

**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 MARCH 2017 AT 6:06PM**

**Present:**

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

- |              |  |
|--------------|--|
| North Ward   | - Councillors K Neilson & L Shurey   |
| South Ward   | - Councillors R Belleli & P Garcia   |
| East Ward    | - Councillors T Bowen (arrived 7.04pm),<br>M Matson & B Roberts (Deputy Chairperson) |
| West Ward    | - Councillors G Moore & S Nash   |
| Central Ward | - Councillors A Andrews (arrived 6.15pm),<br>T Seng & G Stevenson                    |

**Officers present:**

General Manager	Mr R Brownlee
Director City Services	Mr J Frangoples
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**

Apologies were received from Crs Smith and Stavrinou.

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

Note: Cr Roberts Chaired the meeting in the absence of Cr Stavrinou.

**Confirmation of the Minutes**

**CONFIRMATION OF THE MINUTES OF THE PLANNING COMMITTEE MEETING  
HELD ON TUESDAY 14 FEBRUARY 2017**

PL23/17

**RESOLUTION: (Matson/Nash)** that the Minutes of the Planning Committee Meeting held on Tuesday 14 February 2017 (copies of which were circulated to all Councillors) be and are hereby confirmed as a correct record of the proceedings of that meeting,

subject to:

- the reason for Cr Belleli's declaration of a non-significant non pecuniary interest in Item D3/17 being amended to reflect that his wife has taught dancing at Child Care Centres in the Council area, but not specifically at the Child Care Centre in question.

### **Declarations of Pecuniary and Non-Pecuniary Interests**

- a) Cr Shurey declared a significant non pecuniary interest in Item D30/17 as a near neighbour. Cr Shurey indicated that she would not take part in the debate or the vote on the matter.
- b) Cr Garcia declared a non-significant non pecuniary interest in Item D26/17 as one of the objectors is a parent at the school his children attend.
- c) Cr Garcia declared a significant non pecuniary interest in Item D28/17 as he is the secretary of the Coogee Surf Club. Cr Garcia indicated that he would not take part in the debate or the vote on the matter.
- d) Cr Bowen declared a non-significant non pecuniary interest in Item D28/17 as some of the executive members of the Surf Club are known to him.
- e) Cr Matson declared a non-significant non pecuniary interest in Item D28/17 as some of the executive members of the Surf Club are known to him.
- f) Cr Andrews declared a non-significant non pecuniary interest in Item D28/17 as some of the executive members of the Surf Club are known to him.
- g) Cr Belleli declared a non-significant non pecuniary interest in Item D22/17 as he lives in an adjacent street.

The meeting was adjourned at 6.09pm and was resumed at 6.10pm.

### **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:

D21/17 8 CLIFFBROOK PARADE, CLOVELLY (DA/596/2016) (DEFERRED)

**Objector** Mr Duncan Armitage

D22/17 47 MAROUBRA ROAD, MAROUBRA (DA/650/2016)

**Objector** Mr Chris Locke

**Applicant** Mr Anthony Betros (representing the applicant)

D25/17 5 DANGAR STREET, RANDWICK (DA/713/2016)

**Objector** Ms Louise Tsagaris

**Applicant** Ms Abigail Goldberg

D26/17 5 EDGECLIFFE AVENUE, SOUTH COOGEE (DA/419/2016)

**Objector** Mr Tony Moody (representing the objectors)

**Applicant** Mr Roger Habib

D28/17 135-143R BEACH STREET, COOGEE (DA/897/2016)

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

**Applicant** Mr Tony Waller

D29/17 12 BUNYA PARADE, SOUTH COOGEE (DA/899/2016)

**Applicant** Mr Robert Brown (representing the applicant)

D30/17 14 CHAPMAN AVENUE, MAROUBRA (DA/50/2017)

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

**Applicant** Mr Clinton Cole

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

D31/17 8 MCMASTER PLACE, LITTLE BAY (DA/533/2016)

**Objector** Ms Rachel Si

The meeting was adjourned at 7.07pm and was resumed at 7.37pm.

Note: Cr Shurey did not return to the meeting when it was resumed at 7.37pm.

### **Urgent Business**

Nil.

### **Development Application Reports**

#### **D21/17 Development Application Report - 8 Cliffbrook Parade, Clovelly (DA/596/2016) (Deferred)**

PL24/17

**RESOLUTION: (Andrews/Seng)** 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/596/2016 for alterations and additions to the existing building and conversion of the building to a pair of semi-detached dwellings at No. 8 Cliffbrook Parade, Clovelly, 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**

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

<b>Plan</b>	<b>Drawn by</b>	<b>Dated</b>	<b>Received by Council</b>
DA-01-SK1 (Revision C)	Hancock Architects	31/01/2017	31 January 2017
DA-01-02 (Revision C)	Hancock Architects	31/01/2017	31 January 2017
DA-01-03 (Revision D)	Hancock Architects	31/01/2017	31 January 2017
DA-01-04 (Revision C)	Hancock Architects	31/01/2017	31 January 2017

