

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

MINUTES OF PLANNING COMMITTEE MEETING OF THE COUNCIL OF THE CITY OF RANDWICK HELD ON TUESDAY, 14 FEBRUARY 2017 AT 6.04PM

Present:

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

North Ward	- Councillors K Neilson, L Shurey & K Smith
South Ward	- Councillors R Belleli & P Garcia
East Ward	- Councillors T Bowen, M Matson & B Roberts (Deputy Chairperson)
West Ward	- Councillors G Moore, S Nash & H Stavrinou (Chairperson)
Central Ward	- Councillors A Andrews, T Seng & G Stevenson

Officers present:

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

Apologies/Granting of Leave of Absences

Nil.

Confirmation of the Minutes

CONFIRMATION OF THE MINUTES OF THE PLANNING COMMITTEE MEETING HELD ON TUESDAY 6 DECEMBER 2016

PL1/17

RESOLUTION: (Smith/Belleli) that the Minutes of the Planning Committee Meeting held on Tuesday 6 December 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 Smith declared a non-significant non pecuniary interest in Item D4/17 as he knows the objector (as a former Councillor of Woollahra Council).
- b) Cr Smith declared a pecuniary interest in Item D8/17 as his employer is in the liquor industry. Cr Smith indicated that he would not take part in the debate or the vote on the matter.
- c) Cr Smith declared a pecuniary interest in Item D11/17 as his employer is in the liquor industry. Cr Smith indicated that he would not take part in the debate or the vote on the matter.
- d) Cr Nash declared a non-significant non pecuniary interest in Item D4/17 as he knows the objector (as a former Councillor of Woollahra Council).
- e) Cr Neilson declared a non-significant non pecuniary interest in Item D2/17 as a number of the objectors are known to her.
- f) Cr Neilson declared a non-significant non pecuniary interest in Item D11/17 as a number of the objectors are known to her.
- g) Cr Garcia declared a significant non pecuniary interest in Item D16/17 as he lives in the vicinity of the application. Cr Garcia indicated that he would not take part in the debate or the vote on the matter.
- h) Cr Garcia declared a significant non pecuniary interest in Item D17/17 as his parents live in the vicinity of the application. Cr Garcia indicated that he would not take part in the debate or the vote on the matter.
- i) Cr Andrews declared a significant non pecuniary interest in Item D5/17 as his grandmother and parents live in close proximity to the application. Cr Andrews indicated that he would not take part in the debate or the vote on the matter.
- j) Cr Andrews declared a pecuniary interest in Item D7/17 as an investor in the development. Cr Andrews indicated that he would not take part in the debate or the vote on the matter.
- k) Cr Andrews declared a non-significant non pecuniary interest in Item D8/17 as he is aware of the applicant and he has attended a function that the applicant has hosted.
- l) Cr Andrews declared a non-significant non pecuniary interest in Item D11/17 as he is aware of the applicant.
- m) Cr Andrews declared a non-significant non pecuniary interest in Item D14/17 as he is aware of the applicant.
- n) Cr Andrews declared a non-significant non pecuniary interest in Item D20/17 as he is aware of the applicant and objectors.
- o) Cr Bowen declared a non-significant non pecuniary interest in Item D11/17 as he knows some of the objectors and the applicant.
- p) Cr Bowen declared a non-significant non pecuniary interest in Item D14/17 as the objector is known to him.
- q) Cr Matson declared a non-significant non pecuniary interest in Item D11/17 as he has met the owner through his role as a Councillor.
- r) Cr Matson declared a non-significant non pecuniary interest in Item D4/17 as he knows the objector (as a former Councillor of Woollahra Council).
- s) Cr Seng declared a non-significant non pecuniary interest in Item D11/17 as he knows the applicant.
- t) Cr Stavrinou declared a non-significant non pecuniary interest in Item D4/17 as he is aware of the objector (as a former Councillor of Woollahra Council).
- u) All Councillors declared a non-significant non pecuniary interest in Item D7/17 as

- one of the investors in the development is also a Councillor.
- v) Cr Belleli declared a non-significant non pecuniary interest in Item D4/17 as he is aware of the objector (as a former Councillor of Woollahra Council).
 - W) Cr Bowen declared a non-significant non pecuniary interest in Item D4/17 as he knows the objector (as a former Councillor of Woollahra Council).
 - X) Cr Belleli declared a non-significant non pecuniary interest in Item D3/17 as his wife has taught dancing at the Child Care Centre in the past.
 - Y) Cr Garcia declared a non-significant non pecuniary interest in Item D11/17 as the Coogee Bay Hotel is a sponsor of Coogee SLSC of which he is a volunteer.

PROCEDURAL MOTION: (Neilson/Matson) that Item D1/17 be brought forward for immediate consideration and be deferred in accordance with the objector's request. **LOST.**

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

FOR	AGAINST
Councillor Matson	Councillor Andrews
Councillor Neilson	Councillor Belleli
Councillor Shurey	Councillor Bowen
	Councillor D'Souza
	Councillor Garcia
	Councillor Moore
	Councillor Nash
	Councillor Roberts
	Councillor Seng
	Councillor Smith
	Councillor Stavrinou
	Councillor Stevenson
Total (3)	Total (12)

Address of Council by Members of the Public

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

- D1/17 40 DUTRUC STREET, RANDWICK (DA/895/2015) (DEFERRED)
- Objector** Ms Robyn Kinzel
- Applicant** Mr George Karavanas (representing the applicant)
- D2/17 32-34 PEROUSE ROAD, RANDWICK (DA/128/2016) (DEFERRED)
- Objector** Mr Warrick La Hood
- Applicant** Mr Peter Israel
- D3/17 1234-1236 ANZAC PARADE, MALABAR (DA/729/2016)
- Objector** Ms Gail Wood
- D4/17 6-6A HIGGS STREET, RANDWICK (DA/999/2006/C)
- Objector** Mr Anthony Boskovitz
- Applicant** Mr Steven Macarounas

D5/17 18 SNAPE STREET, KINGSFORD (DA/572/2016/A)

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

Objector Ms Anna Daras

Applicant Mr Peter Zaverdinos

D7/17 216 FITZGERALD AVENUE, MAROUBRA (DA/860/2016)

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

Applicant Mr Mo Shahrokhian

Cr Andrews returned to the meeting at this point (6.58pm).

D8/17 169-181 DOLPHIN STREET, COOGEE (DA/238/1998/C)

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

Applicant Mr Andrew Jones

Cr Smith returned to the meeting at this point (7.02pm).

D10/17 36A BOYCE ROAD, MAROUBRA (DA/763/2016)

Applicant Mr Kim Osborn

D11/17 212 ARDEN STREET, COOGEE (DA/427/2016)

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

Applicant Mr James Lidis (representing the applicant)

Cr Smith returned to the meeting at this point (7.15pm).

D14/17 1179 ANZAC PARADE, MATRAVILLE (DA/994/2011/G)

Applicant Mr Mo Shahrokhian

D17/17 223 BARKER STREET, RANDWICK (DA/832/2016)

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

Applicant Ms Leah Tasker

Cr Garcia returned to the meeting at this point (7.23pm).

D18/17 8 CLIFFBROOK PARADE, CLOVELLY (DA/596/2016)

Objector Mr Duncan Armitage

Applicant Mr Mark Bolduan (representing the applicant)

D19/17 73 GALE ROAD, MAROUBRA (DA/765/2016)

Objector Mr Ray Morgan

Applicant Mr Michael Petrovic

D20/17 7 MERMAID AVENUE, MAROUBRA (DA/317/2016)

Objector Mr Scott Barwick

Applicant Mr Tony Moody (representing the applicant)

D21/17 17 MOVERLY ROAD, MAROUBRA (DA/322/2016/A)

Objector Ms Elina Liverod

The meeting was adjourned at 7.56pm and was resumed at 8.35pm.

Urgent Business

Nil.

Development Application Reports

D1/17 Development Application Report - 40 Dutruc Street, Randwick (DA/895/2015) (Deferred)

PL2/17

RESOLUTION: (Andrews/Nash) -

- 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 & 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. 895/2015 for the demolition of all structures on site and construction of a new four storey residential flat building containing eight units, basement car parking for nine vehicles and associated site and landscaping works and strata subdivision (variation to building height), at No. 40 Dutruc Street, Randwick subject to the following non standard conditions and the standard conditions contained in the development application compliance report attached to this report:

GENERAL CONDITIONS

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

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

Approved Plans & Supporting Documentation

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

Plan	Drawn by	Dated	Received by Council
DA01 (Revision C)	MHNDUNION	01.08.2016	1 August 2016
DA02 (Revision C)	MHNDUNION	01.08.2016	1 August 2016

DA03 (Revision C)	MHNDUNION	01.08.2016	1 August 2016
DA04 (Revision C)	MHNDUNION	01.08.2016	1 August 2016
DA05 (Revision C)	MHNDUNION	01.08.2016	1 August 2016
DA06 (Revision C)	MHNDUNION	01.08.2016	1 August 2016
DA07 (Revision C)	MHNDUNION	01.08.2016	1 August 2016
DA08 (Revision C)	MHNDUNION	01.08.2016	1 August 2016
DA09 (Revision C)	MHNDUNION	01.08.2016	1 August 2016

Amendment of Plans & Documentation

2. The approved plans and documents must be amended in accordance with the following requirements:
 - a. The proposed development shall be setback a minimum 6.3 metres from the western (rear) boundary.
 - b. The first, second and third floor east-facing balconies shall have a minimum width of 4 metres (excluding the area covered by the external louvres) as measured from the northern-eastern edge of the balcony. Each balcony must have a total area of 10sqm and comply with the Apartment Design Guide for Private Open Space and Balconies.
 - c. The first floor west-facing balcony shall have a minimum width of 4 metres (excluding area covered by the external louvre) as measured from the north-western edge of the balcony. Each balcony must have a total area of 10sqm and comply with the Apartment Design Guide for Private Open Space and Balconies.
 - d. The second floor bedroom no.1 of Unit 6 and 7 must have a minimum width of 3 metres measured from the inner face of the western external face to the wardrobe to comply with the Apartment Design Guide for Apartment Size and Layout. The floor plan shall be reconfigured to demonstrate compliance with this requirement.
 - e. The second floor bedroom no. 2 of Unit 6 and 7 shall be converted into a study and the associated robe area and the internal wall between bedroom no. 2 and the hallway be deleted from the plans to comply with the Apartment Design Guide for Apartment Size and Layout.
 - f. The third floor west-facing balconies of Units 6 and 7 must have a minimum depth of 2.9 metres. Each balcony must have a total area of 10sqm and comply with the Apartment Design Guide for Private Open Space and Balconies.
 - g. A communal open space shall be provided along the full width of the western boundary (between the northern boundary and the fire stairs) with a minimum depth of 3 metres. The planter box to the northern boundary shall be deleted and a suitably sized pedestrian pathway must be extended to the rear communal open space area. Details to be submitted to Council's Manager Development Assessment for approval prior to issuing a construction certificate for the development.
 - h. The proposed louvres located in front of the window openings along the northern and southern elevation at the first, second and third floor level must be operable.
 - i. Materials and finishes of the building should be compatible with material and finishes of adjacent buildings to enhance the consistency of the street edge on the western side of Dutruc Street.

