark**

11. There shall be no change in levels within the Council Right of Carriageway and the internal vehicular access and carpark area are to be in accordance with the requirements of AS2890.1:2004. The Construction Certificate plans must demonstrate compliance with these requirements.

### **Stormwater Drainage**

12. 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.

13. Stormwater runoff from the (redeveloped portion) site shall be discharged either:
- a) To the kerb and gutter along the site frontage by gravity (without the use of a charged system); OR
  - b) Through a private drainage easement(s) to Council's kerb and gutter (or underground drainage system); OR

### **Subsoil Drainage**

14. The development shall comply with the following requirements to ensure adequate management of site seepage or groundwater:
- a) Any Seepage water and subsoil drainage must not be collected & discharged directly or indirectly to Council's street gutter or underground

drainage system

- b) Adequate provision is to be made for the seepage water to drain around the excavated levels (to ensure they will not dam or slow the movement of the ground water through the development site).
- c) The walls of any new basement level of the building are to be waterproofed to restrict the entry of any seepage water and subsoil drainage into the basement level/s of the building and the stormwater drainage system for the development.
- d) Sub-soil drainage systems may discharge via infiltration subject to the hydraulic consultant/engineer being satisfied that the site and soil conditions are suitable and the seepage is able to be fully managed within the site, without causing a nuisance to any premises and ensuring that it does not drain or discharge (directly or indirectly) to the street gutter.
- e) Details of the proposed stormwater drainage system including methods of waterproofing the basement levels and any sub-soil drainage systems (as applicable) must be prepared or approved by a suitably qualified and experienced Professional Engineer to the satisfaction of the Certifying Authority and details are to be included in the construction certificate. **A copy of the proposed method for tanking the basement levels must be forwarded to Council if Council is not the Certifying Authority.**

#### **Sydney Water**

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

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

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

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

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

#### **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**

16. In accordance with section 80 A (11) of the *Environmental Planning &*

*Assessment Act 1979* and clause 98 of the *Environmental Planning & Assessment Regulation 2000*, 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**

17. 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 upper floor addition.

#### **BASIX Requirements**

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

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

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

#### **REQUIREMENTS PRIOR TO THE COMMENCEMENT OF ANY WORKS**

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

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

#### **Certification, PCA & other Requirements**

19. 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**

20. 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**

21. 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**

22. 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.

•  
23. **Construction Site Management Plan**

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.

24. **Demolition Work Plan**

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**

25. 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.
26. 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.

### **Construction Traffic Management**

27. A detailed Construction Site Traffic Management Plan must be submitted to and approved by Council, prior to the commencement of any site work.

The Construction Site Traffic Management Plan must be prepared by a suitably qualified person and must include the following details, to the satisfaction of Council:

- A description of the demolition, excavation and construction works
- A site plan/s showing the site, roads, footpaths, site access points and vehicular movements
- Any proposed road and/or footpath closures
- Proposed site access locations for personnel, deliveries and materials
- Size, type and estimated number of vehicular movements (including removal of excavated materials, delivery of materials and concrete to the site)
- Provision for loading and unloading of goods and materials
- Impacts of the work and vehicular movements on the road network, traffic and pedestrian.
- Proposed hours of construction related activities and vehicular movements to and from the site.
- Current/proposed approvals from other Agencies and Authorities (including NSW Roads & Maritime Services, Police and State Transit Authority)
- Any activities proposed to be located or impact upon Council's road, footways or any public place
- Measures to maintain public safety and convenience

*The approved Construction Site Traffic Management Plan must be complied with at all times, and any proposed amendments to the approved Construction Site Traffic Management Plan must be submitted to and be approved by Council in writing, prior to the implementation of any variations to the Plan.*

#### **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**

28. 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**

29. 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**

30. 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**

31. 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**

32. 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**

33. 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**

34. 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**

35. 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.
36. 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.

#### **Building Encroachments**

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

#### **Right of Carriageway**

38. The Right of Carriageway within the adjacent Council reserve must not be used for the long term parking of vehicles during construction and must be kept clear at all times in accordance with the terms of the Right of Carriageway. Any required temporary parking within the Right of Carriageway (eg for deliveries, etc) must be kept to a minimum and shall be undertaken within the site as far as practical.

#### **Road Opening Permit**

39. A Road / Asset Opening Permit must be obtained from Council prior to carrying out any works within or upon a road, footpath, nature strip or in any public place, in accordance with section 138 of the *Roads Act 1993* and all of the conditions and requirements contained in the Road / Asset Opening Permit must be complied with.

The owner/builder must ensure that all works within or upon the road reserve, footpath, nature strip or other public place are completed to the satisfaction of Council, prior to the issuing of a final occupation certificate for the development.

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

#### **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**

40. 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**

41. 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**

42. 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 Right of Carriageway 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.
43. The applicant must meet the full cost for Council or council approved contractor to repair/replace any damaged sections of Council's footpath, kerb & gutter, nature strip and concrete driveway within the Right of Carriageway etc which are due to building works being carried out at the above site. This includes the removal of cement slurry from council's Roadway and driveway.
44. 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.

#### **Stormwater Drainage**

45. 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.

#### **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**

46. The premises must only be used as a single residential dwelling and secondary dwelling.

#### **External Lighting**

47. 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.

#### **Air Conditioners**

48. 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**

49. 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 Prior to commencing any works, the owner/builder should contact *Dial Before You Dig* on 1100 or [www.dialbeforeyoudig.com.au](http://www.dialbeforeyoudig.com.au) and relevant Service

Authorities, for information on potential underground pipes and cables within the vicinity of the development site.

A8 This consent does not authorise any trespass or encroachment upon any adjoining or supported land or building whether private or public. Where any underpinning, shoring, soil anchoring (temporary or permanent) or the like is proposed to be carried out upon any adjoining or supported land, the land owner or principal contractor must obtain:

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

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

A9 Smoke alarms are required to be installed in all residential dwellings, in accordance with the relevant provisions of the *Environmental Planning & Assessment Act 1979* and the Building Code of Australia. Details should be included in the construction certificate application.

A10 Demolition work and removal of asbestos materials:

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

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

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

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

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

**D99/16 Development Application Report - 32-34 Perouse Road, Randwick (DA/128/2016) (Deferred)**

PL133/16

**RESOLUTION: (Matson/Roberts)** that the application be deferred to the next Council Meeting to enable the legal advice from the objectors to be considered by the Councillors.