DA-01-05 (Revision C)	Hancock Architects	31/01/2017	31 January 2017
DA-01-06 (Revision C)	Hancock Architects	31/01/2017	31 January 2017
DA-01-07 (Revision C)	Hancock Architects	31/01/2017	31 January 2017
DA-01-09 (Revision C)	Hancock Architects	31/01/2017	31 January 2017
DA-01-10 (Revision C)	Hancock Architects	31/01/2017	31 January 2017
DA-01-11 (Revision C)	Hancock Architects	31/01/2017	31 January 2017
06.1 (Revision C)	Hancock Architects	31/01/2017	31 January 2017
06.2 (Revision C)	Hancock Architects	31/01/2017	31 January 2017

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

2. The approved plans and documents must be amended in accordance with the following requirements:
  - a. Prior to the issuing of a Construction Certificate, Development Consent DA/255/2014 and stamped plans must be surrendered to Council.
  - b. The ground floor, south-facing deck shall be setback 2.1 metres from the western boundary and maintain a similar setback as the existing deck to ensure a reasonable level of visual privacy is provided to the adjoining neighbours.
  - c. The first floor level shall be setback a minimum of 1800mm from the eastern side boundary and comply with the minimum side setback requirements of the Randwick Development Control Plan 2013. The floor plan shall be reconfigured to demonstrate compliance with this requirement.
  - d. Consent is not granted for the construction of the dividing boundary fences on the western boundary unless the boundary fences meet the relevant requirements under the Dividing Fences Act 1991 or the [State Environmental Planning Policy \(Exempt and Complying Development Codes\) 2008](#).
  - e. A subdivision certificate for the strata subdivision of land approved by this Consent must not be issued until after construction of the proposed dwellings approved under this Consent has reached "lock-up" stage, which includes the construction of floors, walls, ceilings, roofs and with all external doors and windows in place, but before any kitchens and bathrooms have been installed in those buildings. The lots in the approved strata subdivision must be created after construction of the proposed dwellings approved under this Consent has reached "lock-up" stage (as described above) but before any kitchens and bathrooms have been installed in the proposed dwellings.

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

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

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

### **Consent Requirements**

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

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

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

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

### **Section 94A Development Contributions**

5. In accordance with Council's Section 94A Development Contributions Plan effective from 21 April 2015, based on the development cost of \$1,796,047 the following applicable monetary levy must be paid to Council: \$17,960.47.

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:

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

Where:

**IDC** = the indexed development cost

**ODC** = the original development cost determined by the Council

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

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

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

### **Long Service Levy Payments**

6. The required Long Service Levy payment, under the *Building and Construction Industry Long Service Payments Act 1986*, must be forwarded to the Long Service Levy Corporation or the Council, in accordance with Section 109F of the *Environmental Planning & Assessment Act 1979*.

*At the time of this development consent, Long Service Levy payment is applicable on building work having a value of \$25,000 or more, at the rate of 0.35% of the cost of the works.*

### **Sydney Water**

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

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

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

- Quick Check agents details - see *Building and Developing* then Quick

Check and

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

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

### **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*:

- \$5000.00 - 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.

### **Stormwater Drainage**

9. To meet the demand of the proposed development and comply with the requirements of the SEPP 71 (Coastal Protection) all site stormwater must be piped to a sediment/silt arrester pit that then drains under the coastal walk to discharge to Gordon's Bay Reserve via a suitable outlet. If an upgrade of the existing stormwater drainage system is required to meet his requirement detailed drainage plans with levels reduced to Australian Height Datum (AHD), shall be prepared by a suitably qualified Hydraulic Engineer and be submitted to and approved by the certifying authority. A copy of the plans shall be forwarded to Council, if Council is not the certifying authority.

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

10. The location and details of any proposed internal stormwater pipelines, silt arrester pit and outlet shall be submitted to and approved by the certifying authority (\* and Council see note b below) prior to a construction certificate being issued for the development. A copy of the plans shall be forwarded to Council, prior to a construction certificate being issued, if Council is not the certifying authority.

Notes:

- a. The sediment/silt arrester pit shall be constructed:-
- i. within the site at or near the southern boundary.
  - ii. with a child proof and corrosion resistant fastening system (e.g.

- spring loaded jay-bolt).
  - iii. with a minimum of 4 x 90 mm diameter weep holes (preferably located in the walls of the pit at the floor level) and with a suitable geotextile material **with a high filtration rating** located around the weep holes.
  - iv. with the pit floor being a minimum 300mm below the invert level of the outlet pipelines.
  - v. with a **galvanised** heavy duty screen (Lysaght RH3030 Maximesh or similar) located over the outlet pipes draining to the infiltration pit and the kerb. (Similar to a Mascot GRC stormwater discharge control pit, product code DS3SDC).
- b. The location and features of any point of discharge (e.g headwall) in Gordon's Bay Reserve must be approved by Council's Development Engineer (9093-6881) and Natural Resources Coordinator (9093-6686) in writing prior to a construction certificate being issued for this development.
- c. Any overflow pipes from rainwater tanks shall be directed to the sediment arrestor pit.

### **Sydney Water**

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

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

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

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

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

### **Tree Protection Measures**

12. In order to ensure retention of the *Washingtonia robusta* (Mexican Fan Palm) located in the front setback, in the southwest corner, fronting Gordons Bay, the *Banksia integrifolia* (Coastal Banksia) to its east, in the southeast corner, as well as those most northern *Howea fosteriana* (Kentia Palms) in the rear setback in good health, the following measures are to be undertaken:

- a. All documentation submitted for the Construction Certificate application must show the retention of these trees/palms, with the position and diameter of both their trunks and canopies/crowns to be clearly and accurately shown on all plans in relation to the proposed works.
- b. Any excavations associated with the installation of new services, pipes, stormwater systems or similar must be setback at the maximum distance possible from their trunks so as to avoid root damage as well as future maintenance issues, with all hydraulic plans needing to demonstrate compliance with this requirement.