- j. A privacy screen having a height of 1.6m above floor level must be provided to the full northern edge of the third floor balcony (unit 6). 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.
- k. The following windows must have a minimum sill height of 1.6m above floor level, or alternatively, the windows are to be fixed and be provided with translucent, obscured, frosted or sandblasted glazing below this specified height:
- Ground floor, north-facing bathroom window (unit 2)
 - Ground floor, north-facing ensuite window (unit 2)
 - Ground floor, north-facing bedroom no. 1 and 2 windows (unit 2)
 - First floor, north-facing bedroom no. 2 windows (unit 3)
 - First floor, north-facing bedroom no. 2 windows (unit 4)
 - First floor, south-facing study, kitchen and dining windows (unit 3)
 - First floor, south-facing study, kitchen and dining windows (unit 4)
 - Second floor, north-facing study windows (unit 6)
 - Second floor, north-facing bedroom no. 2 windows (unit 5)
 - Second floor, south-facing study windows (unit 7)
 - Second floor, south-facing study, kitchen and dining windows (unit 5)
 - Third floor, north-facing dining and kitchen windows (unit 6)
 - Third floor, north-facing bedroom no. 2 windows (unit 8)
 - Third floor, south-facing study, kitchen and dining windows (unit 8)
 - Third floor, south-facing dining and kitchen windows (unit 7)
- l. The current tenants within the boarding house shall be:
- i) Provided with a minimum of 3 months' Notice to Vacate.
 - ii) Suitable evidence must be demonstrated that the current tenants are assisted in finding alternative comparable accommodation. This shall include verified and genuine efforts in making enquiries with local real estate agents and or relevant community housing providers.

Affordable Rental Housing Component

3. A plan to be submitted to Council's Manager Development Assessment for approval identifying units 1, 3, 4 & 5 to be dedicated to affordable rental housing.

The specific dwellings identified for affordable rental housing shall be indicated on the stamped approved Construction Certificate plans, a copy of which should be submitted to Council.

- a. The dwellings to be used for the purposes of 'affordable rental housing', as per the provisions of the SEPP shall be used as such for at least 10 years from the date of the issue of the occupation certificate.
- b. The affordable rental housing component (secured for a minimum of 10 years) must be managed by a registered Community Housing Provider (CHP). The CHP must ensure compliance with the occupant restriction and others provisions of the regulatory code established through

regulations under the Housing Act 2001.

- c. A restriction must be registered, before the date of the issue of the occupation certificate, against the title of the property, in accordance with Section 88E of the Conveyancing Act 1919 that will ensure that the requirements a. and b. are met and that the terms of restriction may not be varied without Council's consent.
- d. Prior to an occupation certificate being granted, evidence must be provided to Council demonstrating that the section 88E covenant has been registered on the title stating that the affordable rental housing component must be used for affordable rental housing and managed by a registered CHP.

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

4. 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

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

In addition to the above, section plans and details of the facades at 1:50 scale are to be submitted to Council's Manager Development Assessment for approval, in accordance with Section 80A (2) of the *Environmental Planning & Assessment Act 1979* prior to construction certificate being issued to ensure the proposed building displays design excellence in terms of its material quality and presentation to the streetscape.

- 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

6. In accordance with Council's Section 94A Development Contributions Plan effective from 21 April 2015, based on the development cost of \$2,754,084 the following applicable monetary levy must be paid to Council: \$27,540.84.

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

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

IDC = ODC x CP2/CP1

Where:

IDC = the indexed development cost

ODC = the original development cost determined by the Council

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

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

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

Long Service Levy Payments

7. 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

8. 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*:

- \$5000 - 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.

Sydney Water

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

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

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

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

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

Street Tree Management

10. The applicant must submit a payment of **\$107.25** (including GST) to cover the costs for Council to supply, plant and maintain 1 x 25 litre street tree, *Tristaniopsis laurina* (Watergum), on the Dutruc Street verge, an equal distance between the northern edge of the new crossing and northern site boundary at the completion of all works.

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

The applicant must contact Council's Landscape Development Officer on 9093-6613 (quoting the receipt number), and giving at least four working weeks' notice (allow longer for public holidays or extended periods of rain) to arrange for planting of the new tree.

After this, any further enquiries regarding scheduling/timing of works are to be directed to Council's North Area Tree Preservation & Maintenance Coordinator on 9093-6858.

REQUIREMENTS TO BE INCLUDED IN THE CONSTRUCTION CERTIFICATE

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

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

Compliance with the Building Code of Australia

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

BASIX Requirements

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

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

The design of the building must not be inconsistent with the development consent and any proposed variations to the building to achieve the BASIX

commitments may necessitate a new development consent or amendment to the existing consent to be obtained, prior to a construction certificate being issued.

Traffic conditions

13. Adequate provisions are to be made to provide pedestrian visibility and safety. All new walls (and/or landscaping) adjacent to vehicular crossings should not exceed a height of 600mm above the internal driveway level for a distance of 1.5m within the site or new walls (including landscaping) should splayed 1.5 metres by 1.5 metres. Details of compliance, to the satisfaction of the certifying authority, are to be included in the construction certificate documentation.
14. Except when approved by Council, the vehicular access driveways, internal circulation ramps and the carpark areas, (including, but not limited to, the ramp grades, carpark layout and height clearances) are to be in accordance with the requirements of AS2890.1:2004. The Construction Certificate plans must demonstrate compliance with these requirements.

Design Alignment levels

15. 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;
 - **Match the back of the existing footpath along the full site frontage.**

The design alignment level/s at the property boundary as issued by Council and their relationship to the footpath 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.

16. The above alignment levels and the site inspection by Council's Development Engineering Section have been issued at a prescribed fee of \$704 calculated at \$56.00 (inclusive of GST) per metre of site frontage. This amount is to be paid prior to a construction certificate being issued for the development.
17. **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
- e) 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.
- f) 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.
- g) 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.

Stormwater Drainage

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

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

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

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

- i) The floor level of all habitable, retail, commercial and storage areas

located adjacent to any detention and/or infiltration systems with above ground storage must be a minimum of 300mm above the maximum water level for the design storm or alternately a permanent 300mm high water proof barrier is to be provided.

(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).

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

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

- l) A childproof and corrosion resistant fastening system shall be installed on access grates over pits/trenches where water is permitted to be temporarily stored.
- m) A 'V' drain (or equally effective provisions) are to be provided to the perimeter of the property, where necessary, to direct all stormwater to the detention/infiltration area.
- n) Mulch or bark is not to be used in on-site detention areas.
- o) 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.
- p) Any onsite detention/infiltration systems shall be located in areas accessible by residents of all units.

Site seepage & Groundwater

- 19. Site seepage and sub-soil drainage (from planter boxes etc) must comply with the following requirements:
 - a) Seepage/ground water and subsoil drainage (from planter boxes etc) 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 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.**

Waste Management

20. 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.

21. The garbage room shall be sized to contain a minimum total of 9 x 240 litre bins (comprising 4 garbage bins, 4 recycle bins & 1 green waste) and with adequate provisions for access to all bins. Details showing compliance are to be included in the construction certificate.
22. 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.

Landscape Plan

23. The Certifying Authority/PCA must ensure that the Landscape Plan submitted

as part of the approved Construction Certificate is substantially consistent with the Landscape Plan by Zenith Landscape Designs, dwg 15-3109 LO1, dated 18.01.17.

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

24. 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

25. 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

26. 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

27. 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

28. 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

29. 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.*

Construction Traffic Management

30. 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, for a 'Works Zone' to be provided in Dutruc Street 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.

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.

31. 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.

32. Any necessary approvals must be obtained from NSW Police, Roads & Maritime Services, Transport, and relevant Service Authorities, prior to commencing work upon or within the road, footway or nature strip.

Public Utilities

33. A public utility impact assessment must be carried out on all public utility services located on the site, roadway, nature strip, footpath, public reserve or any public areas associated with and/or adjacent to the building works. The assessment should include relevant information from public utility authorities and exploratory trenching or pot-holing, if necessary, to determine the position and level of services.
34. Documentary evidence from the relevant public utility authorities confirming they have agreed to the proposed works and that their requirements have been or are able to be satisfied, must be submitted to the Principal Certifying Authority prior to the commencement of any demolition, excavation or building

works.

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

REQUIREMENTS DURING CONSTRUCTION & SITE WORK

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

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

Inspections During Construction

35. 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

36. 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

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

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

An application to vary the abovementioned hours may be submitted to

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

Demolition Work Requirements

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

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

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

Removal of Asbestos Materials

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

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

that the asbestos material have been removed appropriately and the relevant conditions of consent have been satisfied.

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

Sediment & Erosion Control

40. 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

41. 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

42. 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.
43. 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.

44. 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

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

Site Seepage & Stormwater

46. Details of the proposed connection and or disposal of any site seepage, groundwater or construction site stormwater to Council's stormwater drainage system must be submitted to and approved by Council's Development Engineering Coordinator, prior to commencing these works, in accordance with section 138 of the *Roads Act 1993*.