**MOTION: (Andrews/-)** 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/128/2016 for Alterations and additions to the existing building fronting Perouse Road including internal reconfiguration and window changes, construction of a new 4 storey boarding house comprising of 9 rooms and basement parking for 10 vehicles fronting St Pauls Lane, at No. 32-34 Perouse Road, Randwick, subject to the following standard conditions 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>
DA 01 Revision C	<b>PTI</b>	09/09/2016	12 September 2016
DA 02 Revision C		09/09/2016	12 September 2016
DA 03 Revision C		09/09/2016	12 September 2016
DA 04 Revision B		20/05/2016	12 September 2016
DA 05 Revision C		20/05/2016	12 September 2016
DA 06 Revision C		20/05/2016	12 September 2016
DA 07 Revision C		20/05/2016	12 September 2016
DA 08 Revision C		09/09/2016	12 September 2016
DA 09 Revision C		09/09/2016	12 September 2016
DA 10 Revision C		09/09/2016	12 September 2016
DA 11 Revision C		09/09/2016	12 September 2016
DA 12 Revision C		09/09/2016	12 September 2016
DA 13 Revision C		09/09/2016	12 September 2016
DA 13.1 Revision C		09/09/2016	12 September 2016
DA 15 Revision C		09/09/2016	12 September 2016
DA 25 Revision C		09/09/2016	12 September 2016
DA 26 Revision B		20/05/2016	12 September 2016

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

2. The approved plans and documents must be amended in accordance with the following requirements:
  - a. An acoustic and visual privacy screen having a minimum height of 1.6m above floor level must be provided around the extremities of the common circulation spaces (at the northern, north eastern, eastern and southern ends) at ground, level 1 and level 2. The privacy screens must be constructed of metal or timber and the total area of any openings within the privacy screen must not exceed 25% of the area of the screen. Alternatively, the privacy screens may be constructed with translucent, obscured, frosted or sandblasted glazing in a suitable frame. Signage shall be installed at each lobby area to the boarding house stating please keep levels of noise to a minimum and to be mindful of neighbour's

amenity.

- b. The west facing windows and openings must be provided with translucent, obscured, frosted or sandblasted glazing below 1.5m above floor level.
- c. The sill of the proposed south facing windows of the shop top housing building shall be raised to 1.6m above the internal floor levels. Alternatively these windows may be fixed (to 1.6m above floor level) and treated with obscured glazing to the specified height.
- d. A 600mm metre wide planter shall be installed along the northern and western side of the Level 2 communal open space area alongside the balustrade. Planting selection shall be evergreen species in order to restrict sightlines across to the neighbouring properties habitable room and private open space areas.
- e. A 600mm planter shall be installed along the western, southern and eastern end of the level 2 terrace associated with the Accessible unit 9. Planting selection shall be evergreen species in order to restrict sightlines across to the neighbouring properties habitable room and private open space areas.

#### **Parking**

- f. Vehicle parking shall be provided for this development in strict accordance with the manufacturer's specifications of the proposed Squareparker system and the conditions of this development consent. There must be no variation to the proposed parking system without the prior approval of Council via a formal amendment to the development consent.

#### **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 proposed development must be in accordance with the external surfaces schedule plan Number DA 25 Revision C dated 20/05/2016. Any metal roof sheeting or elevations are to be pre-painted (e.g. Colourbond) to limit the level of reflection and glare.

#### **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 \$3,031,505.00 the following applicable monetary levy must be paid to Council: \$30,031.50.

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:

- **To be provided in writing by the Development Engineer after**

**plans for the proposed civil works in St Pauls Lane have been assessed.**

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

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

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

**Civil Works**

10. A separate written approval from Council is required to be obtained in relation to all works which are located externally from the site within the road reserve, in accordance with the requirements of the Roads Act 1993. Detailed plans and specifications of the proposed works in St Pauls Lane are to be submitted to and approved by the Director of City Services prior to commencing any works within the road reserve.

All works within the road reserve must be carried out to the satisfaction of Council and certification from a certified practicing engineer is to be provided to Council upon completion of the works.

Relevant Council assessment and inspection fees, as specified in Council's adopted Pricing Policy, are required to be paid to Council prior to commencement of the works.

**Carpark Design**

11. Plans & documentation submitted for the construction certificate must satisfactorily demonstrate the following to the satisfaction of the PCA;
- The carpark's access driveway, grades & height clearances 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).
  - The proposed 'Squareparker' parking system must be able to be satisfactorily provided within the design space provided in accordance with manufacturer's specifications.
  - Emergency pedestrian access must be provided to the basement level independent of the vertical conveyor in accordance with BCA requirements.
  - The proposed disabled space is to be provided in accordance with AS 2890.6
  - Bicycle Parking to be provided in accordance with AS 2890.3
12. A traffic control system is to be installed to coordinate the operation of the waiting bay with the squareparker parking system. Full design and location details of the proposed signaling system shall be submitted with the construction certificate documentation for approval by the certifying authority. A copy shall be forwarded to Council if Council is not the certifying authority.

**Stormwater Drainage**

13. Stormwater drainage plans have not been approved as part of this development consent. Engineering calculations and plans with levels reduced to Australian Height Datum in relation to site drainage shall be prepared by a suitably qualified Hydraulic Engineer and submitted to and approved by the certifying authority prior to a construction certificate being issued for the development. A copy of the engineering calculations and plans are to be forwarded to Council, prior to a construction certificate being issued, if the Council is not the certifying authority. The drawings and details shall include the following information:
- a) A detailed drainage design supported by a catchment area plan, at a scale of 1:100 or as considered acceptable to the Council or an accredited certifier, and drainage calculations prepared in accordance with the Institution of Engineers publication, Australian Rainfall and Run-off, 1987 edition.
  - b) A layout of the proposed drainage system including pipe sizes, type, grade, length, invert levels, etc., dimensions and types of all drainage pipes and the connection into Council's stormwater system.
  - c) The separate catchment areas within the site, draining to each collection point or surface pit are to be classified into the following categories:
    - i. Roof areas
    - ii. Paved areas
    - iii. Grassed areas
    - iv. Garden areas
  - d) Where buildings abut higher buildings and their roofs are "flushed in" to the higher wall, the area contributing must be taken as: the projected roof area of the lower building, plus one half of the area of the vertical wall abutting, for the purpose of determining the discharge from the lower roof.
  - e) Proposed finished surface levels and grades of car parks, internal driveways and access aisles which are to be related to Council's design alignment levels.
  - f) The details of any special features that will affect the drainage design eg. the nature of the soil in the site and/or the presence of rock etc.
14. The site stormwater drainage system is to be provided in accordance with the following requirements;
- a) The stormwater drainage system must be provided in accordance with the relevant requirements of Building Code of Australia and the conditions of this consent, to the satisfaction of the *Certifying Authority* and details are to be included in the construction certificate.
  - b) The stormwater must be discharged (by gravity) either:
    - i. Directly to the kerb and gutter or drainage system in front of the subject site in Perouse Road or St Pauls Lane street/road; or
    - ii. To a suitably designed infiltration system (subject to confirmation in a geotechnical investigation that the ground conditions are suitable for the infiltration system)