- c. Any new common/dividing fencing or retaining walls, within a radius of 2 metres of their trunks, can only be a system which is supported on localised pad footings, not strip footings, with details confirming compliance to be shown on the Construction Certificate plans.
- d. If roots are encountered during installation of footings for point 'c' above, these footings must be re-positioned to allow their preservation.
- e. These trees/palms are to be physically protected (either individually or as a group) by the installation of 1.8 metre high steel mesh/chainwire fencing, which shall be located a minimum distance of **1.5 metres** (measured off the outside edge of their trunks at ground level), matching up with any common boundaries where possible, in order to completely enclose this tree for the duration of works.
- f. This fencing shall be installed prior to the commencement of demolition and construction works and shall remain in place until all works are completed, to which, signage containing the following words shall be clearly displayed and permanently attached: "TREE PROTECTION ZONE (TPZ), DO NOT REMOVE/ENTER".
- g. Within the TPZ, there is to be no storage of materials, machinery or site office/sheds, nor is cement to be mixed or chemicals spilt/disposed of and no stockpiling of soil or rubble, with all Site Management Plans needing to acknowledge these requirements.
- h. In order to prevent soil/sediment being washed over their root systems, erosion control measures must be provided at ground level around the perimeter of the TPZ's.
- i. If additional trunk or branch protection is required, this may be provided by way of wrapping layers of geo-textile, underfelt or Hessian, which shall be secured by lengths of evenly spaced hardwood timbers around their circumference, and are to be secured by 8 gauge wires or steel strapping at 300mm spacing. NO nailing to the trunk.
- j. Ground levels within the TPZ must not be altered by more than 200mm, and other than the approved works, there must be no other structures such as continuous strip footings, planter boxes or similar to be located in these areas, which are to remain as undisturbed, deep soil.
- k. Where roots are encountered which are in direct conflict with the approved works, they may be cut cleanly by hand (using only hand held tools, not machinery), with the affected area/s to be backfilled with clean site soil as soon as practically possible.
- l. The PCA must ensure compliance with all of these requirements, both on the plans as well as on-site during the course of construction, and prior to issuing any type of Occupation Certificate.

**REQUIREMENTS 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**

13. In accordance with section 80 A (11) of the *Environmental Planning & Assessment Act 1979* and clause 98 of the *Environmental Planning & Assessment Regulation 2000*, 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**

14. In accordance with Section 80A (11) of the Environmental Planning and Assessment Act 1979 and Clause 97A of the Environmental Planning and Assessment Regulation 2000, it is a prescribed condition that all of the required commitments listed in the relevant BASIX Certificate for this development are fulfilled.

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

### **Stormwater Drainage**

15. A surface water/stormwater drainage system must be provided in accordance with the following requirements, to the satisfaction of the Certifying Authority and details are to be included in the construction certificate:-
- a) Surface water/stormwater drainage systems must be provided in accordance with the relevant requirements of the Building Code of Australia (Volume 2);
  - b) The surface water/stormwater must be drained and discharged to the street gutter or, subject to site suitability, the stormwater may be drained to a suitably designed absorption pit;
  - c) Any absorption pits or soaker wells should be located not less than 3m from any adjoining premises and the stormwater must not be directed to any adjoining premises or cause a nuisance;
  - d) External paths and ground surfaces are to be constructed at appropriate levels and be graded and drained away from the building and adjoining premises, so as not to result in the entry of water into the building, or cause a nuisance or damage to the adjoining premises;
  - e) Details of any proposed drainage systems or works to be carried out in the road, footpath or nature strip must be submitted to and approved by Council before commencing these works.

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

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

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

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

16. 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**

17. In accordance with section 80 A (11) of the *Environmental Planning & Assessment Act 1979* and clause 98 of the *Environmental Planning & Assessment Regulation 2000*, 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**

18. 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**

19. 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**

20. 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**

21. 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):

- i. The name, address, contact details and licence number of the Demolisher /Asbestos Removal Contractor

- ii. Details of hazardous materials (including asbestos)
- iii. Method/s of demolition (including removal of any asbestos)
- iv. Measures and processes to be implemented to ensure the health & safety of workers and community
- v. Measures to be implemented to minimise any airborne dust and asbestos
- vi. Methods and location of disposal of any hazardous materials (including asbestos)
- vii. Other relevant details, measures and requirements to be implemented
- viii. Details of re-use, recycling and disposal of waste demolition/building materials
- ix. 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**

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

22. 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 Oak 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.

23. A detailed *Construction Site Traffic Management Plan* must be submitted to and approved by Council, prior to 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 & Traffic Authority, 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
- Measures to minimize disruptions to neighbours access via the existing Right of Way

#### **Public Utilities**

24. 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.
25. 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.