Details must include the following information:

- Site plan
- Hydraulic engineering details of the proposed disposal/connection of groundwater or site stormwater to Council's drainage system
- Volume of water to be discharged
- Location and size of drainage pipes
- Duration, dates and time/s for the proposed works and disposal

- Details of water quality and compliance with the requirements of the *Protection of the Environment Act 1997*
- Details of associated plant and equipment, including noise levels from the plant and equipment and compliance with the requirements of the *Protection of the Environment Act 1997* and associated Regulations and Guidelines
- Copy of any required approvals and licences from other Authorities (e.g. A water licence from the Department of Planning/Department of Water & Energy).
- Details of compliance with any relevant approvals and licences

Road/Asset Opening Permit

47. 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) 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.
- b) Council's Road/Asset Opening Officer must be notified at least 48 hours in advance of commencing any excavation works and also immediately upon completing the works (on 9399 0691 or 0409 033 921 during business hours), to enable any necessary inspections or works to be carried out.
- c) Relevant *Road/Asset Opening Permit* fees, construction 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,
- d) The owner/developer 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* or occupation of the development (whichever is sooner).
- e) Excavations and trenches must be back-filled and compacted in accordance with AUSPEC standards 306U.
- f) Excavations or trenches located upon a road or footpath are required to be provided with 50mm depth of cold-mix bitumen finish, level with the existing road/ground surface, to enable Council to readily complete the finishing works at a future date.
- g) Excavations or trenches located upon turfed areas are required to be back-filled, compacted, top-soiled and re-turfed with Kikuyu turf.
- h) The work and area must be maintained in a clean, safe and tidy condition at all times and the area must be thoroughly cleaned at the end of each days activities and upon completion.
- i) The work can only be carried out in accordance with approved hours of building work as specified in the development consent, unless the express written approval of Council has been obtained beforehand.
- j) Sediment control measures must be implemented in accordance with the conditions of development consent and soil, sand or any other material

must not be allowed to enter the stormwater drainage system or cause a pollution incident.

- k) The owner/developer must have a Public Liability Insurance Policy in force, with a minimum cover of \$10 million and a copy of the insurance policy must be provided to Council prior to carrying out any works within or upon the road, footpath, nature strip or in any public place.

Traffic Management

48. 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.
49. 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.
50. All conditions and requirements of the NSW Police, Roads & Maritime Services, Transport and Council must be complied with at all times.

Stormwater Drainage

51. Adequate provisions must be made to collect and discharge stormwater drainage during construction of the building 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.

52. A separate written approval from Council is required to be obtained in relation to any proposed discharge of groundwater into Council's drainage system external to the site, in accordance with the requirements of Section 138 of the Roads Act 1993.

Tree Removal

53. Approval is granted for removal of the following trees, subject to full implementation of the approved Landscape Plan:
- a) Those self-seeded weed trees throughout the front setback, around the southeast corner of the existing dwelling, (T4, 4a & 5), being a *Ligustrum lucidum* (Large Leafed Privet), a *Cinnamomum camphora* (Camphor Laurel) and a *Celtis australis* (Nettle Tree).
- b) The mature *Cinnamomum camphora* (Camphor Laurel, T3) in the front setback, right in the northeast corner of the site, as despite being a large and prominent specimen, appears to be the 'parent plant' for the numerous self-seeded Camphors' that are emerging nearby, which is evidence of its status as an undesirable environmental weed;
- c) The mature *Howea fosteriana* (Kentia Palm, T3a) immediately to its west, as despite being a desirable native species, is covered in an invasive vine, and is also in direct conflict with the front of the new building;
- d) The *Ligustrum lucidum* (Large Leafed Privet, T6) halfway along the length of the northern side setback, which is exempt from the DCP due to being classified as an invasive weed;
- e) The *Eriobotrya japonica* (Loquat, T7) just to its west in order to

accommodate the proposed footprint in this same area as shown;

- f) The self-seeded tree growing out of the retaining wall in the rear yard, right in the northwest corner of the site;
- g) The large *Morus nigra* (Mulberry, T8) located centrally in the rear yard, close to the existing free-standing shed, as it is in very poor condition, and is also exempt from the DCP due to being an invasive environmental weed;
- h) To the south, the *Celtis sinensis* (Nettle Tree, T14), the Date Palm seedlings and *Cinnamomum camphora* (Camphor Laurel, T13) in the existing raised garden bed;
- i) The *Laurus nobilis* (Bay Tree, T12) in the lawn area, given its poor condition arising from an existing lean to the southeast and past wounds, as well as its direct conflict with the new footprint;
- j) The various shrubs/small trees around the southwest corner of the site, including the Citrus (T11) along the southern boundary, and the larger *Celtis sinensis* (Nettle Tree, T10) to its west, against the blockwall, right in the southwest corner, at the end of Wood Lane;
- k) The *Persea americana* (Avocado, T9) to the north of those described above, on the western boundary, closest to the shed/garage, as despite the Arborists Report recommending its retention, it is not significant in anyway, with a replacement tree provided as part of the approved landscape scheme to be of more benefit to the site and area into the long-term.

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

54. 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

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

BASIX commitments have been fulfilled.

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

Council's Infrastructure, Vehicular Crossings & Road Openings

56. The owner/developer must meet the full cost for a Council approved contractor to:

- a) Construct a full width concrete vehicular crossing and layback at kerb opposite the vehicular entrance to the site, to Council's specifications and requirements.
- b) Remove the redundant concrete vehicular crossing and layback and to reinstate the area with concrete footpath, turf and integral kerb and gutter to Council's specification.
- c) Re-construct kerb and gutter for the full site frontage except opposite the vehicular entrance and exit points, to Council's specifications and requirements including any road reknit as required.
- d) Re/construct a 1.3m wide concrete footpath along the full site frontage. Any unpaved areas on the nature strip must be turfed and landscaped to Council's specification.

57. Prior to issuing a final occupation certificate or occupation of the development (whichever is sooner), the owner/developer 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.

58. All external civil work to be carried out on Council property (including the installation and repair of roads, footpaths, vehicular crossings, kerb and guttering and drainage works), must be carried out in accordance with Council's Policy for "Vehicular Access and Road and Drainage Works" and the following requirements:

- a) All work on Council land must be carried out by Council, unless specific written approval has been obtained from Council to use non-Council contractors.
- b) Details of the proposed civil works to be carried out on Council land must be submitted to Council in a *Civil Works Application Form*, prior to an occupation certificate being issued for the development, together with payment of the relevant fees.
- c) If it is proposed to use non-Council contractors to carry out the civil works on Council land, the work must not commence until the written approval has been obtained from Council and the work must be carried out in accordance with the conditions of consent, Council's design details and payment of a Council design and supervision fee.
- d) The civil works must be completed in accordance with Council's conditions of consent and approved design and construction documentation, prior to occupation of the development, or as otherwise approved by Council in writing.

Car Stacker installation

59. The proposed Wöhr carstacker system must be fully installed and operational prior to the issuing of any occupation certificate.

Sydney Water Requirements

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

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

The Section 73 Certificate must be submitted to the Principal Certifying Authority and the Council prior to issuing an Occupation Certificate or Strata Certificate, whichever the sooner.

Undergrounding of Power

61. At no cost to Council, the existing overhead power feed between the mains distribution pole in Dutruc Street and the development site shall be relocated underground via a UGOH connection. All work shall be to the requirements and satisfaction of Ausgrid.

Stormwater Drainage

62. 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.
63. 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).
64. 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.

65. 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 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..

Landscaping

66. Prior to issuing any type of Occupation Certificate, certification from a qualified professional in the landscape/horticultural industry must be submitted to, and be approved by, the PCA, confirming the date that the completed landscaping was inspected, and that it has been installed in accordance with the Landscape Plan by Zenith Landscape Designs, dwg 15-3109 LO1, dated 18.01.17.
67. Suitable strategies shall be implemented to ensure that the landscaping is maintained in a healthy and vigorous state until maturity, for the life of the development.
68. The nature-strip upon Council's footway shall be excavated to a depth of 150mm, backfilled with topsoil equivalent with 'Organic Garden Mix' as supplied by Australian Native Landscapes, and re-turfed with Kikuyu Turf or similar. Such works shall be installed prior to the issue of a final Occupation Certificate.

Waste Management

69. 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.
70. The waste storage areas shall be clearly signposted.

REQUIREMENTS PRIOR TO THE ISSUE OF A SUBDIVISION/STRATA CERTIFICATE

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

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

71. The subdivision plans shall be amended to incorporate the rear communal open space area as specified within Condition no. 2(f) prior to the endorsement of the strata plans.
72. A formal application for a strata certificate is required to be submitted to and approved by Council or an accredited certifier and all relevant conditions of this development consent are required to be satisfied.
73. All floors, external walls and ceilings depicted in the proposed strata plan must be constructed.
74. All floors, external walls and ceilings depicted in the proposed strata plan must correspond to those depicted in this development consent and construction certificate for the building.
75. A copy of the Base Plan of Survey (eg Plan of Redefinition) shall be forwarded to Council prior to endorsement of the Strata plans.

76. Details of critical stage inspections carried out by the principal certifying authority, together with any other certification relied upon, must be provided to Council or the accredited certifier.
77. A "restriction on the use of land" and "positive covenant" (under section 88B of the *Conveyancing Act 1919*) shall be placed on the title of the subject property (in conjunction with registration of the plan of subdivision) to ensure that the onsite detention system and/or infiltration system is maintained and that no works which could affect the design function of the infiltration/detention system are undertaken without the prior consent (in writing) from Council. The restriction and positive covenant shall not be released, varied or modified without the consent of the Council.
- The "restriction on the use of land" and "positive covenant" are to be prepared and specified 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 City Services Department.
78. The applicant shall create suitable right of carriageway, easements for services and internal stormwater lines, as required. The applicant shall be advised that the minimum easement width for any internal stormwater line is 0.9 metres.

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.