- c) Should stormwater be discharged to Council's street drainage system, an on-site stormwater detention system must be provided to ensure that the maximum discharge from the redeveloped portion of the site does not exceed that which would occur during a **1 in 5** year storm of one hour duration for existing site conditions. All other stormwater run-off from the site for all storms up to the 1 in 20 year storm is to be retained on the site for gradual release to the street drainage system, to the satisfaction of the certifying authority.

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

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

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

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

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

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

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

- g) If connecting to Council's underground drainage system, a reflux valve shall be provided (within the site) over the pipeline discharging from the site to ensure that stormwater from Council drainage system does not surcharge back into the site stormwater system.

- h) Any new kerb inlet pits (constructed within Council's road reserve) are to be constructed generally in accordance with Council's standard detail for the design of kerb inlet pits (drawing number SD6 which is available from Council).

- i) Generally all internal pipelines must be capable of discharging a 1 in 20 year storm flow. However the minimum pipe size for pipes that accept stormwater from a surface inlet pit must be 150mm diameter. The site must be graded to direct any surplus run-off (i.e. above the 1 in 20 year

storm) to the proposed drainage (detention/infiltration) system.

- j) A sediment/silt arrestor pit must be provided within the site near the street boundary prior to discharge of the stormwater to Council's drainage system and prior to discharging the stormwater to any absorption/infiltration system.

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

- The base of the pit being located a minimum 300mm under the invert level of the outlet pipe.
- The pit being constructed from cast in-situ concrete, precast concrete or double brick.
- A minimum of 4 x 90 mm diameter weep holes (or equivalent) located in the walls of the pit at the floor level with a suitable geotextile material with a high filtration rating located over the weep holes.
- A galvanised heavy-duty screen being provided over the outlet pipe/s (Mascot GMS multipurpose filter screen or equivalent).
- The grate being a galvanised heavy-duty grate that has a provision for a child proof fastening system.
- A child proof and corrosion resistant fastening system being provided for the access grate (e.g. spring loaded j-bolts or similar).
- Provision of a sign adjacent to the pit stating, "This sediment/silt arrestor pit shall be regularly inspected and cleaned".

*Sketch details of a standard sediment/silt arrestor pit may be obtained from Council's Drainage Engineer.*

- k) The floor level of all habitable, retail, commercial and storage areas located adjacent to any detention and/or infiltration systems with above ground storage must be a minimum of 300mm above the maximum water level for the design storm or alternately a permanent 300mm high water proof barrier is to be provided.

*(In this regard, it must be noted that this condition must not result in any increase in the heights or levels of the building. Any variations to the heights or levels of the building will require a new or amended development consent from the Council prior to a construction certificate being issued for the development).*

- l) Infiltration systems/Absorption Trenches must be designed and constructed generally in accordance with Randwick City Council's Private Stormwater Code.
- m) The maximum depth of ponding in any above ground detention areas and/or infiltration systems with above ground storage shall be as follows (as applicable):
- i. 150mm in uncovered open car parking areas (with an isolated maximum depth of 200mm permissible at the low point pit within the detention area)
  - ii. 300mm in landscaped areas (where child proof fencing is not provided around the outside of the detention area and sides slopes are steeper than 1 in 10)
  - iii. 600mm in landscaped areas where the side slopes of the detention

area have a maximum grade of 1 in 10

- iv. 1200mm in landscaped areas where a safety fence is provided around the outside of the detention area
- v. Above ground stormwater detention areas must be suitably signposted where required, warning people of the maximum flood level.

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

- n) A childproof and corrosion resistant fastening system shall be installed on access grates over pits/trenches where water is permitted to be temporarily stored.
- o) A 'V' drain (or equally effective provisions) are to be provided to the perimeter of the property, where necessary, to direct all stormwater to the detention/infiltration area.
- p) Mulch or bark is not to be used in on-site detention areas.
- q) Site discharge pipelines shall cross the verge at an angle no less than 45 degrees to the kerb line and must not encroach across a neighbouring property's frontage unless approved in writing by Council's Development Engineering Coordinator.
- r) Any onsite detention/infiltration systems shall be located in accessible by residents of all units.

#### **Site seepage**

15. The development shall comply with the following requirements to ensure the adequate management of site seepage and sub-soil drainage:
- a) Seepage/ground water and subsoil drainage must not be collected & discharged directly or indirectly to Council's street gutter or underground drainage system
  - b) Adequate provision is to be made for the ground water to drain around the basement carpark (to ensure the basement will not dam or slow the movement of the ground water through the development site).
  - c) The walls of the basement level/s of the building are to be waterproofed/tanked to restrict the entry of any seepage water and subsoil drainage into the basement level/s of the building and the stormwater drainage system for the development.
  - d) Sub-soil drainage systems may discharge via infiltration subject to the hydraulic consultant/engineer being satisfied that the site and soil conditions are suitable and the seepage is able to be fully managed within the site, without causing a nuisance to any premises and ensuring that it does not drain or discharge (directly or indirectly) to the street gutter.
  - e) Details of the proposed stormwater drainage system including methods of tanking the basement level and any sub-soil drainage systems (as applicable) must be prepared or approved by a suitably qualified and experienced Professional Engineer to the satisfaction of the Certifying Authority and details are to be included in the construction certificate. **A copy of the proposed method for tanking the basement level must be forwarded to Council if Council is not the Certifying Authority.**

**Sydney Water**

16. 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.

**Waste Management**

17. 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 Director of City Planning.

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 on-going waste management including collection, storage and removal of waste and recycling of materials.

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

18. The commercial garbage area must be separated from the residential bin storage areas.
19. The waste storage areas are to be provided with a tap and hose and the floor is to be graded and drained to the sewer to the requirements of Sydney Water.

**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**

20. 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.

**Building Code of Australia (BCA)**

21. In accordance with section J of the BCA, the requirements and commitments contained in the relevant report must be complied with.