#### **Landscape Plan**

26. For a development of this type in this location, a landscape plan that has been prepared by a qualified professional in the Landscape/Horticultural industry (must be a registered member of AILD, AILA or equivalent) must be submitted to, and be approved by, the Certifying Authority/PCA, **prior to the commencement of site works**, and must detail the following:
- a) Location of existing trees and palms that are being retained as site features, as is described in the Tree Protection condition earlier in this report;
  - b) A Planting Plan & Plant Schedule which includes proposed species, botanic and common names, pot size at the time of planting, quantity, location, dimensions at maturity and any other details required to describe the works;
  - c) A predominance of species that can withstand poor quality sandy soils and salt laden winds which are typical of these coastal conditions;
  - d) A high quality selection and arrangement of decorative species throughout the site so as to assist with presentation of the development to the streetscape;
  - e) Where species proposed for use have been identified as occurring naturally in the adjoining Gordons Bay Reserve, they must only be sourced directly from local provenance stock; or; alternative, non-endemic species must be selected. Council's Community Nursery may assist with advice regarding species selection, and can be contacted on 9093-6250.

**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**

27. 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**

28. 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**

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

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

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

**Demolition Work Requirements**

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

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

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

**Removal of Asbestos Materials**

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

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

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

**Sediment & Erosion Control**

32. 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**

33. 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**

34. 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.



35. 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.

36. 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**

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

#### **Gordons Bay Reserve**

38. No foreign matter, including, but not limited to: litter, cement wash, concrete, fill, soils, mulch, building materials, chemicals, petroleum-based products, paint, etc, shall be disposed of in, or placed in, or where they may enter, Gordons Bay Reserve. In all instances where such substances have been disposed of in, have been placed in, or have entered, the reserve, all affected areas shall be immediately repaired to the satisfaction of Council's Natural Resources Coordinator.

39. The applicant must maintain pedestrian access along Cliffbrook Parade (coastal walk) during the course of the proposed works.

#### **Road / Asset Opening Permit**

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

The owner/builder must ensure that all works within or upon the road reserve,

footpath, nature strip or other public place are completed to the satisfaction of Council, prior to the issuing of a final occupation certificate for the development.

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

### **Tree Management**

41. Approval is granted for removal of the following trees from within the subject site, subject to full implementation of the approved landscaping:
- a) In the eastern half of the rear yard, along the eastern boundary, adjacent the northeast corner of the existing dwelling, the row of dwarf Magnolia's and Lilly Pillies, and then further to their north, towards the northeast corner of the site, two mature Cocos Palms (which are exempt from Council's DCP due to their low landscape value), as well as those *Strelitzia nicholii* (Giant Bird of Paradise) where necessary;
  - b) In the western half of the rear setback, adjacent the northwest corner of the existing dwelling, the stand of four *Howea fosteriana* (Kentia Palms), where necessary, so as to accommodate the rear extension in this same areas as shown;
  - c) To the northeast of those described in point 'a' above, the group of closely planted trees, being from east to west, a spindly *Angophora costata* (Sydney Red Gum), an *Acmena smithii* (Lilly Pilly), a slightly larger *Eucalyptus microcorys* (Tallowood), then a *Lophostemon confertus* (Brush Box), due to a combination of their poor health and/or condition, reduced lifespan, and their unsuitability for retention given their large sizes at maturity and the fact that the building will now finish much closer to these trees than the existing footprint, which raises future safety concerns;
  - d) The *Schefflera actinophylla* (Umbrella Tree) about halfway across the width of the rear/northern boundary, just east of the pedestrian entrance, must be removed as it is an invasive environmental weed, even though not directly affected by the works, so as to eliminate this weed source from the adjoining native bushland surrounding Gordons Bay;
  - e) The Citrus just to its south, should the applicant wish, so as to accommodate more desirable plantings.

### **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**

42. 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**

43. 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.

#### **OPERATIONAL CONDITIONS**

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

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

#### **External Lighting**

44. 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**

45. 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.

#### **Landscape Plan**

46. The PCA must ensure that landscaping at this site has been installed in accordance with the approved plan and any relevant conditions of consent, prior to the issue of any Occupation Certificate, with the owners to maintain it in a healthy and vigorous state until maturity.

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

47. The applicant must meet the full cost for Council or a Council approved contractor to repair/replace any damaged sections of Council's footpath, kerb & gutter, nature strip etc which are due to building works being carried out at the above site. This includes the removal of cement slurry from Council's footpath and roadway.

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

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

#### **Stormwater Drainage**

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

#### **NOTE:**

Council's Development Engineer and Natural Resources Coordinator must be notified to arrange inspection of any completed drainage works within Gordons Bay reserve. The completed works and any required remedial action must be to the satisfaction of Council. Please contact Council's Development Engineer (9093-6881) and Natural Resources Coordinator (9093-6686) at the appropriate time.

#### **New Strata Plans**

50. The 'strata plan of consolidation/subdivision' shall be registered at NSW Land Property Information prior to the issuing of an occupation certificate.

#### **Sydney Water Requirements**

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

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

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

### **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.

52. A formal application for a strata certificate is required to be submitted to and approved by the Council or an accredited certifier and all relevant conditions of this development consent are required to be satisfied.
53. All floors, external walls and ceilings depicted in the proposed strata plan must be constructed.
54. 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.
55. Details of critical stage inspections carried out by the principal certifying authority, together with any other certification relied upon, must be provided to Council or the accredited certifier.
56. 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.

**ADVISORY NOTES**

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

- A1 The requirements and provisions of the *Environmental Planning & Assessment Act 1979* and *Environmental Planning & Assessment Regulation 2000*, must be fully complied with at all times.  
  