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

External Lighting

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

Street Numbering

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

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

Plant & Equipment

82. 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

83. 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

84. 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

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

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

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

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

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

A10 Demolition work and removal of asbestos materials:

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

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

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

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

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

MOTION: (Matson/Shurey) that the application be deferred in order to seek legal clarification of the issue raised by the objector in relation to application of the SEPP to affordable rental housing. **LOST.**

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

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

AMENDMENT: (Neilson/Garcia) –

- A. That Council does not support 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 does not comply with the objectives of the above clauses, and will adversely affect the amenity of the locality, and that the Department of Planning & Environment be advised accordingly.
- B. That Council, as the consent authority, refuses development consent under Sections 80 and 80A of the Environmental Planning and Assessment Act 1979, as amended, to Development Application No. 895/2015 for the demolition of all structures on site and construction of a new four storey residential flat building containing eight units, basement car parking for nine vehicles and associated site and landscaping works and strata subdivision (variation to building height), at No. 40 Dutruc Street, Randwick for the following reasons:
1. The substantial existing building could be retained and renovated as 10 units by utilising the voluminous roofspace. This would provide a much improved heritage, contextual and environmental outcome, rather than just demolishing the house.
 2. Renovation would provide employment during these works and in the

- provision of maintenance services works once the building is occupied.
3. The public interest s79(c)(1e) the amenity of the adjoining residents would be enhanced by the retention of a building of character and historic significance.
 4. It doesn't comply with solar access as less than 70% of the units would receive the minimum of 3 hours of direct sunlight between 9am and 3pm in mid-winter.
 5. Visual bulk.
 6. Loss of affordable rental housing. **WITHDRAWN.**

MOTION: (Andrews/Nash) CARRIED - SEE RESOLUTION.

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

FOR	AGAINST
Councillor Andrews	Councillor Garcia
Councillor Belleli	Councillor Matson
Councillor Bowen	Councillor Moore
Councillor D'Souza	Councillor Neilson
Councillor Nash	Councillor Shurey
Councillor Roberts	Councillor Stevenson
Councillor Seng	
Councillor Smith	
Councillor Stavrinou	
Total (9)	Total (6)

D2/17 Development Application Report - 32-34 Perouse Road, Randwick (DA/128/2016) (Deferred)

PL3/17

RESOLUTION: (Matson/Shurey) that Council, as the consent authority, refuses development consent under Sections 80 and 80A of the Environmental Planning and Assessment Act 1979, as amended, to Development Application No. 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, for the following reason:

1. The proposal does not meet the character test pursuant to clause 30(A) of the SEPP Affordable Rental Housing 2009 due to its excessive floor space, bulk & scale.

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

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

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

D3/17 Development Application Report - 1234-1236 Anzac Parade, Malabar (DA/729/2016)

PL4/17

RESOLUTION: (Andrews/Roberts) that Council, as the consent authority, grants development consent under Sections 80 and 80A of the Environmental Planning and Assessment Act 1979, as amended, to Development Application No. D0729/2016 for alterations and additions to the former police station to allow for a 46 place child care centre at No. 1234-1236 Anzac Parade, Malabar, 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**Pedestrian and vehicular access**

5. All pedestrian and vehicular access is to be from Ireton Street only. Unobtrusive yet clear signage is to be provided along the Anzac Parade frontage to advise staff, parents and carers that all access is from Ireton Street only. Details are to be provided to Council's Manager Development Assessment for approval prior to issuing a construction certificate.

Hours of Operation

82. The hours of the operation of the child care centre are restricted to the following:-

- Monday through to Friday inclusive, from: 7.00 am to 7.00 pm

Plan of Management

83. The child care centre shall operate in accordance with the Plan of Management including operational details for parent drop off and pick up, utilisation of the car spaces and utilisation of the outdoor play areas.

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

D4/17 Development Application Report - 6-6A Higgs Street, Randwick (DA/999/2006/C)

PL5/17

RESOLUTION: (Andrews/Roberts) that Council, as the consent authority, grant its consent under Section 96 of the Environmental Planning and Assessment Act 1979 to modify Development Consent No DA/999/2006/C in order to permit the constructed length of the privacy screen to the rear balcony at 6-6A Higgs Street, Randwick in the following manner:

- Amended Condition No. 3 to read:**

3. A privacy screen having a height of 1.8m and a length of 6.5m is to be provided to the north-eastern side of the rear first floor balcony to minimize overlooking impact on No. 4 Higgs Street.

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

D5/17 Development Application Report - 18 Snape Street, Kingsford (DA/572/2016/A)

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

PL6/17

RESOLUTION: (Smith/Roberts) that Council, as the consent authority, grant its

consent under Section 96 of the Environmental Planning and Assessment Act 1979, as amended, to modify Development Consent No. DA/572/2016 by deleting Condition 2(a) of the Consent to allow for the construction of a roof over the rear first floor deck and the installation of privacy screens to the sides, to the existing dwelling at 18 Snape Street, Kingsford, subject to the following conditions:

If approved by the conditions below

- **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, except where amended by Council in red and/or by other conditions of this consent:

Plan	Drawn by	Dated	Received by Council
DA01	Archicorp	January 2016	17 August 2016
DA02	Archicorp	January 2016	17 August 2016
DA03	Archicorp	January 2016	17 August 2016

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

Plan	Drawn by	Dated
DA01	Archicorp	Nov 2016
DA02	Archicorp	Nov 2016
DA03	Archicorp	Nov 2016

2. The approved plans and documents must be amended in accordance with the following requirements:
 - a) The proposed aluminum privacy screens along the eastern and western side of the rear, first floor balcony shall not exceed 1.6m in height, measured from the existing floor level of the balcony. The total area of any openings within the privacy screens must not exceed 30% of the area of the screen. Details of compliance will be provided with the Construction Certificate and will be to the satisfaction of the Principal Certifier.
 - b) The proposed roof is to be constructed from non-reflective material. Details of compliance will be provided with the Construction Certificate and will be to the satisfaction of the Principal Certifier.

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

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

FOR	AGAINST
Councillor Belleli	Councillor Garcia
Councillor Bowen	Councillor Smith
Councillor D'Souza	
Councillor Matson	
Councillor Moore	
Councillor Nash	
Councillor Neilson	
Councillor Roberts	
Councillor Seng	

Councillor Shurey
 Councillor Stavrinou
 Councillor Stevenson
Total (12)

Total (2)

**D6/17 Development Application Report - 15 Cairo Street, South Coogee
 (DA/393/2016/A)**

PL7/17

RESOLUTION: (Andrews/Roberts) that Council, as the consent authority, grants development consent under Sections 96 of the Environmental Planning and Assessment Act 1979, as amended, to (Development Application No. DA/393/2016/A) modify for alterations to the levels of the central courtyard space and new storage areas to House A & B., at No. 15 Cairo Street, South Coogee in the following manner:

- **Amend condition no. 1, 2(b) and 2(d) to read:**

Approved Plans & Supporting Documentation

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

Plan	Drawn by	Dated	Received by Council
A-1.05 (Revision C)	MKD Architects	22/08/2016	25/08/2016
A-2.01 (Revision C)	MKD Architects	22/08/2016	25/08/2016
A-3.01 (Revision C)	MKD Architects	22/08/2016	25/08/2016
A-3.02 (Revision C)	MKD Architects	22/08/2016	25/08/2016
A-3.03 (Revision C)	MKD Architects	22/08/2016	25/08/2016
A-3.04 (Revision C)	MKD Architects	22/08/2016	25/08/2016
A-4.01 (Revision C)	MKD Architects	22/08/2016	25/08/2016
A-4.02 (Revision C)	MKD Architects	22/08/2016	25/08/2016
A-4.03 (Revision C)	MKD Architects	22/08/2016	25/08/2016
A-5.01 (Revision C)	MKD Architects	22/08/2016	25/08/2016
A-5.02 (Revision B)	MKD Architects	22/08/2016	25/08/2016

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

Plan	Drawn by	Dated	Received by Council
A-3.01 (Revision C)	MKD Architects	10 January 2017	10 Jan 2017
A-3.02 (Revision C)	MKD Architects	10 January 2017	10 Jan 2017
A-3.03 (Revision C)	MKD Architects	31 January 2017	31 Jan 2017
A-4.03 (Revision C)	MKD Architects	10 January 2017	10 Jan 2017

- **Amendment of Plans & Documentation**

2. The approved plans and documents must be amended in accordance with the following requirements:
 - b. Suitably sized stairs shall be constructed to provide access between the

ground floor level of House B to the terracing within the central courtyard space at RL39.47.

- d. The following windows must have a minimum sill height of 1.6m above floor level, or alternatively, the windows are to be fixed and be provided with translucent, obscured, frosted or sandblasted glazing below this specified height:
- Second floor, east facing bedroom no. 1 window (House B)
 - Second floor, east facing bedroom no. 2 window (House B)
 - Second floor, east facing bedroom no. 1 window (House A)
 - First floor, west facing gallery window (House B)
 - Second floor, west facing gallery window (House B)
- **Add condition no. 2(e) to read:**
- e. The eastern side passageway adjoining no. 17 Cairo Street, Coogee be lowered to the ground level (existing)

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

D7/17 Development Application Report - 216 Fitzgerald Avenue, Maroubra (DA/860/2016)

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

PL8/17

RESOLUTION: (Smith/Matson) –

- A. That Council supports the exceptions to development standards under Clause 4.6 of Randwick Local Environmental Plan 2012 in respect to non-compliance with Clause 4.4 of Randwick Local Environmental Plan 2012, relating to floor space ratio, on the grounds that the proposed development complies with the objectives of the above clauses, and will not adversely affect the amenity of the locality, and that the Department of Planning & Environment be advised accordingly.
- B. That Council, as the consent authority, grants development consent under Sections 80 and 80A of the Environmental Planning and Assessment Act 1979, as amended, to Development Application No. 860/2016 for the demolition of the existing house and shed and construction of an attached part two/part three storey dual occupancy, at No. 216 Fitzgerald Avenue, Maroubra, subject to the standard conditions contained in the development application compliance report.

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

Cr Andrews returned to the meeting at this point (9.09pm).

D8/17 Development Application Report - 169-181 Dolphin Street, Coogee (DA/238/1998/C)

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

PL9/17

RESOLUTION: (Andrews/Roberts) that Council, as the consent authority, grants development consent under Section 80 (10D) of the Environmental Planning and Assessment Act 1979, as amended to increase the patron numbers to 48 and hours of operation for outdoor dining from Sunday to Thursday: 7.00am – 10.00pm and Friday to Saturday 7.00am – 11.00pm, at No. 169-181 Dolphin Street, Coogee, by amending Condition No. 17 in the following manner:

- **Amend condition No. 17 to read:**

17. The hours of the operation of the footpath dining area are restricted to:

- Friday to Saturday: 7.00am – 11.00pm
- Sunday to Thursday (inclusive): 7.00am – 10.00pm

All food and beverage services to customers shall only be provided within the abovementioned hours of operation and all patrons must vacate the premises within 30 minutes of the specified hours.