The required commitments listed and identified in the report 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 Section J commitments may necessitate a new development consent or amendment to the existing consent to be obtained, prior to a construction certificate being issued.

**Landscape Plan**

22. The Certifying Authority/PCA must ensure that the Landscape Plans submitted as part of the approved Construction Certificate are substantially consistent with the Lower Ground, Ground Floor and Level 2 Landscape Concept Plans by Peter Glass & Associates, dwg no's 5151-01 - 02, issue C, dated 17/05/16, as amended by condition 2 of this consent.

**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**

23. 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**

24. 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**

25. 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**

26. 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**

27. 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**

28. 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**

29. 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.
30. 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.

### **Construction Traffic Management**

31. An application for a 'Works Zone' and Construction Traffic Management Plan must be submitted to Councils Integrated Transport Department, and approved by the Randwick Traffic Committee (RTC), for a 'Works Zone' to be provided in Perouse Road for the duration of the demolition & construction works.

The 'Works Zone' must have a minimum length of 12m and extend for a minimum duration of three months. The suitability of the proposed length and duration is to be demonstrated in the application for the Works Zone. The application for the Works Zone must be submitted to Council at least six (6) weeks prior to the commencement of work on the site to allow for assessment and tabling of agenda for the Randwick Traffic Committee (RTC).

The requirement for a Works Zone may be varied or waived only if it can be demonstrated in the Construction Traffic Management Plan (to the satisfaction of Council's Traffic Engineers) that all construction related activities (including all loading and unloading operations) can and will be undertaken wholly within the site. The written approval of Council must be obtained to provide a Works Zone or to waive the requirement to provide a Works Zone prior to the



commencement of any site work.

**NOTE:** The applicant is to meet the full cost of any adjustment to the existing road signage and relocation of the bus zone, as required by Council's Transport Engineers and RTC.

32. A detailed Construction Site Traffic Management Plan must be submitted to and approved by Council, prior to the commencement of any site work.

The Construction Site Traffic Management Plan must be prepared by a suitably qualified person and must include the following details, to the satisfaction of Council:

- A description of the demolition, excavation and construction works
- A site plan/s showing the site, roads, footpaths, site access points and vehicular movements
- Any proposed road and/or footpath closures
- Proposed site access locations for personnel, deliveries and materials
- Size, type and estimated number of vehicular movements (including removal of excavated materials, delivery of materials and concrete to the site)
- Provision for loading and unloading of goods and materials
- Impacts of the work and vehicular movements on the road network, traffic and pedestrians
- Proposed hours of construction related activities and vehicular movements to and from the site
- Current/proposed approvals from other Agencies and Authorities (including NSW Roads & Maritime Services, Police and State Transit Authority)
- Any activities proposed to be located or impact upon Council's road, footways or any public place
- Measures to maintain public safety and convenience

*The approved Construction Site Traffic Management Plan must be complied with at all times, and any proposed amendments to the approved Construction Site Traffic Management Plan must be submitted to and be approved by Council in writing, prior to the implementation of any variations to the Plan.*

### **Landscape Plan**

33. The Certifying Authority/PCA must ensure that the Lower Ground, Ground Floor and Level 2 Landscape Concept Plans by Peter Glass & Associates, dwg no's 5151-01 – 02, issue C, dated 17/05/16 are amended to include the following details:

- a) The Planting Plan & Plant Schedule must nominate what species will be planted where, including quantities/densities, along with any other details required to describe the works;
- b) All planter boxes and garden beds constructed on slab must have a minimum soil depth of 600mm, with details confirming compliance to be provided;
- c) The species shown for the Ground Level garden bed fronting St Paul's Lane must only be those that will not encroach past the northern boundary, onto the roadway, and cause a physical or visual obstruction.

**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**

34. 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**

35. 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**

36. 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**

37. 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**

38. 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**

39. 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**

40. 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**

41. 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.

42. 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.

43. 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**

44. 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**

45. 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.

#### **Traffic Management**

46. Adequate provisions must be made to ensure pedestrian safety and traffic flow during the site works and traffic control measures are to be implemented in accordance with the relevant provisions of the Roads and Traffic Manual "Traffic Control at Work Sites" (Version 4), to the satisfaction of Council.
47. All work, including the provision of barricades, fencing, lighting, signage and traffic control, must be carried out in accordance with the NSW Roads and Traffic Authority publication - 'Traffic Control at Work Sites' and Australian Standard AS 1742.3 – Traffic Control Devices for Works on Roads, at all times.
48. All conditions and requirements of the NSW Police, Roads & Maritime Services, Transport and Council must be complied with at all times.

#### **Stormwater Drainage**

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

The prior written approval of Council must be obtained to connect or discharge site stormwater to Council's stormwater drainage system or street gutter.

#### **Tree Management**

50. Approval is granted for the removal of all vegetation within the site in order to accommodate the works as shown, including the shrub/tree in the western side setback, subject to full implementation of the approved landscaping.
51. Should the *Schefflera actinophylla* (Umbrella Tree) or *Bamboo* that is growing within a sleeper garden bed that has been created beyond the northeast corner of the site, wholly on the St Paul's Lane carriageway need to be removed, Council authorizes this, wholly at the applicant's cost, who must satisfy themselves as to the location of all services, prior to the commencement of any works on public property.

#### **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**

52. 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.

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

53. The applicant must meet the full cost for Council or a Council approved contractor to:
- a. Construct new concrete vehicular crossing and layback at kerb opposite the vehicular entrance to the site.
  - b. Construct new section of roadway in front of new crossing as required
  - c. Remove any redundant concrete vehicular crossing and layback and to reinstate the area with concrete footpath, turf and integral kerb and gutter.

NOTE: All work is to be to Council's specifications and requirements

54. 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.

55. 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.

**Sydney Water Requirements**

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

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

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

#### **Undergrounding of Power**

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

#### **Stormwater Drainage**

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

Notes:

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

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

61. The applicant shall submit to the Principal Certifying Authority (PCA) and Council certification from a suitably qualified and experienced professional



engineer, confirming that the walls of the basement level have been fully tanked and waterproofed to prevent the entry of all groundwater in the basement level/s and that any required sub-soil drainage systems have been provided in accordance with the conditions of this consent..

#### **Waste Management**

62. Prior to the occupation of the development, the owner or applicant is required to contact Council's City Services department, to make the necessary arrangements for the provision of waste services for the premises.
63. The waste storage areas shall be clearly signposted.