Failure to comply with these requirements is an offence, which renders the responsible person liable to a maximum penalty of \$1.1 million. Alternatively, Council may issue a penalty infringement notice (for up to \$3,000) for each offence. Council may also issue notices and orders to demolish unauthorised or non-complying building work, or to comply with the requirements of Council's development consent.
- A2 This determination does not include an assessment of the proposed works under the Building Code of Australia (BCA) and other relevant Standards. All new building work (including alterations and additions) must comply with the BCA and relevant Standards and you are advised to liaise with your architect, engineer and building consultant prior to lodgement of your construction certificate.
- A3 In accordance with the requirements of the *Environmental Planning & Assessment Act 1979*, building works, including associated demolition and excavation works (as applicable) must not be commenced until:
  - A *Construction Certificate* has been obtained from an Accredited Certifier or Council,
  - An Accredited Certifier or Council has been appointed as the *Principal Certifying Authority* for the development,

- Council and the Principal Certifying Authority have been given at least 2 days notice (in writing) prior to commencing any works.
- A4 Council's Building Certification & Fire Safety team can issue your *Construction Certificate* and be your *Principal Certifying Authority* for the development, to undertake inspections and ensure compliance with the development consent, relevant building regulations and standards of construction. For further details contact Council on 9399 0944.
- A5 A Local Approval application must be submitted to and be approved by Council prior to commencing any of the following activities on a footpath, road, nature strip or in any public place:
- Install or erect any site fencing, hoardings or site structures
  - Operate a crane or hoist goods or materials over a footpath or road
  - Placement of a waste skip or any other container or article.
- For further information please contact Council on 9399 0944.
- A6 Specific details of the location of the building/s should be provided in the Construction Certificate to demonstrate that the proposed building work will not encroach onto the adjoining properties, Council's road reserve or any public place.
- A7 Prior to commencing any works, the owner/builder should contact *Dial Before You Dig* on 1100 or [www.dialbeforeyoudig.com.au](http://www.dialbeforeyoudig.com.au) and relevant Service Authorities, for information on potential underground pipes and cables within the vicinity of the development site.
- A8 This consent does not authorise any trespass or encroachment upon any adjoining or supported land or building whether private or public. Where any underpinning, shoring, soil anchoring (temporary or permanent) or the like is proposed to be carried out upon any adjoining or supported land, the land owner or principal contractor must obtain:
- the consent of the owners of such adjoining or supported land to trespass or encroach, or
  - an access order under the *Access to Neighbouring Land Act 2000*, or
  - an easement under section 88K of the *Conveyancing Act 1919*, or
  - an easement under section 40 of the *Land & Environment Court Act 1979*, as appropriate.
- Section 177 of the *Conveyancing Act 1919* creates a statutory duty of care in relation to support of land. Accordingly, a person has a duty of care not to do anything on or in relation to land being developed (the supporting land) that removes the support provided by the supporting land to any other adjoining land (the supported land).
- A9 Smoke alarms are required to be installed in all residential dwellings, in accordance with the relevant provisions of the *Environmental Planning & Assessment Act 1979* and the Building Code of Australia. Details should be included in the construction certificate application.
- A10 Demolition work and removal of asbestos materials:
- *A copy of Council's Asbestos Policy is available on Council's web site at [www.randwick.nsw.gov.au](http://www.randwick.nsw.gov.au) in the Building & Development section or a copy can be obtained from Council's Customer Service Centre.*

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

- A11 Underground assets may exist in the area that is subject to your application. In the interests of health and safety and in order to protect damage to third party assets please contact Dial before you dig at [www.1100.com.au](http://www.1100.com.au) or telephone on 1100 before excavating or erecting structures (This is the law in NSW). If alterations are required to the configuration, size, form or design of the development upon contacting the Dial before You Dig service, an amendment to the development consent (or a new development application) may be necessary. Individuals owe asset owners a duty of care that must be observed when working in the vicinity of plant or assets. It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial before you dig service in advance of any construction or planning activities.
- A12 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.
- A13 Further information and details on Council's requirements for trees on development sites can be obtained from the recently adopted Tree Technical Manual, which can be downloaded from Council's website at the following link, <http://www.randwick.nsw.gov.au> - Looking after our environment – Trees – Tree Management Technical Manual; which aims to achieve consistency of approach and compliance with appropriate standards and best practice guidelines.

**MOTION: (Matson/Neilson)** 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/596/2016 for alterations and additions to the existing building and conversion of the building to a pair of semi-detached dwellings at No. 8 Cliffbrook Parade, Clovelly, for the following reasons:

1. The proposal is considered to be an over development of the site.
2. Given the specific nature of the site, being on a cliff face in a strategic scenic position, the FSR for a dual occupancy is considered more relevant than that of a semi-detached dwelling and should be applied in this instance. **LOST.**

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

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

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

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

<b>FOR</b>	<b>AGAINST</b>
Councillor Andrews	Councillor Matson
Councillor Belleli	Councillor Neilson
Councillor Bowen	
Councillor D'Souza	
Councillor Garcia	
Councillor Moore	
Councillor Nash	
Councillor Roberts	
Councillor Seng	
Councillor Stevenson	
<b>Total (10)</b>	<b>Total (2)</b>

### **D22/17 Development Application Report - 47 Maroubra Road, Maroubra (DA/650/2016)**

Note: a Rescission Motion in relation to this matter was submitted by Councillors Andrews, Roberts, Seng and Stavrinou in accordance with Council's Code of Meeting Practice and will be considered at the ordinary Council Meeting to be held on 28 March 2017.