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

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

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

D9/17 Development Application Report - Shop 1/550 Bunnerong Road, Matraville (DA/806/2016)

PL10/17

RESOLUTION: (Andrews/Roberts) that Council, as the consent authority, grants development consent under Sections 80 and 80A of the Environmental Planning and Assessment Act 1979, as amended, to Development Application No. 806/2016 for change of use of existing premises to remedial massage shop at Shop 1/550 Bunnerong Road, Matraville subject to the following conditions:

Conditions of Consent

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:

Plan	Drawn by	Dated
A02	ArkExpress	22/9/16

A03	ArkExpress	22/9/16
A04	ArkExpress	22/9/16

Amendment of Plans & Documentation

2. The approved plans and documents must be amended in accordance with following requirements:
 - a) Details of the Business Identification signage on shopfront window are to be submitted to and approved by Council's Director of City Planning, in accordance with section 80A (2) of the *Environmental Planning & Assessment Act 1979*.

Crime Prevention through Environmental Design

3. The development must be undertaken in accordance with the recommendations of the NSW Police Force's "Crime Risk Assessment" of the development received by Council on 27 April 2016. Details shall be provided at the construction certificate stage, to the satisfaction of the certifying authority.

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.

Noise Emissions

4. The operation of the premises and all plant and equipment must not give rise to an environmental health or public nuisance or, result in an 'offensive noise' as defined in the Protection of the Environment Operations Act 1997 and Regulations.

In this regard, the use and operation of the premises (including all 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/Environmental Protection Authority Noise Control Guidelines.

5. The owner of the subject site must advise Council in writing of any change in the tenant that is operating the massage shop and advise the new tenant that they must provide Council with the qualifications of all staff involved in providing massage services prior to commencing the new operation.
6. The premises must only be used for the purposes of remedial massage. The premises must not be used for the purposes of a brothel and in this regard, no sexual services of any kind are to be offered in association with the massage use.
7. The maximum number of employees operating from the subject premises is restricted to 4, and their relevant remedial and therapeutic massage qualifications are to be submitted to and approved by Council's Manager Development Assessment prior to the commencement of the use or when there are new employees.
8. Any other treatments/services other than remedial massage will require a separate application to Council and relevant approval shall be obtained (as required) prior to commencement.

9. Car space no. 1 as marked on plans must be maintained as a visitor car space for use by the entire building at 550 Bunnerong Road and not used by clients or staff to Shop 1.

10. The hours of the operation of the business are restricted to:

Monday to Sunday from: 10am – 8.30pm.

Plant & Equipment

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

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

Air Conditioners

12. 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.

Fire Safety Statements

13. A single and complete Fire Safety Statement (encompassing all of the fire safety measures upon the premises) must be provided to the Council in accordance with the requirements of the Environmental Planning & Assessment Regulation 2000.

The *Fire Safety Statement* must be provided on an annual basis, each year following the issue of the *Fire Safety Certificate* and other period if any of the fire safety measures are identified as a *critical fire safety measure* in the *Fire Safety Schedule*.

The *Fire Safety Statement* is required to confirm that all the fire safety measures have been assessed by a properly qualified person and are operating in accordance with the standards of performance specified in the *Fire Safety Schedule*.

A copy of the *Fire Safety Statement* must be displayed in the building entrance/foyer at all times and a copy must also be forwarded to Fire & Rescue NSW.

GENERAL 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 requirements. 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 legislative requirements is an offence and may result in the commencement of legal proceedings, issuing of 'on-the-spot' penalty infringements or service of a notice and order by Council.

- A2 The assessment of this development application does not include an assessment of the proposed building work under the Building Code of Australia (BCA) and Disability (Access to Premises – Buildings) Standards 2010. All new building work must comply with the BCA and relevant Australian Standards and details of compliance must be provided in the Construction Certificate application.

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

D10/17 Development Application Report - 36A Boyce Road, Maroubra (DA/763/2016)

PL11/17

RESOLUTION: (Andrews/Seng) that Council, as the consent authority, grants development consent under Section 80 of the Environmental Planning and Assessment Act 1979, as amended, to Development Application No. DA/763/2016 for the construction of carport to front of existing dwelling with associated works at 36A Boyce Road, Maroubra subject to the following conditions of consent:

GENERAL CONDITIONS

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

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

Approved Plans & Supporting Documentation

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

Plan	Drawn by	Dated
P1157 001 Revision A	Paterson Designs	17/10/2016
P1157 002 Revision A	Paterson Designs	17/10/2016
P1157 003 Revision A	Paterson Designs	17/10/2016
P1157 004 Revision A	Paterson Designs	17/10/2016
P1157 005 Revision A	Paterson Designs	17/10/2016

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.

External Colours, Materials & Finishes

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

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

Stormwater Drainage

3. Surface water/stormwater (from the redeveloped portion of the site) must be drained and discharged to the street gutter in front of the site to the satisfaction of the certifying authority and details of the proposed stormwater drainage system are to be included in the construction certificate details for the development.

Sydney Water

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

The approved plans must be submitted to the Sydney Water **Tap in™** online service, to determine whether the development will affect Sydney Water's waste water and water mains, stormwater drains and/or easements, and if any further requirements need to be met.

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

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

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

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

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

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

REQUIREMENTS TO BE INCLUDED IN THE CONSTRUCTION CERTIFICATE

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

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

Compliance with the Building Code of Australia

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

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

6. 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

7. 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.

Public Utilities

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

REQUIREMENTS DURING CONSTRUCTION & SITE WORK

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

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

Inspections During Construction

9. 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

10. 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

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

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

	permitted
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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

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

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

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

Public Safety & Site Management

13. 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.

Building Encroachments

14. 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

15. A *Road/Asset Opening Permit* must be obtained from Council prior to commencing any excavations or 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.

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

16. 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

17. 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.
18. 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.
19. That part of the naturestrip upon Council's footway which is damaged during the construction of the proposed works shall be excavated to a depth of 150mm, backfilled with topsoil equivalent with 'Organic Garden Mix' as supplied by Australian Native Landscapes, and re-turfed with Kikuyu turf or similar. Such works shall be completed at the applicants' expense.

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

A6 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.

A7 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.

A8 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.

A9 Prior to commencing any works, the owner/builder should contact *Dial Before You Dig* on 1100 or www.dialbeforeyoudig.com.au and relevant Service Authorities, for information on potential underground pipes and cables within the vicinity of the development site.

A10 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).

A11 Demolition work and removal of asbestos materials:

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

A12 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.

[Reasons for approval; there are other similar car spaces in the vicinity, the proposal is not inconsistent with the streetscape, the proposal is considered to be in the public interest and no objections were received].

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

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

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

D11/17 Development Application Report - 212 Arden Street, Coogee (DA/427/2016)

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

PL12/17

RESOLUTION: (Matson/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/427/2016 for the Installation of bi-fold windows in the Sports Bar of Coogee Bay Hotel facing the Coogee Bay Road frontage (Heritage Item) at No. 212 Arden Street, Coogee, subject to the following conditions:

Development Consent Conditions

GENERAL CONDITIONS

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

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

Approved Plans & Supporting Documentation

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

<i>Plan/Documents</i>	<i>Prepared by</i>	<i>Dated</i>
Coogee Bay Hotel – Sports Bar DA Acoustic Assessment AC-03 Issue B	ARUP Pty Ltd	17 October 2016
DA1001 Rev. 01	Humphrey + Edwards	20 June 2016
DA5000 Rev. 02	Humphrey + Edwards	20 June 2016

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

- The requirements and amendments detailed in the 'General Conditions' must be complied with and be included in the construction certificate plans and associated documentation.
- A report/correspondence prepared by a suitably qualified and experienced consultant in acoustics shall be submitted to Council **prior to a construction 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.

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

4. 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.

Acoustic Report

5. The requirements contained within the acoustic assessment prepared by ARUP, reference Job number 251626 dated 17 October 2016 being incorporated into the design and included on the construction certificate, including (but not limited to the recommendations contained within section 5).

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

6. 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.

Construction Noise & Vibration

7. 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.

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

8. 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

9. 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

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

Activity	Permitted working hours
All building, demolition and site work, including site deliveries (except as detailed below)	<ul style="list-style-type: none"> • Monday to Friday - 7.00am to 5.00pm • Saturday - 8.00am to 5.00pm • Sunday & public holidays - No work

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

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

Demolition Work Requirements

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

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

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

Removal of Asbestos Materials

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

- Relevant Occupational Health & Safety legislation and WorkCover NSW requirements
- Randwick City Council's Asbestos Policy
- A WorkCover licensed demolition or asbestos removal contractor must undertake removal of more than 10m² of bonded asbestos (or as otherwise specified by WorkCover or relevant legislation). Removal of friable asbestos material must only be undertaken by contractor that holds a current friable asbestos removal licence. A copy of the relevant licence must be provided to the Principal Certifying Authority.
- On sites involving the removal of asbestos, a sign must be clearly displayed in a prominent visible position at the front of the site, containing the words 'DANGER ASBESTOS REMOVAL IN PROGRESS' and include details of the licensed contractor.
- Asbestos waste must be stored, transported and disposed of in compliance with the *Protection of the Environment Operations Act 1997* and the *Protection of the Environment Operations (Waste) Regulation 2005*. Details of the landfill site (which must be lawfully able to receive asbestos materials) must be provided to the Principal Certifying Authority.
- A Clearance Certificate or Statement, prepared by a suitably qualified person (i.e. an occupational hygienist, licensed asbestos removal

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

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

Sediment & Erosion Control

13. 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

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

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

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

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

Building Encroachments

15. 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

16. A *Road/Asset Opening Permit* must be obtained from Council prior to commencing any excavations or 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.

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

17. 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.

Validation Acoustic Report

18. A validation acoustic report, prepared by a suitably qualified and experienced consultant in acoustics, shall be submitted to the Council **prior to an occupation certificate** being issued for the whole site including this development, which demonstrates and certifies that noise and vibration from the development satisfies the relevant provisions of the *Protection of the Environment Operations Act 1997*, NSW EPA Noise Control Manual & Industrial Noise Policy, Council's conditions of consent (including any relevant approved acoustic report and recommendations), to the satisfaction of Council. The assessment and report must include all relevant fixed and operational noise sources.