#### **Parking**

64. The proposed 'squareparker' parking system must be fully installed and operational prior to the issuing of any form of occupation certificate. There must be no variation to the proposed parking system without the prior approval of Council via a formal amendment to the development consent.

NOTE: This shall include installation of the waiting bay and signaling system

#### **Landscaping**

65. 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 the completed landscaping was inspected, and that it has been installed substantially in accordance with the Lower Ground, Ground Floor and Level 2 Landscape Concept Plans by Peter Glass & Associates, dwg no's 5151-01 – 02, issue C, dated 17/05/16.
66. Suitable strategies must also be implemented to ensure that the landscaping is maintained in a healthy and vigorous state until maturity, for the life of the development.

#### **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.

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

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

68. The use of the premises and the operation of plant and equipment shall not give rise to the transmission of a vibration nuisance or damage to other premises.
69. The windows and doors to internal communal areas are to remain closed except for entry and egress.
70. No parties or amplified music in outdoor courtyard area at any time.

71. The maximum number of boarders permitted to reside in the boarding house is limited to 18 persons
72. The maximum permitted number of people in either the outdoor common area or indoor communal area is restricted to 12 people.
73. The doors to the communal area is to be kept closed between the hours of:  
Monday to Sunday: 10pm-7pm
74. The use of all outdoor common areas are restricted for use between:  
Monday- Sunday 7:00am – 10:00pm
75. Any proposed air conditioning plant and equipment must 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.

Details of any proposed mechanical plant shall be reviewed by a suitably qualified acoustic consultant a report of acoustic compliance shall be provided to the principle certifying authority prior to a construction certificate being issued.
76. A report/correspondence prepared by a suitably qualified and experienced consultant in acoustics shall be submitted to Council **3 months after occupation certificate being issued for the development**, which demonstrates that noise and vibration emissions from the development satisfies the relevant provisions of the *Protection of the Environment Operations Act 1997*, Environmental Protection Authority Noise Control Manual & Industrial Noise Policy, relevant conditions of consent (including any relevant approved acoustic report and recommendations). The assessment and report must include all relevant fixed and operational noise sources.
77. Design and details of the car park exhaust and car park roller door are to be reviewed by a suitably qualified consultant and statement certifying design compliance provided to the certifying authority prior to a construction certificate being issued.
78. The plan of management Operational Plan of Management ref no: dated July 2016 for the boarding house at 32-34 Perouse Road Randwick submitted with this proposal shall be implemented at all times
79. The operator or caretaker of the boarding house accommodation must be a responsible person over the age of 18 years.
80. A notice is placed near the entrance to the property in a visible position to the public advising of the operators name and after hours contact number.
81. Each occupant shall be furnished with a set of house rules (i.e. the Plan of Management) and that no variation shall be permitted without the further approval of Council.
82. A record of all residents with details of their names, length of stay & number of persons in each room shall be maintained by the operator of the premises. This

information shall be stored for a minimum of 12 months on site and made available to Council Officers upon request.

83. All residents in the boarding house accommodation are to sign a lease or licence agreeing to comply with the Plan of Management (PoM) for the boarding house, with the length of the lease to be determined by the management.
84. The use and operation of the premises shall not give rise to an environmental health or public nuisance.
85. There are to be no emissions or discharges from the premises which give rise to a public nuisance or result in an offence under the *Protection of the Environment Operations Act 1997* and *Regulations*.
86. The individual rooms, common areas, shared facilities and yard are to be maintained in a clean and tidy state and individual's rubbish is to be placed in the appropriate receptacles.
87. Adequate provisions are to be made within the premises for the storage, collection and disposal of waste and recyclable materials, to the satisfaction of Council.
88. Places of shared accommodation must comply with the *Local Government (Orders) Regulation 1999* and the premises must be registered with the Council prior to occupation and on an annual basis, and the approved registration/inspection fee is to be forwarded to Council **prior to occupation**.

#### **External Lighting**

89. 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.

#### **Residential Parking Permits**

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

#### **Plant & Equipment**

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

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

#### **Swimming/Spa Pools**

93. The pool plant and equipment shall not be operated during the following hours if the noise emitted can be heard within a habitable room in any other residential premises, or, as otherwise specified in relevant Noise Control Regulations:
  - before 8.00am or after 8.00pm on any Sunday or public holiday; or

- before 7.00am or after 8.00pm on any other day.

**Air Conditioners**

94. 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.
95. The operation of plant and equipment such as rainwater tanks, air conditioning equipment 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.
96. Public notice and signs, are required to be installed as follows:
- A sign showing the name and contact number of the managing agent or person responsible for the overriding operation of the boarding house facility, placed near the front entry and in a visible position to the public;
  - Clear display of fixed room identification number for each boarding room; and
  - Internal signage prominently displayed in each boarding room and/or communal living areas informing maximum number of lodgers per room, house rules, emergency contact numbers for essential services, annual fire safety statement and current fire safety schedule and emergency egress routes and evacuation plan.

**ADVISORY NOTES**

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

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

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

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

- A3 In accordance with the requirements of the *Environmental Planning & Assessment Act 1979*, building works, including associated demolition and excavation works (as applicable) must not be commenced until:

- A *Construction Certificate* has been obtained from an Accredited Certifier or Council,
  - An Accredited Certifier or Council has been appointed as the *Principal Certifying Authority* for the development,
  - Council and the Principal Certifying Authority have been given at least 2 days notice (in writing) prior to commencing any works.
- A4 Council's Building Certification & Fire Safety team can issue your *Construction Certificate* and be your *Principal Certifying Authority* for the development, to undertake inspections and ensure compliance with the development consent, relevant building regulations and standards of construction. For further details contact Council on 9399 0944.
- A5 A Local Approval application must be submitted to and be approved by Council prior to commencing any of the following activities on a footpath, road, nature strip or in any public place:
- Install or erect any site fencing, hoardings or site structures
  - Operate a crane or hoist goods or materials over a footpath or road
  - Placement of a waste skip or any other container or article.
- For further information please contact Council on 9399 0944.
- A6 Specific details of the location of the building/s should be provided in the Construction Certificate to demonstrate that the proposed building work will not encroach onto the adjoining properties, Council's road reserve or any public place.
- A7 Prior to commencing any works, the owner/builder should contact *Dial Before You Dig* on 1100 or [www.dialbeforeyoudig.com.au](http://www.dialbeforeyoudig.com.au) and relevant Service Authorities, for information on potential underground pipes and cables within the vicinity of the development site.
- A8 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.
- A9 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.
- A10 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.
- 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. **LAPSED FOR THE WANT OF A SECONDER.**

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

**D100/16 Development Application Report - 236 Alison Road, Randwick  
(DA/120/2016)**

PL134/16

**RESOLUTION: (Matson/Neilson)** that the application be deferred to the next Council Meeting as the chief speaker for the objectors is unable to attend tonight's meeting.