PL25/17 **RESOLUTION: (Garcia/Matson)** that the application be deferred for mediation.

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

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

<b>FOR</b>	<b>AGAINST</b>
Councillor Belleli	Councillor Andrews
Councillor Bowen	Councillor Moore
Councillor D'Souza	Councillor Neilson
Councillor Garcia	Councillor Roberts
Councillor Matson	Councillor Seng
Councillor Nash	
Councillor Stevenson	
<b>Total (7)</b>	<b>Total (5)</b>

### **D23/17 Development Application Report - 81 Bream St, Coogee (DA/491/2014/A)**

PL26/17 **RESOLUTION: (Andrews/Moore)** that Council, as the consent authority, grants consent under Section 96 of the Environmental Planning and Assessment Act 1979, as amended, to modify Development Consent No. DA/491/2014/A by including new car space, bike rack, storage garbage room, stairs, deletion of disabled lift, increase size of Unit 3 at ground floor level, additional unit comprising 2 x bedroom at first floor level, increase size of balconies at all residential levels and modifications to window openings. The consent is modified in the following manner:

- **Amend Condition 1 to read:**

**"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:

<b>Plan</b>	<b>Drawn by</b>	<b>Dated</b>	<b>Received by Council</b>



Plan: Location A2001 DA01	Alex Phegan Pty Ltd	11/07/14	25/07/14
Plan: Site Analysis A2002 DA 01	Alex Phegan Pty Ltd	11/07/14	25/07/14
Plan: Basement A2201 DA01	Alex Phegan Pty Ltd	11/07/14	25/07/14
Plan: Ground A2202 DA01	Alex Phegan Pty Ltd	11/07/14	25/07/14
Plan: Level 01 A2203 DA01	Alex Phegan Pty Ltd	11/07/14	25/07/14
Plan: Level 02 A2204 DA02	Alex Phegan Pty Ltd	27/10/14	3/11/14
Plan: Level 03 A2205 DA02	Alex Phegan Pty Ltd	27/10/14	3/11/14
Plan: Roof A2206 DA02	Alex Phegan Pty Ltd	27/10/14	3/11/14
Plan: Area GFA A2301 DA02	Alex Phegan Pty Ltd	27/10/14	3/11/14
Plan: Area Private Open Space A2302 DA01	Alex Phegan Pty Ltd	11/07/14	25/07/14
Plan: Area Landscape A2303 DA01	Alex Phegan Pty Ltd	11/07/14	25/07/14
Shadows: June 21 9:00 (#83 existing) A2401 DA01	Alex Phegan Pty Ltd	11/07/14	25/07/14
Shadows: June 21 12:00 (#83 existing) A2402 DA01	Alex Phegan Pty Ltd	11/07/14	25/07/14
Shadows: June 21 3:00 (#83 existing) A2403 DA01	Alex Phegan Pty Ltd	11/07/14	25/07/14
Shadows: June 21 9:00 (#83 DA approved) A2404 DA01	Alex Phegan Pty Ltd	11/07/14	25/07/14
Shadows: June 21 12:00 (#83 DA approved) A2405 DA01	Alex Phegan Pty Ltd	11/07/14	25/07/14
Shadows: June 21 3:00 (#83 DA approved) A2406 DA01	Alex Phegan Pty Ltd	11/07/14	25/07/14
Elevation: North (No. 83 DA approved) A3001 DA01	Alex Phegan Pty Ltd	11/07/14	25/07/14
Elevation: North (No. 83 existing) A3002 DA01	Alex Phegan Pty Ltd	11/07/14	25/07/14
Elevation: South (No. 83 DA approved) A3003 DA01	Alex Phegan Pty Ltd	11/07/14	25/07/14
Elevation: South (No. 83 DA existing) A3004 DA01	Alex Phegan Pty Ltd	11/07/14	25/07/14
Elevation: East A3005 DA01	Alex Phegan Pty Ltd	11/07/14	25/07/14
Elevation: West A3006 DA01	Alex Phegan Pty Ltd	11/07/14	25/07/14
Section: A A3101 DA01	Alex Phegan Pty Ltd	11/07/14	25/07/14
Section: B A3102 DA01	Alex Phegan Pty Ltd	11/07/14	25/07/14
Section: C A3103 DA02	Alex Phegan Pty Ltd	11/07/14	25/07/14
Photomontage (#83 Existing) A9001 DA01	Alex Phegan Pty Ltd	27/10/14	3/11/14
Photomontage (#83 DA approved) A8002 DA01	Alex Phegan Pty Ltd	11/07/14	25/07/14
Finishes A9001 DA01	Alex Phegan Pty Ltd	11/07/14	25/07/14

<b>BASIX Certificate No.</b>	<b>Dated</b>	<b>Received by Council</b>
560167M_02	31 October 2014	3 November 2014

**As amended by the Section 96 "A" plans and supporting documentation listed below:**

<b>Plan</b>	<b>Drawn by</b>	<b>Dated</b>
S96 002	Attena Group Pty Ltd	15 Feb. 2017
S96 04.2	Attena Group Pty Ltd	15 Feb. 2017
S96 05.2	Attena Group Pty Ltd	15 Feb. 2017
S96 06.2	Attena Group Pty Ltd	15 Feb. 2017
S96 07.2	Attena Group Pty Ltd	15 Feb. 2017
S96 08.2	Attena Group Pty Ltd	15 Feb. 2017