The validation report is to incorporate a certificate or statement which identifies what equipment and items are connected to the noise limiter settings. A plan or map of all equipment installed including a description that easily identifies the referenced equipment (e.g. model numbers, system type and make) shall be incorporated on this plan or map and also be contained within the validation report.

Plan of Management

19. A plan of management shall be submitted to and approved by Council's Manager Development Assessment prior to the issue of an occupation certificate, which details the measures to be implemented to:
- ensure compliance with the relevant conditions of approval,
 - ensure compliance with relevant noise criteria and minimise noise emissions and associated nuisances,
 - minimise the potential environmental and amenity impacts upon nearby residents,
 - effectively minimise and manage anti-social behaviour,
 - effectively manage and respond to resident complaints,
 - ensure responsible service of alcohol and harm minimisation,
 - provision of adequate security and surveillance,
 - ensure that the maximum number of patrons does not exceed the authorised capacity, in accordance with Council's consent.

Council's Infrastructure & Vehicular Crossings

20. 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 issuing an occupation certificate, 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.

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.

Television Positioning

21. To avoid excessive footpath crowding all current and future television sets or screens within the sports bar shall be fixed mounted in positions and oriented so that the screens are not readily viewable from the Coogee Bay Road footpath.

Acoustic Management

22. All amplified sound is to be provided via the in house sound system which must be fitted with an RMS compressor limiter. Multi-band compression is to be incorporated and used.

An automated system for use with bi-folds (e.g. when windows are opened or closed criteria) shall be installed so as to ensure noise criteria are achieved at all times.

23. A plan or map of all the equipment installed onsite confirming what is connected to the RMS compressor/any sound limiting device, including a description that easily identifies the referenced equipment (e.g. model numbers, system type and make) shall be incorporated in this plan or map.

This document shall be maintained and kept onsite at all times. A copy shall be provided to Council when it is changed or updated, together with the most up to date copy of the Plan of Management for the site.

24. The bi-fold windows may remain open until midnight provided that the sound system levels are kept to a low background level. Where higher sound system noise levels are desired (such as for significant sporting events), the windows and doors are to be closed (even if prior to midnight). In this regard, an automated system is to be installed and used with the bi-fold windows (e.g. windows open and windows closed criteria) so as to ensure the noise criteria are achieved at all times.

25. The proposed operable windows are subject to a trial period of 12 months commencing from the date of issuing of the occupation certificate. Unless an application is submitted to Council prior to the end of the 12 month trial period, the windows must remain closed at all times after the end of the trial period.

26. The LA10 noise level emitted from the licensed premises shall (a) not exceed the background noise level (LA90) in any Octave Band Centre Frequency (31.5Hz - 8kHz inclusive) by more than 5dB between 07:00 am and 12:00 midnight at the boundary of any affected residence. (b) The LA10 noise level emitted from the licensed premises shall not exceed the background noise level (LA90) in any Octave Band Centre Frequency (31.5Hz - 8kHz inclusive) between 12:00 midnight and 07:00 am at the boundary of any affected residence. (c) Notwithstanding compliance with (a) and (b) above, the noise from the licensed premises shall not be audible within any habitable room in any residential premises between the hours of 12:00 midnight and 07:00 am. (d) For the purposes of this condition, the LA10 can be taken as the average maximum deflection of the noise emission from the licensed premises.

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

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

28. 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.

29. An additional acoustic report, prepared by a suitably qualified and experienced consultant in acoustics, must be provided to the Council upon reasonable request, which demonstrates and confirms that the relevant provisions of the Protection of the Environment Operations Act 1997 and the noise criteria and requirements contained in this consent has been satisfied (including any relevant approved acoustic report and recommendations). The assessment and report must include all relevant fixed and operational noise sources.
30. Security guards or specially appointed members of staff must be provided and operate in accordance with the Liquor License and take all reasonable steps to prevent noisy and unruly behaviour of patrons attending or departing the premises.
31. The use and operation of the premises shall not give rise to an environmental health or public nuisance.
32. 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.

ADVISORY NOTES

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

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

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

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

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

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

A4 Council's Building Certification & Fire Safety team can issue your *Construction Certificate* and be your *Principal Certifying Authority* for the development, to undertake inspections and ensure compliance with the development consent, relevant building regulations and standards of construction. For further details contact Council on 9399 0944.

A5 A Local Approval application must be submitted to and be approved by Council prior to commencing any of the following activities on a footpath, road, nature strip or in any public place:

- Install or erect any site fencing, hoardings or site structures
- Operate a crane or hoist goods or materials over a footpath or road
- Placement of a waste skip or any other container or article.

For further information please contact Council on 9399 0944.

A6 Specific details of the location of the building/s should be provided in the Construction Certificate to demonstrate that the proposed building work will not encroach onto the adjoining properties, Council's road reserve or any public place.

A7 Prior to commencing any works, the owner/builder should contact *Dial Before You Dig* on 1100 or www.dialbeforeyoudig.com.au and relevant Service Authorities, for information on potential underground pipes and cables within the vicinity of the development site.

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

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

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

A9 Demolition work and removal of asbestos materials:

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

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

Cr Smith returned to the meeting at this point (9.17pm).

**D12/17 Development Application Report - 17 Finucane Crescent, Matraville
(DA/493/2016)**

PL13/17

RESOLUTION: (Andrews/Roberts) that Council, as the consent authority, grants development consent under Sections 80 and 80A of the Environmental Planning and Assessment Act 1979, as amended, to Development Application No. DA/493/2016 for the demolition of existing dwelling, Torrens title subdivision of site into 2 lots, construction of 2x3 level semi-detached dwellings with garages and associated works, at No. 17 Finucane Crescent, Matraville, subject to the following non standard conditions and the standard conditions contained in the development application compliance report attached to this report:

Non Standard Conditions

Amendment of Plans & Documentation

The approved plans and documents must be amended in accordance with the following requirements , with details to be supplied within the construction certificate:

- a. Any openings within the privacy screens must not exceed 30% of the area of the screen. Vertical louvres to privacy screens shall be fixed in orientations that do not allow direct viewing of habitable room windows on adjoining sites from within the habitable rooms of the dwellings.
- b. The driveway width must taper to match the layover width at the street boundary.

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

**D13/17 Development Application Report - 53-55 Varna Street, Clovelly
(DA/14/2017)**

PL14/17

RESOLUTION: (Andrews/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 Clause 4.1 minimum subdivision lot size of Randwick Local Environmental Plan 2012, relating to 53-55 Varna Street, Clovelly respectively, on the grounds that the proposed development complies with the objectives of the above clause, and will not adversely affect the amenity of the locality, and that the Department of Planning & Environment be advised accordingly.
- B. That Council, as the consent authority, grants development consent under Sections 80 and 80A of the Environmental Planning and Assessment Act 1979, to Development Application No. 14/2017 for subdivision of the property at No. 53-55 Varna Street, Clovelly into two torrens title lots, subject to the following conditions:

GENERAL CONDITIONS

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

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

Approved Plan

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

Plan	Drawn by	Dated
Proposed Plan of Subdivision Ref: 9077/9026-16	Paul A. Lawson	22 November 2016

REQUIREMENTS PRIOR TO THE ISSUE OF A SUBDIVISION CERTIFICATE

The following conditions of consent must be complied with prior to the 'Principal Certifying Authority' issuing a 'Subdivision certificate'.

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

Section 73 Certificate

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

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

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

Easement

3. The applicant shall create suitable rights of carriageway, easements for services, support and stormwater lines, as required. The applicant shall be advised that the minimum easement width for any stormwater line is generally 0.9 metres.

Note: A drainage easement width may be varied to a minimum of 0.4m if created over an existing roof gutter/downpipe.

Subdivision Certificate

4. A formal application for a subdivision certificate is required to be submitted to and approved by the Council and all conditions of this development consent are required to be satisfied prior to the release of the subdivision plans.

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.

- Any future development application for the two lots may require the submission of a flood study due to potential flooding issues being evident at the rear of the properties.

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

D14/17 Development Application Report - 1179 Anzac Parade, Matraville (DA/994/2011/G)

PL15/17

RESOLUTION: (Bowen/Matson) that Council, as the consent authority, grant its consent under Section 96 of the Environmental Planning and Assessment Act 1979 as amended to modify Development Consent No DA/994/2011/G for permission to modify the approved development by increase in building footprint at ground and first floor level at 1179 Anzac Parade, Matraville, in the following manner:

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

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

Plan	Rev.	Drawn by	Stamped
DA01	F	Teknicon Design	22 May 2012
DA02	F	Teknicon Design	22 May 2012
DA03	F	Teknicon Design	22 May 2012
DA04	F	Teknicon Design	22 May 2012
DA05	F	Teknicon Design	22 May 2012

BASIX Certificate	No.	Dated
1179 Anzac Parade Matraville	407165M	05 December 2011

As amended by the **Section 96 'C' plans**

Plan	Drawn by	Dated
DA01 (issue A)	Teknicon Design	18/05/2015
DA02 (issue A)	Teknicon Design	18/05/2015
DA03 (issue A)	Teknicon Design	18/05/2015
DA04 (issue A)	Teknicon Design	18/05/2015
DA05 (issue A)	Teknicon Design	18/05/2015

BASIX Certificate No.	Dated
407165M_04	29/05/2015

As amended by the **Section 96 'E' plans**

Plan	Drawn by	Dated
01516 DA.1 (issue A)	Arkivis	07/03/2016
01516 DA.6 (issue A)	Arkivis	07/03/2016

As amended by the **Section 96 'F' plans**

Plan	Drawn by	Dated
01516 S96.04 (issue B)	Arkivis	20/09/2016
01516 S96.08 (issue B)	Arkivis	20/09/2016

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

Plan	Drawn by	Dated
S96 03_02 Issue G	Urban Future - D.M	02/12/2016
S96 03_03 Issue G	Urban Future - D.M	02/12/2016
S96 03_04 Issue G	Urban Future - D.M	02/12/2016

S96 04_01 Issue G	Urban Future – D.M	02/12/2016
S96 09_01 Issue G	Urban Future – D.M	02/12/2016

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

- **Add Condition No. 2b to read:**

- 2b** The proposed amendments to the rear first floor level are to be deleted and the rear first floor terraces adjoining the kitchens shall remain as previously approved.