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

## **D101/16 Development Application Report - 25 Hume Street, Chifley (DA/574/2016)**

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

PL135/16

**RESOLUTION: (Smith/Matson)** that Council, as the consent authority, grants development consent under Sections 80 and 80A of the Environmental Planning and Assessment Act 1979, as amended, to Development Application No. 574/2016 for the proposed childcare centre, at No. 25 Hume Street, Chifley, 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:**

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

42. Subject to the approval of Randwick Traffic Committee where appropriate, the applicant must meet the full cost for a Council approved contractor to:

- a. Re-construct concrete vehicular crossing between existing layback and front boundary opposite the vehicular entrance to the site.

Note: The crossing shall widen to 4m wide at the front property boundary

- b. Install new signage for a minimum 11m long pickup and drop-off zone located in front of the site on Hume Street. The sign shall read P15 minute parking Mon-Fri 7-9am, 3-6:30pm (or as varied by RTC)

Note: The zone will slightly encroach onto the neighbouring frontage at No.27 Hume Street by approx 1.0m. This has been considered to be acceptable by Development engineering in this instance.

**MOTION: (Andrews/Seng)** that Council, as the consent authority, refuse development consent under Sections 80 and 80A of the Environmental Planning and Assessment Act 1979, as amended, to Development Application No. 574/2016 for the proposed childcare centre, at No. 25 Hume Street, Chifley, for the following reasons:

1. the proposal is not considered to be in the public interest.
2. issues of traffic safety.
3. inadequate parking. **LOST.**

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

<b>FOR</b>	<b>AGAINST</b>
Councillor Andrews	Councillor Bowen
Councillor Seng	Councillor D'Souza
Councillor Stavrinou	Councillor Garcia
Councillor Stevenson	Councillor Matson
	Councillor Moore
	Councillor Neilson
	Councillor Roberts
	Councillor Smith

**AMENDMENT: (Roberts/Bowen)** that the application be approved, subject to the number of approved children being reduced to 30. **LOST.**

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

<b>FOR</b>	<b>AGAINST</b>
Councillor Bowen	Councillor Andrews
Councillor Roberts	Councillor D'Souza
Councillor Stevenson	Councillor Garcia
	Councillor Matson
	Councillor Moore
	Councillor Neilson
	Councillor Seng
	Councillor Smith
	Councillor Stavrinou
<b>Total (3)</b>	<b>Total (9)</b>

**MOTION: (Smith/Matson) 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 Bowen	Councillor Andrews
Councillor D'Souza	Councillor Seng
Councillor Garcia	Councillor Stavrinou
Councillor Matson	
Councillor Moore	
Councillor Neilson	
Councillor Roberts	
Councillor Smith	
Councillor Stevenson	
<b>Total (9)</b>	<b>Total (3)</b>

Cr Belleli returned to the meeting at this point (8.33pm).

**D102/16 Development Application Report - 36 Bona Vista Avenue, Maroubra (DA/168/2016)**

PL136/16

**RESOLUTION: (Smith/Roberts)** that the application be deferred to allow for the submission of amended plans.

**MOTION: (Andrews/Seng)** that Council, as the consent authority, refused development consent under Sections 80 and 80A of the Environmental Planning and Assessment Act 1979, as amended, to Development Application No. 186/2016 for Demolition of existing residential flat building, construction of new 4 storey residential flat building containing 10 dwellings including 4 affordable housing units under the provisions of State Environmental Planning Policy (Affordable Rental Housing) 2009, basement car parking for 14 vehicles, landscaping and associated works, at No. 36 Bona Vista Avenue, Maroubra for the following reasons:

- 1) The proposal fails to satisfy the relevant objectives of R3 – Medium Density zone under Randwick Local Environmental Plan 2012 as the proposal is not consistent with desirable elements of the existing streetscape and the internal amenity for residents is unsatisfactory.
- 2) The proposal fails to satisfy the relevant objectives and controls of the Site Planning Chapter under Part C2 of the Randwick Comprehensive Development Control Plan 2013 in that the landscaped open space and deep soil area do not comply.
- 3) The proposal fails to satisfy the relevant objectives and controls of the Building Envelope Chapter under Part C2 of the Randwick Comprehensive Development



Control Plan 2013 in that the setbacks do not comply.

- 4) The proposal fails to satisfy the relevant objectives and controls of the Amenity Chapter under Part C2 of the Randwick Comprehensive Development Control Plan 2013 in that the solar access does not comply.
- 5) The proposal fails to satisfy the character test undertaken in assessment of Clause 16A of the of the SEPPARH 2009 in that the proposal is an over development of the site, and the setbacks, landscaping and deep soil planting areas are inconsistent with the existing and future desired character of the transitional area.

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

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

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

**MOTION: (Smith/Roberts) CARRIED – SEE RESOLUTION.**

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

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

**D103/16 Development Application Report - 51- 53 Garrett Street, Maroubra (DA/559/2016)**

PL137/16 **RESOLUTION: (Andrews/Bowen) –**

- A. That Council supports the exceptions to development standards under Clause 4.6 of Randwick Local Environmental Plan 2012 in respect to non-compliance with Clause 4.1(3) of Randwick Local Environmental Plan 2012, relating to minimum subdivision lot size, 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/559/2016 for Subdivision of

existing attached dual occupancy into two Torrens Title lots including new front and side fences and relocation of a window to the rear of 53 Garrett Street, at No. 51 & 53 Garrett Street Maroubra, subject to the standard conditions contained in the development application compliance report.

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

**D104/16 Development Application Report - 131 Mount Street, Coogee  
(DA/266/2015/A)**

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

Cr Roberts (Deputy Chairperson) chaired the meeting in Cr Stavrinis' absence.