S96 09.2	Attena Group Pty Ltd	15 Feb. 2017
S96 10.2	Attena Group Pty Ltd	15 Feb. 2017
S96 11 to 13	Attena Group Pty Ltd	15 Feb. 2017
S96 22	Attena Group Pty Ltd	15 Feb. 2017

**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. 3**
- **Amend Condition 16 to read:**  
**"BASIX Requirements**

In accordance with the provisions of the Environmental Planning & Assessment Regulation 2000, a new BASIX Certificate and associated documentation must be submitted to the Certifying Authority with the **Construction Certificate** application for this development.

The required commitments listed and identified in the BASIX Certificate are to be included on the plans, specifications and associated documentation for the proposed development, 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."

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

**D24/17 Development Application Report - 32 Cliffbrook Parade, Clovelly  
(DA/773/2016)**

PL27/17

**RESOLUTION: (Andrews/Moore)** that Council, as the consent authority, grants development consent under Sections 80 and 80A of the Environmental Planning and Assessment Act 1979, as amended, to Development Application No. DA/773/2016 for the demolition of the existing dwelling house and construction of a new part 2/part 3 storey dwelling house, at No. 32 Cliffbrook Parade, subject to the standard conditions contained in the development application compliance report.

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

**D25/17 Development Application Report - 5 Dangar Street, Randwick  
(DA/713/2016)**

PL28/17

**RESOLUTION: (Andrews/Seng)** 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. 713/2016 for a new garage with studio above, at No. 5 Dangar Street, Randwick, subject to the standard conditions contained in the development application compliance report.

**MOTION: (Neilson/Matson)** 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. 713/2016 for a new garage with studio above, at No. 5 Dangar Street, Randwick, for the following reasons:

1. the site area of 211.5m<sup>2</sup> does not comply with the SEP Affordable Rental Housing 2009 minimum standard of at least 450m<sup>2</sup>.
2. The secondary dwelling does not meet the relevant requirements of the RLEP 2012 or the DCP for the following reasons;
  - i) The scale of the proposal is not compatible with the proportions of the site.
  - ii) The site is not capable of accommodating a secondary dwelling without adverse amenity impacts on the neighbouring properties in terms of visual bulk and overshadowing.
  - iii) The proposal is located within the North Randwick Heritage Conservation Area and the size and scale of the development is not compatible with the desired future character of the area. **LOST.**

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

<b>FOR</b>	<b>AGAINST</b>
Councillor D'Souza	Councillor Andrews
Councillor Garcia	Councillor Belleli
Councillor Matson	Councillor Bowen
Councillor Neilson	Councillor Moore
Councillor Stevenson	Councillor Nash
	Councillor Roberts
	Councillor Seng
<b>Total (5)</b>	<b>Total (7)</b>

**MOTION: (Matson/Bowen)** that the application be deferred for mediation with respect to the length and height of the proposal and overshadowing issues. **LOST.**

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

<b>FOR</b>	<b>AGAINST</b>
Councillor Bowen	Councillor Andrews
Councillor Garcia	Councillor Belleli
Councillor Matson	Councillor D'Souza
Councillor Neilson	Councillor Moore
Councillor Stevenson	Councillor Nash
	Councillor Roberts
	Councillor Seng
<b>Total (5)</b>	<b>Total (7)</b>

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

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

<b>FOR</b>	<b>AGAINST</b>
Councillor Andrews	Councillor Garcia
Councillor Belleli	Councillor Matson
Councillor Bowen	Councillor Neilson
Councillor D'Souza	Councillor Stevenson
Councillor Moore	
Councillor Nash	
Councillor Roberts	
Councillor Seng	
<b>Total (8)</b>	<b>Total (4)</b>

### **D26/17 Development Application Report - 5 Edgecliffe Avenue, South Coogee (DA/419/2016)**

PL29/17

**RESOLUTION: (Andrews/Matson)** that the application be deferred for mediation.

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

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

### **D27/17 Development Application Report - 3 Forsyth Street, Kingsford (DA/887/2010/A)**

PL30/17

**RESOLUTION: (Andrews/Bowen)** that Council, as the consent authority, grant development consent under Sections 96 of the Environmental Planning and Assessment Act 1979, as amended, to modify Development Consent No. DA/887/2010/A by alteration to landscaping to provide access ramp, relocation of external access stairs, removal of roof from internal courtyard area, at No.3 Forsyth Street, Kingsford, in the following manner:

- **Amend Condition 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:

The development shall be carried out in accordance with the submitted plans:

<b>Plan</b>	<b>Drawn by</b>	<b>Dated</b>
DA01 Job No 1007	Archicorp	September 2011
DA02 Job No 1007	Archicorp	September 2011
DA03 Job No 1007 (MODIFIED VERSION showing 1500mm setback of units 12 and 13 to Willis Lane)	Archicorp	September 2011
DA04 Job No 1007 (MODIFIED VERSION showing 2500mm setback of units 16 and 17 to Willis Lane)	Archicorp	September 2011
DA05 Job No 1007	Archicorp	September 2011
DA06 Job No 1007	Archicorp	September 2011
DA07 Job No 1007	Archicorp	September 2011
DA08 Job No 1007 (MODIFIED VERSION showing revised elevation)	Archicorp	September 2011
DA09 Job No 1007	Archicorp	September 2011
DA10 Job No 1007	Archicorp	September 2011
DA11 Job No 1007	Archicorp	September 2011
SD01 showing comparison	Archicorp	undated

shadows with approved plans		
SD02 showing comparison shadows with approved plans	Archicorp	undated
SD03 showing comparison shadows with approved plans	Archicorp	undated
Proposed parking Scheme 2		