MOTION: (Andrews/Roberts) that Council, as the consent authority, grant its consent under Section 96 of the Environmental Planning and Assessment Act 1979 as amended to modify Development Consent No DA/994/2011/G for permission to modify the approved development by increase in building footprint at ground and first floor level at 1179 Anzac Parade, Matraville, in the following manner:

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

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

Plan	Rev.	Drawn by	Stamped
DA01	F	Teknicon Design	22 May 2012
DA02	F	Teknicon Design	22 May 2012
DA03	F	Teknicon Design	22 May 2012
DA04	F	Teknicon Design	22 May 2012
DA05	F	Teknicon Design	22 May 2012

BASIX Certificate	No.	Dated
1179 Anzac Parade Matraville	407165M	05 December 2011

As amended by the **Section 96 'C' plans**

Plan	Drawn by	Dated
DA01 (issue A)	Teknicon Design	18/05/2015
DA02 (issue A)	Teknicon Design	18/05/2015
DA03 (issue A)	Teknicon Design	18/05/2015
DA04 (issue A)	Teknicon Design	18/05/2015
DA05 (issue A)	Teknicon Design	18/05/2015

BASIX Certificate No.	Dated
407165M_04	29/05/2015

As amended by the **Section 96 'E' plans**

Plan	Drawn by	Dated
01516 DA.1 (issue A)	Arkivis	07/03/2016
01516 DA.6 (issue A)	Arkivis	07/03/2016

As amended by the **Section 96 'F' plans**

Plan	Drawn by	Dated
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01516 S96.04 (issue B)	Arkivis	20/09/2016
01516 S96.08 (issue B)	Arkivis	20/09/2016

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

Plan	Drawn by	Dated
S96 03_02 Issue G	Urban Future – D.M	02/12/2016
S96 03_03 Issue G	Urban Future – D.M	02/12/2016
S96 03_04 Issue G	Urban Future – D.M	02/12/2016
S96 04_01 Issue G	Urban Future – D.M	02/12/2016
S96 09_01 Issue G	Urban Future – D.M	02/12/2016

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

AMENDMENT: (Bowen/Matson) CARRIED UNANIMOUSLY AND BECAME THE MOTION.

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

D15/17 Development Application Report - 411R Clovelly Road, Clovelly (DA/771/2016)

PL16/17

RESOLUTION: (Andrews/Roberts) that Council, as the consent authority, grants development consent under Sections 80 and 80A of the Environmental Planning and Assessment Act 1979, as amended, to Development Application No. 771/2016 for alteration and additions to the Clovelly Surf Lifesaving Club at No. 441R-413R Clovelly Road, Clovelly, subject to the standard conditions contained in the development application compliance report.

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

D16/17 Development Application Report - 53 Rainbow Street Kingsford (DA/43/2012/B)

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

PL17/17

RESOLUTION: (Smith/Nash) that Council, as the consent authority, grants development consent under Section 96 of the Environmental Planning and Assessment Act 1979, as amended, to development Application No. DA/43/2012/B of the approved development by altering the roof design to the middle part of the building, new disabled access ramp, with retaining wall along eastern side boundary, internal reconfiguration, changes to windows and doors and external wall to timber colour cladding at 53 Rainbow Street, Kingsford, in the following manner:

• **Amend Condition No. 1 to read:**

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

Plan	Rev	Drawn by	Dated	Received
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201C – Ground Floor Plan	C	Day Bukh Architects	8 February 2013	14 February 2013
202C -First Floor Plan	C	Day Bukh Architects	8 February 2013	14 February 2013
203C – Roof Plan	C	Day Bukh Architects	8 February 2013	14 February 2013
205C – Streetscape elevation	C	Day Bukh Architects	8 February 2013	14 February 2013
350C – North & South elevation	C	Day Bukh Architects	8 February 2013	14 February 2013
351C – West elevation	C	Day Bukh Architects	8 February 2013	14 February 2013
352C – East elevation	C	Day Bukh Architects	8 February 2013	14 February 2013
400C – Section A:A	C	Day Bukh Architects	8 February 2013	14 February 2013
401C – Section B:B & Section C:C	C	Day Bukh Architects	8 February 2013	14 February 2013

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

Plan	Rev	Drawn by	Dated	Received
201D – Ground Floor Plan	D	Day Bukh Architects	24 June 2013	17 July 2013
202D -First Floor Plan	D	Day Bukh Architects	24 June 2013	17 July 2013
351D – West elevation	D	Day Bukh Architects	24 June 2013	17 July 2013
352D – East elevation	D	Day Bukh Architects	24 June 2013	17 July 2013

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

Plan	Project No.	Drawn By	Dated	Received
A01	1433	HT	Unknown	26/08/2016
A02				
A03				
A04				
A05				
A21				

• **Add the Following Condition No. 1a:**

- 1a** A privacy screen up to 1.6m above finished floor level is to be provided to the following windows: W9, W9a, W9b, W9c and W10, W10a, W10b, W10c and details of compliance are to be included in the construction certificate plans. The total area of any openings within the privacy screen must not exceed 25% of the area of the screen.

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

D17/17 Development Application Report - 223 Barker Street, Randwick (DA/832/2016)

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

PL18/17

RESOLUTION: (Roberts/Seng) that Council, as the consent authority, grants development consent under Section 80 of the Environmental Planning and Assessment Act 1979, as amended, to Development Application No. DA/832/2016 for the alterations to front of existing dwelling and construction of hardstand car park space with associated works (Heritage Conservation Area) at 223 Barker Street, Randwick subject to the following conditions of consent:

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

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

Plan	Drawn by	Dated
16037-1	BB	Nov 2016
16037-2	BB	Nov 2016
16037-3	BB	Nov 2016
16037-4	BB	Nov 2016
16037-5 Revision B	BB	Dec 2016

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.

External Colours, Materials & Finishes

21. The colours, materials and finishes of the external surfaces are to be compatible with the existing building and surrounding buildings in the heritage conservation area. Details of the proposed colours, materials and textures (ie- a schedule and brochure/s or sample board) are to be submitted to and approved by Council's Director City Planning, in accordance with Section 80A (2) of the Environmental Planning and Assessment Act 1979 prior to a construction certificate being issued for the development. Details of the proposed paint scheme are to be submitted to and approved by Council's Director City Planning, in accordance with Section 80A (2) of the Environmental Planning and Assessment Act 1979 prior to a construction certificate being issued for the development.

Long Service Levy Payments

22. 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

23. 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*:

- \$1050.00 - 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

24. 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:

- **Match the back of the existing footpath all points opposite, along the full site frontage.**

25. The above alignment levels and the site inspection by Council's Development Engineer have been issued at a prescribed fee of \$167.00 (inclusive of GST). This amount is to be paid prior to a construction certificate being issued for the development.

Car space Design

26. Prior to the issuing of a Construction Certificate the plans are to be amended to show the internal gradient of the hardstand car space being no steeper than 1:20 (5%) when matching into Council's footpath level of RL 51.61 AHD. Details of compliance are to be included in the construction certificate documentation.

Stormwater Drainage

27. Surface water/stormwater runoff from the car space must be drained and discharged to the street gutter in front of the site to the satisfaction of the certifying authority and details of the proposed stormwater drainage system are to be included in the construction certificate details for the development.

Details of any works proposed to be carried out in or on a public road/footway

are to be submitted to and approved by Council prior to commencement of works.

Sydney Water

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

The approved plans must be submitted to the Sydney Water **Tap in™** online service, to determine whether the development will affect Sydney Water's waste water and water mains, stormwater drains and/or easements, and if any further requirements need to be met.

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

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

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

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

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

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

REQUIREMENTS TO BE INCLUDED IN THE CONSTRUCTION CERTIFICATE

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

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

Compliance with the Building Code of Australia

29. 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.

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

30. 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

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

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

Construction Noise & Vibration

32. 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.

Public Utilities

33. 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.

34. 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.

Street Tree Management

35. The applicant must submit a payment of \$431.75 to cover the following costs:
- a. Being the cost for Council to remove, stump-grind and dispose of the existing street tree/s specimens of \$295.00 + GST., and
 - b. Being the cost for Council to supply, plant and maintain 1, x 25 litre street trees at the completion of all works \$97.50 + GST

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

The applicant must contact Council's Landscape Development Officer on 9093-6613 (quoting the receipt number), and giving at least four working weeks' notice (allow longer for public holidays or extended periods of rain) to arrange for removal of the street tree prior to the commencement of site works, as well as upon completion, to arrange for planting of the replacement street tree.

After this, any further enquiries regarding scheduling/timing or completion of works are to be directed to Council's North Area Tree Preservation & Maintenance Coordinator on 9093-6858.

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.

36. The internal gradient of the hardstand car space is to be constructed at a grade of no steeper than 1:20 (5%) when matching into Council's footpath level of RL 51.61 AHD. The Certifying Authority is to ensure compliance with this requirement.
37. The northern end of the car space located beneath the subject dwellings front window is to meet the minimum height clearance of 1.20m and the minimum opening width of 2.065m. The Certifying Authority is to ensure compliance with this requirement.

Inspections During Construction

38. 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

39. 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

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

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

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

Demolition Work Requirements

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

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

- Relevant EPA Guidelines
- Randwick City Council Asbestos Policy

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

Removal of Asbestos Materials

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

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

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

Public Safety & Site Management

43. 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

44. 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.

45. 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.

46. 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

47. 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

48. A *Road / Asset Opening Permit* must be obtained from Council prior to commencing any excavations or 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.

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

49. 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

50. The applicant must meet the full cost for a Council approved contractor to:

- a. Construct a concrete vehicular crossing and layback at kerb opposite the vehicular entrance to the site, to Council's specifications and requirements.

Note: The Council vehicular crossing is not to be constructed until the applicant can demonstrate that the internal car space meets:

The minimum height clearance (1.20m) and the minimum opening width (2.065m) beneath the dwellings front window.

The overall minimum length of the car space is 5.00m.