PL138/16

**RESOLUTION: (Smith/Seng)** 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/266/2015 by relocating the car stacker to the south eastern side of the basement car park, to increase size of bedroom and bathroom at third floor level, increase size of balconies at second and third floor levels and amendments south facing window openings at 131 Mount Street, Coogee, subject to the following conditions:

**1) Modify Condition 1 to read as follows:**

<b>Plan</b>	<b>Drawn by</b>	<b>Dated</b>	<b>Received by Council</b>
DA-100 Revision B	Bureau SRH	02.07.15	23 July 2015
DA-101 Revision B	Bureau SRH	02.07.15	23 July 2015
DA-102 Revision B	Bureau SRH	02.07.15	23 July 2015
DA-103 Revision B	Bureau SRH	02.07.15	23 July 2015
DA-104 Revision B	Bureau SRH	02.07.15	23 July 2015
DA-105 Revision B	Bureau SRH	02.07.15	23 July 2015
DA-106 Revision B	Bureau SRH	02.07.15	23 July 2015
DA-107 Revision B	Bureau SRH	02.07.15	23 July 2015
DA-201 Revision B	Bureau SRH	02.07.15	23 July 2015
DA-202 Revision B	Bureau SRH	02.07.15	23 July 2015
DA-301 Revision B	Bureau SRH	02.07.15	23 July 2015

<b>BASIX Certificate No.</b>	<b>Dated</b>	<b>Received by Council</b>
623680M	22 April 2015	27 October 2015

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

<b>Plan</b>	<b>Drawn by</b>	<b>Dated</b>
S96 - 100 Revision A	Bureau SRH	25/05/2016
S96 - 102 Revision B	Bureau SRH	13/09/2016
S96 - 103 Revision A	Bureau SRH	25/05/2016
S96 - 104 Revision A	Bureau SRH	25/05/2016
S96 - 105 Revision A	Bureau SRH	25/05/2016
S96 - 106 Revision A	Bureau SRH	25/05/2016
S96 - 107 Revision A	Bureau SRH	25/05/2016
S96 - 201 Revision A	Bureau SRH	25/05/2016
S96 - 202 Revision A	Bureau SRH	25/05/2016
S96 - 301 Revision A	Bureau SRH	25/05/2016

**B. Conditions 2 v), 2 w) & 2 x) shall be added:**

2 v) The proposed extension to the northern side of the building on the third floor level including balcony and balcony extension on the second floor level will result in visual amenity impacts and an inappropriate built form on the site and shall be deleted from the approved plans.

2 w) The BASIX Certificate shall be amended to reflect the approved plans.

2 x) A validation report must be obtained from a suitably qualified and experienced consultant in acoustics one (1) month after occupational certificate for the car stacker. The report should demonstrate and certify that noise and vibration from the car stacker satisfies the relevant provisions of the *Protection of the Environment Operations Act 1997*, NSW Office of Environment & Heritage/Environment Protection Authority Noise Control Manual & Industrial Noise Policy and conditions of Council's development consent.

The report is to be forwarded to and approved by Council.

**C. Condition 2 i) shall be deleted.****MOTION: (Smith/Seng) CARRIED UNANIMOUSLY - SEE RESOLUTION.**

Cr Stavrinou returned to the meeting and to the chair at this point in the meeting (8.40pm).

**D105/16 Development Application Report - 446-448 Bunnerong Road, Matraville (DA/685/2014/A)**

PL139/16

**RESOLUTION: (Andrews/Smith)** that Council, as the consent authority, grants development consent under Section 96 of the Environmental Planning and Assessment Act 1979, as amended, to modify Development Consent No. DA/685/2014 by altering the parking layout in basement and additional basement level for 11 parking spaces, relocation of fire stairs, new lift for rear building, steps added to shop 1, internal reconfiguration of Units 13, 15 and 17, deletion of Condition 26(c) and (e) at 446-448 Bunnerong Road, Matraville, subject to the following conditions:

**A) Modify Condition 1 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>Plan</b>	<b>Drawn by</b>	<b>Dated</b>
DA001 Rev B	Sgamotta Architects	27/02/2015
DA101 Rev B	Sgamotta Architects	27/02/2015
DA102 Rev B	Sgamotta Architects	27/02/2015
DA103 Rev B	Sgamotta Architects	27/02/2015
DA200 Rev B	Sgamotta Architects	27/02/2015
DA201 Rev B	Sgamotta Architects	27/02/2015
DA300 Rev B	Sgamotta Architects	27/02/2015
DA310 Rev B	Sgamotta Architects	27/02/2015

<b>BASIX Certificate</b>	<b>No.</b>	<b>Dated</b>
	577540M	2 October, 2014

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

<b>Plan</b>	<b>Drawn by</b>	<b>Dated</b>
02 Issue B	JS Architects Pty Ltd	16/06/16
3A Issue B	JS Architects Pty Ltd	16/06/16
3B Issue B	JS Architects Pty Ltd	16/06/16
4A Issue B	JS Architects Pty Ltd	16/06/16
4B Issue B	JS Architects Pty Ltd	16/06/16
05 Issue B	JS Architects Pty Ltd	16/06/16
06 Issue B	JS Architects Pty Ltd	16/06/16
07 Issue B	JS Architects Pty Ltd	16/06/16
08 Issue B	JS Architects Pty Ltd	16/06/16
09 Issue B	JS Architects Pty Ltd	16/06/16
10 Issue B	JS Architects Pty Ltd	16/06/16
11 Issue B	JS Architects Pty Ltd	16/06/16

Only 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:

**B) Condition 10 shall be amended.**

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*:

- **\$10,000** - 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.

**C) Condition 25b shall be amended as follows:**

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

- b) The stormwater must be discharged (by gravity) to the kerb inlet pit at the corner of Baird Avenue and Beauchamp Road via a new kerb inlet pit and an approximate 70m section of 375mm diameter pipe along Baird Avenue and Beauchamp Road.
  - i. Stormwater may also be discharge directly to the kerb and gutter in front of the subject site on Bunnerong Road or Baird Lane provided it does not contain any subsoil drainage component (eg seepage, groundwater).

**D) Condition 26 shall be amended as follows:**

**Amend Condition 26a**

- a. Seepage/ground water and subsoil drainage (from planter boxes etc)

must not be collected & discharged directly or indirectly to the street gutter.

**Amend Condition 26c**

- c. The system must be discharged to the required underground drainage line in Baird Lane which shall in turn discharge to the underground drainage system in Beauchamp Road.

**Amend Condition 26e**

- e. Details of the proposed stormwater drainage system including any sub-soil drainage systems (as applicable) must be prepared or approved by a suitably qualified and experienced *Professional Engineer* to the satisfaction of the Certifying Authority and details are to be included in the construction certificate documentation. **A copy of the drainage plans shall be forwarded to Council if Council is not the certifying authority.**

**E) Condition 95 shall be added**

95. A separate written approval from Council is required to be obtained in relation to all works which are located externally from the site within the road reserve/public place, in accordance with the requirements of the Roads Act 1993. Detailed plans and specifications of the proposed works are to be submitted to and approved by the Director of City Services prior to commencing any works within the road reserve/public place.