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

<i>Plan</i>	<i>Drawn By</i>	<i>Dated</i>
SEC-96/001	LFORM Architects	November 2016

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

**D28/17 Development Application Report - 135-143R Beach Street, Coogee (DA/897/2016)**

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

PL31/17

**RESOLUTION: (Neilson/Matson)** that Council, as the consent authority, grants development consent under Sections 80 and 80A of the Environmental Planning and Assessment Act 1979, as amended, to Development Application No. 897/2016 for nominated demolition, alterations and additions, at No. 135-143R Beach Street, Coogee subject to the following non-standard condition and the standard conditions contained in the development application compliance report attached to this report:

- 2.a) The existing sandstone walls at the level of street and rock platform must be retained as much as possible. Details are to be submitted to Council's Heritage Planner for approval prior to issuing of a construction certificate.

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

**D29/17 Development Application Report - 12 Bunya Parade, South Coogee (DA/899/2016)**

PL32/17

**RESOLUTION: (Andrews/Moore)** that Council, as the consent authority, grants development consent under Sections 80 and 80A of the Environmental Planning and Assessment Act 1979, as amended, to Development Application No. 899/2016 for Demolition of the existing dwelling and construction of a new 2 storey dwelling with pool, at No. 12 Bunya Parade, South Coogee, subject to the standard conditions contained in the development application compliance report.

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

**D30/17 Development Application Report - 14 Chapman Avenue, Maroubra (DA/50/2017)**

**Note: Having previously declared an interest, Cr Shurey was not present at the meeting and took no part in the debate or voting on this matter.**

PL33/17

**RESOLUTION: (Andrews/Moore)** that Council, as the consent authority, grants development consent under Sections 80 and 80A of the Environmental Planning and Assessment Act 1979, as amended, to Development Application No. 50 for 2017, at No. 14 Chapman 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**

**Side Elevation**

2. The west side elevation shall be treated to provide visual relief via the adoption of a change in materials and colours along this section of the wall to appear recessive.

Details are to be submitted to the satisfaction of Council's Director of City Planning, **prior to the issue of a Construction Certificate.**

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

**D31/17 Development Application Report - 8 McMaster Place, Little Bay  
(DA/533/2016)**

PL34/17

**RESOLUTION: (Bowen/Moore) -**

- A. That Council supports the exceptions to development standards under Clause 4.6 of Randwick Local Environmental Plan 2012 in respect to non-compliance with Clauses 4.4 of Randwick Local Environmental Plan 2012, relating to Floor Space Ratio, on the grounds that the proposed development complies with the objectives of the above clause, and will not adversely affect the amenity of the locality, and that the Department of Planning and Environment be advised accordingly.
- B. That Council, as the consent authority, grants development consent under Sections 80 and 80A of the Environmental Planning and Assessment Act 1979, as amended, to Development Application No. DA/533/2016 for an integrated development for the construction of a new part 2/part 3 storey dwelling house with in-ground swimming pool and associated site and landscape works at No.8 McMaster Place, Little Bay, subject to the following non-standard conditions and the standard conditions contained in the development application compliance report attached to this report:

**Non-Standard Conditions**

**Amendment of Plans & Documentation**

- The approved plans and documents must be amended in accordance with the following requirements, with details to be included within the construction certificate:
  - a. A width of the perforated metal screen to Window W1 01 (Master bedroom) shall not exceed 3m, but may be operable. Transparent glass shall be used on Window W1 01. Note: *This is required to facilitate casual surveillance of the street from the dwelling and to prevent the creation of a blank facade.*
  - b. A fixed privacy screen having a height of 1.6m above floor level must be provided to the entire north eastern side of the ground floor level terrace. The privacy screen must be either:
    - Translucent or obscured glazing
    - Fixed timber/metal slats mounted horizontally or vertically with no more than 30mm openings.
    - Fixed vertical louvres with the individual blades angled and spaced to prevent overlooking of the private open space or windows of the adjacent dwellings.

- c. The following window/s must have a minimum sill height of 1.6m above floor level, or alternatively, the window/s are to be fixed and be provided with translucent, obscured, frosted or sandblasted glazing below this specified height:

- W0 02 to the Guest bedroom

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

### **Miscellaneous Reports**

Nil.

### **Notice of Rescission Motions**

A Rescission Motion in relation to Item D22/17 (Development Application Report – 47 Maroubra Road, Maroubra (DA/650/2016)) was submitted by Councillors Andrews, Roberts, Seng and Stavrinou in accordance with Council's Code of Meeting Practice and will be considered at the ordinary Council Meeting to be held on 28 March 2017.

The meeting closed at 8.22pm.

**The minutes of this meeting were confirmed at the Planning Committee Meeting of the Council of the City of Randwick held on Tuesday, 11 April 2017.**

.....  
**CHAIRPERSON**