51. 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.
52. All external civil work to be carried out on Council property (including the installation and repair of roads, footpaths, vehicular crossings, kerb and guttering and drainage works), must be carried out in accordance with Council's Policy for "Vehicular Access and Road and Drainage Works" and the following requirements:
 - a) All work on Council land must be carried out by Council, unless specific written approval has been obtained from Council to use non-Council contractors.
 - b) Details of the proposed civil works to be carried out on Council land must be submitted to Council in a *Civil Works Application Form*, prior to issuing an occupation certificate, 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.
53. That part of the naturestrip upon Council's footway which is damaged during the construction of the proposed works shall be excavated to a depth of 150mm, backfilled with topsoil equivalent with 'Organic Garden Mix' as supplied by Australian Native Landscapes, and re-turfed with Kikuyu turf or similar. Such works shall be completed at the applicants' expense.

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.

54. Any vehicle parked on the hardstand car space shall be positioned totally within the site and not overhang Council's footpath.

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.

- A13 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.

- A14 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.

- A15 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.

- A16 Prior to commencing any works, the owner/builder should contact *Dial Before You Dig* on 1100 or www.dialbeforeyoudig.com.au and relevant Service Authorities, for information on potential underground pipes and cables within the vicinity of the development site.

- A17 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.

- A18 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.

- A19 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.

A20 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.

A21 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.

A22 Prior to commencing any works, the owner/builder should contact *Dial Before You Dig* on 1100 or www.dialbeforeyoudig.com.au and relevant Service Authorities, for information on potential underground pipes and cables within the vicinity of the development site.

A23 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).

A24 Demolition work and removal of asbestos materials:

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

A25 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.

[Reasons for approval: immediate neighbor has a similar car space, no adverse impacts on streetscape, the proposal balances the heritage issues and the needs of the family].

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

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

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

Cr Garcia returned to the meeting at this point (9.41pm).

**D18/17 Development Application Report - 8 Cliffbrook Parade, Clovelly
(DA/596/2016)**

PL19/17

RESOLUTION: (Matson/Shurey) that the application be deferred for legal advice in relation to whether the proposal constitutes semi-detached dwellings as defined under the RLEP 2012.

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

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

FOR	AGAINST
Councillor Andrews	Councillor Belleli
Councillor Bowen	
Councillor D'Souza	
Councillor Garcia	
Councillor Matson	
Councillor Moore	
Councillor Nash	
Councillor Neilson	
Councillor Roberts	
Councillor Seng	
Councillor Shurey	
Councillor Smith	
Councillor Stavrinou	
Councillor Stevenson	
Total (14)	Total (1)

**D19/17 Development Application Report - 73 Gale Road, Maroubra
(DA/765/2016)**

PL20/17

RESOLUTION: (Andrews/Roberts) that Council, as the consent authority, grants development consent under Sections 80 and 80A of the Environmental Planning and Assessment Act 1979, as amended, to Development Application No. DA/765/2016 for Demolition of existing structures, construction of a 3 storey residential flat building comprising of 9 dwellings with 3 dwellings identified as affordable rental housing, basement level car parking for 7 cars, landscaping and associated works, at No. 73 Gale Road, Maroubra, subject to the following non standard conditions and the standard conditions contained in the development application compliance report attached to this report:

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

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

a. Privacy screens having a height of 1.6m above floor level must be provided to eastern and western sides of the upper level rear balconies. 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 provided with translucent, obscured, frosted or sandblasted glazing in a suitable frame. The privacy screens shall be configured to restrict direct sightlines into the rear yard and habitable living areas of the eastern and western neighbouring properties.

b. The west facing glass blocks to the stairwell shall be increased in width by 625mm to improve light access to the stairwell.

c. The following windows must be treated as follows:

Eastern elevation:

- Level 2 east facing bedroom 1 window to unit 5: Bottom sash shall be fixed and obscured; middle sash shall be obscured and only open a maximum of 250mm outwards.
- Level 3 west facing bedroom window to unit 9 shall open a maximum of 250mm outwards.
- The louvre stair well windows are to be obscured glazing and configured to ensure no direct viewing into the neighbouring dwellings opposite.

Western elevation

- The louvre stair well windows are to be obscured glazing and configured to ensure no direct viewing into the neighbouring dwellings opposite

d. The following windows shall be operable windows:

- All bathroom windows
- East facing highlight kitchen window to unit 3
- East facing highlight kitchen window to unit 6
- East facing highlight kitchen and living room windows to unit 5
- West facing highlight window to unit 4
- West facing highlight bedroom windows to unit 6

e. A clothes line shall be provided in the communal open space area located in the south western corner of the rear yard.

Affordable Rental Housing Component

3. A plan shall be submitted to Council's Manager Development Assessment for approval identifying units 7, 8 & 9 as dedicated to affordable rental housing under the SEPP - Affordable Rental Housing 2009 (ARHSEPP).

The specific dwellings identified for affordable rental housing shall be indicated on the stamped approved Construction Certificate plans, a copy of which should be submitted to Council.

- a. The dwellings to be used for the purposes of 'affordable rental housing', as per the provisions of the ARHSEPP shall be used as such for at least 10 years from the date of the issue of the occupation certificate.

- b. The affordable rental housing component (secured for a minimum of 10 years) must be managed by a registered Community Housing Provider (CHP). The CHP must ensure compliance with the occupant restriction and others provisions of the regulatory code established through regulations under the Housing Act 2001.
- c. A restriction must be registered, before the date of the issue of an occupation certificate, against the title of the property, in accordance with Section 88E of the [Conveyancing Act 1919](#) that will ensure that the requirements a. and b. are met and that the terms of restriction may not be varied without Council's consent.
- d. Prior to an occupation certificate being granted, evidence must be provided to Council demonstrating that the section 88E covenant has been registered on the title stating that the affordable rental housing component must be used for affordable rental housing and managed by a registered CHP.

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

**D20/17 Development Application Report - 7 Mermaid Avenue, Maroubra
(DA/317/2016)**

PL21/17

RESOLUTION: (Smith/Andrews) -

- 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 Clause 4.4 (2a)(c) of Randwick Local Environmental Plan 2012, relating to maximum floor space ratio, on the grounds that the proposed development complies with the objectives of the above clauses, and will not adversely affect the amenity of the locality, and that the Department of Planning 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/317/2016 for demolition of existing dwelling, construction of new 5 level dwelling with garage and associated works, at No. 7 Mermaid Avenue, Maroubra subject to the following non standard conditions and the standard conditions contained in the development application compliance report attached to this report:

Non-standard conditions

Amendment of Plans & Documentation

2. The approved plans and documents must be amended in accordance with the following requirements:
 - a. A landscape planter shall be installed on the eastern end of the level 4 deck. The landscape planter shall be a minimum of 600mm in height and 900mm in width and contain low level native species. Details of planting shall be provided to Council's Manager of Development Assessment for approval prior to a Construction Certificate being issued for the development.

MOTION: (Matson/Roberts) that the application be deferred for mediation.

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

A **DIVISION** was taken and the names of the Councillors voting FOR and AGAINST

were as follows:

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

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

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

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

D21/17 Development Application Report - 17 Moverly Road, Maroubra (DA/322/2016/A)

PL22/17

RESOLUTION: (Moore/Seng) that Council, as the consent authority, grants development consent under Section 96 of the *Environmental Planning and Assessment Act 1979*, as amended, to Development Application No. DA/322/2016/A for modification of the approved development by increasing the external wall height of the approved secondary dwelling by 300mm at No. 17 Moverly Road, Maroubra, subject to the following conditions:

- **Amend Condition No. 1 to read:**
 1. The development must be implemented substantially in accordance with the plans and supporting documentation listed below and endorsed with Council's approved stamp:

Plan	Drawn by	Dated
1-01 Revision E	Moe Hijazi	26 th May 2016
2-01 Revision E	Moe Hijazi	26 th May 2016
3-00 Revision E	Moe Hijazi	26 th May 2016
3-01 Revision E	Moe Hijazi	26 th May 2016

3-49 Revision E	Moe Hijazi	26 th May 2016
4-00 Revision E	Moe Hijazi	26 th May 2016

BASIX Certificate No.	Dated
720240S_02	9 May 2016

And as amended by the S.96 plans and supporting documentation listed below:

Plan	Drawn by	Dated
1-01 Revision S96	Moe Hijazi	30 th November 2016
2-01 Revision S96	Moe Hijazi	30 th November 2016
3-00 Revision S96	Moe Hijazi	30 th November 2016
3-01 Revision S96	Moe Hijazi	24 th January 2017
3-49 Revision S96	Moe Hijazi	30 th November 2016
4-00 Revision S96	Moe Hijazi	30 th November 2016

BASIX Certificate No.	Dated
720240S_03	3 December 2016

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

- **Delete Condition No. 2**

MOTION: (Matson/Andrews) that Council, as the consent authority, refuses development consent under Section 96 of the *Environmental Planning and Assessment Act 1979*, as amended, to Development Application No. DA/322/2016/A for modification of the approved development by increasing the external wall height of the approved secondary dwelling by 300mm at No. 17 Moverly Road, Maroubra, for the following reasons:

1. the non-compliance will have a negative impact on the amenity of the adjoining neighbours. **LOST.**

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

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

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

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

FOR	AGAINST
Councillor Andrews	Councillor D'Souza
Councillor Belleli	Councillor Garcia

Councillor Bowen
 Councillor Matson
 Councillor Neilson
 Councillor Shurey
 Councillor Stevenson

Total (7)

Councillor Moore
 Councillor Nash
 Councillor Roberts
 Councillor Seng
 Councillor Smith
 Councillor Stavrinou

Total (8)

MOTION: (Moore/Seng) CARRIED - SEE RESOLUTION.

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

FOR

Councillor Andrews
 Councillor Belleli
 Councillor D'Souza
 Councillor Garcia
 Councillor Moore
 Councillor Nash
 Councillor Roberts
 Councillor Seng
 Councillor Smith

Total (9)

AGAINST

Councillor Bowen
 Councillor Matson
 Councillor Neilson
 Councillor Shurey
 Councillor Stavrinou
 Councillor Stevenson

Total (6)

Miscellaneous Reports

Nil.

Notice of Rescission Motions

Nil.

The meeting closed at 10.03pm.

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

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CHAIRPERSON