All works within the road reserve/public place must be carried out to the satisfaction of Council and certification from a certified practicing engineer is to be provided to Council upon completion of the works.

Relevant Council assessment and inspection fees, as specified in Council's adopted Pricing Policy, are required to be paid to Council prior to commencement of the works.

**F) Condition 69 shall be amended to include f) & g):**

- f) Construct new kerb inlet pit in front of the site on Baird Lane and a approximate 70m length of 375mm diameter pipe to join to existing kerb inlet pit on Beauchamp Road near the intersection of Baird Avenue. including construction of any additional junction/kerb inlet pits as required.
- g) Undertake road infrastructure repairs and improvements above the pipeline in Baird Lane and Beauchamp Road as required.

**G) Condition 70 shall be deleted.**

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

**D106/16 Development Application Report - 155 Malabar Road, South Coogee (DA/404/2016)**

PL140/16

**RESOLUTION: (Smith/Matson)** that Council's as the consent authority, refuse development consent under Section 80 of the Environmental Planning and Assessment Act 1979 to Development Application No. DA/404/2016 for permission to demolish the existing structures and construction of a new 3 storey attached dual occupancy (variation to height of buildings).for at 155 Malabar Road, South Coogee for the following reasons:

1. The proposed development does not comply with the objectives of Clause 2.3 of the Randwick Local Environmental Plan 2012 for R3 Medium Density Residential Zone in that the resultant bulk and scale of the proposed building

- does not recognise the desirable elements of the existing streetscape/built form and does not protect the amenity of residents.
2. The proposed development does not satisfy the controls for site coverage in Part C1, Clause 2.3 of the Randwick Comprehensive Development Control Plan (RDCP) in that the bulk, mass and scale of the building will form a detracting feature that compromises the streetscape character and the neighbouring properties amenity.
  3. The proposed development does not satisfy the control for building heights in Part C1, Clause 3.2 of the RDCP in that the walls exceed the maximum external wall height control.
  4. The proposal does not satisfy the objectives and controls for building setbacks in Part C1, Clause 3.3 of the RDCP in that the proposed building does not ensure the form and massing of the development complements the streetscape character and will result in additional adverse impacts on the visual amenity, solar access and privacy of neighbouring properties.
  5. The proposal does not satisfy the objectives for building design in Part C1, Clause 4.1 of the RDCP in that the proposed building does not ensure the form, scale, massing and proportions of building recognise and adapt to the characteristics of a site in terms of topography, orientation and surrounding built context.
  6. The proposal does not satisfy the objectives for building design in Part C1, Clause 4.2 of the RDCP in that the proposed building does not integrate with the building to which it is attached, and does not take into account any possible future development on the adjoining site.
  7. The proposed development does not satisfy the objectives for visual privacy in Part C1, Section 5.3 and 5.4 of the RDCP, in that it does not ensure satisfactory privacy relationship with the neighbouring dwellings. The proposed size and location of the rear terraces on elevated ground level and level 2 are in close proximity to the neighbour's habitable rooms and privacy measures are not able to be implemented without resulting in additional adverse impacts on the amenity of neighbouring properties
  8. The proposed development does not satisfy the objectives and controls for parking facilities and garage configuration permitted in Part C1, Clause 6 of the RDCP in that the garage exceeds the maximum wall height and external width controls.
  9. The proposed development does not satisfy the objectives and controls for side and rear fencing in Part C1, Clause 7.3 of the RDCP, in that the walls associated with the lower ground level parking area exceed the maximum 2.2m height control.
  10. The proposal is not in the public interest and does not satisfy Section 79C(i)(e) of the Environmental Planning and Assessment Act 1979.

**MOTION: (Smith/Matson) 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 Stavrinou
Councillor Bowen	
Councillor D'Souza	
Councillor Garcia	
Councillor Matson	
Councillor Moore	

Councillor Neilson	
Councillor Seng	
Councillor Smith	
Councillor Stevenson	
<b>Total (11)</b>	<b>Total (2)</b>

### Miscellaneous Reports

#### 19/16 Miscellaneous Report - Draft Kingsford and Kensington Planning Strategy (F2015/00419)

PL141/16

**RESOLUTION: (Matson/Smith)** that this matter be deferred to the next Council Meeting to allow the Councillors an opportunity to come to a consensus on the heights to be put forward for the three node points.

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

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

FOR	AGAINST
Councillor Belleli	Councillor Andrews
Councillor D'Souza	
Councillor Garcia	
Councillor Matson	
Councillor Moore	
Councillor Neilson	
Councillor Roberts	
Councillor Seng	
Councillor Smith	
Councillor Stavrinou	
<b>Total (10)</b>	<b>Total (1)</b>

### Notice of Rescission Motions

#### NR7/16 Notice of Rescission Motion from the Mayor (Cr D'Souza), Cr Andrews and Cr Stavrinou - Sydney Light Rail Project - Proposed New Rail Depot on Defence Land in Bundock Street, Randwick (F2014/00453)

**MOTION: (Andrews/the Mayor, Cr N D'Souza)** that the resolution passed at the Ordinary Council meeting held on Tuesday 22 November 2016 in relation to Item GM20/16 (Sydney Light Rail Project – Proposed New Rail Depot on Defence Land in Bundock Street, Randwick) reading as follows:

"That Council support the use of the Bundock Street site as a new light rail depot subject to:

- the provision of a community consultation and communication strategy, environmental and traffic management mitigation measures that demonstrate that the use of the site will have minimal environmental impact on the surrounding area;
- the provision of 58 sealed and line marked car parking spaces adjacent the existing Rainbow Street car park for use as a public car park at no cost to Council;
- an independent contamination consultant verifying that no risk is posed to adjacent residents from disturbance of the known contaminants on this site with specific assessment of windblown dust and water runoff issues; and

- d) Council only supporting any proposal utilising Defence land at Bundock Street, for the purposes of storing light rail materials, where the access and egress is via Avoca Street only.”

BE AND IS HEREBY RESCINDED. **LOST.**

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

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

The meeting closed at 8.45pm.

**The minutes of this meeting were confirmed at the Planning Committee Meeting of the Council of the City of Randwick held on Tuesday, 14 February 2017.**

.....  
**CHAIRPERSON**