

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

MINUTES OF PLANNING COMMITTEE MEETING OF THE COUNCIL OF THE CITY OF RANDWICK HELD ON TUESDAY, 11 APRIL 2017 AT 6:05PM

Present:

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

- | | |
|--------------|--|
| North Ward | - Councillors K Neilson, K Smith (arrived 6.55pm) & L Shurey |
| South Ward | - Councillor R Belleli |
| East Ward | - Councillors T Bowen, M Matson |
| West Ward | - Councillors G Moore & H Stavrinou (Chairperson) |
| Central Ward | - Councillors A Andrews (arrived 6.08pm), 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
Acting Manager Development Assessment	Mr R Quinton
Senior Administrative Coordinator	Ms J Hartshorn
Communications Manager	Mr J Hay

Apologies/Granting of Leave of Absences

Apologies were received from Crs Garcia, Nash and Roberts.

RESOLVED: (Matson/Shurey) that the apologies received from Crs Garcia, Nash and Roberts be accepted and leave of absences from the meeting be granted.

Confirmation of the Minutes

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

PL35/17

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

Declarations of Pecuniary and Non-Pecuniary Interests

- a) All Councillors present at the meeting (excluding Cr Matson) declared a non-significant non pecuniary interest in Item D35/17 as the objector is a Councillor.
- b) Cr Neilson, on behalf of all Labor Party Councillors present at the meeting, declared a non-significant non pecuniary interest in Item D33/17 as one of the applicants is known to them through their association with the ALP.
- c) Cr Matson declared a pecuniary interest in Item CP35/17 as he owns the adjoining property. Cr Matson indicated that he would not take part in the debate or the voting on the matter.
- d) The Mayor, Cr D'Souza declared a pecuniary interest in Item D36/17 as his family own property in close proximity. Cr D'Souza indicated that he would not take part in the debate or the voting on the matter.
- e) Cr Andrews declared a non-significant non pecuniary interest in Item D33/17 as he is aware of the owner from living in the city of Randwick.
- f) Cr Andrews declared a non-significant non pecuniary interest in Item NR6/17 as he is aware of the objectors.
- g) Cr Bowen declared a non-significant non pecuniary interest in Item D34/17 as a relative lives in proximity to the property.

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:

D33/17 352 CLOVELLY ROAD, CLOVELLY (DA/674/2014/C)

Objector Ms Sylvia Sklavounos

D34/17 28 DOLPHIN STREET, RANDWICK (DA/726/2016)

Objector Mr Max McLeod

Applicant Mr Hayden Woodridge

D35/17 537 ANZAC PARADE, KINGSFORD (DA/905/2016)

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

Objector Ms Leeza Dobby

Cr Matson returned to the meeting at this point (6.26pm).

D37/17 137 CARRINGTON ROAD, COOGEE (DA/88/2014/D)

Objector Ms Anita Commander

Applicant Mr Jeff Mead (representing the applicant)

NR6/17 NOTICE OF RESCISSION MOTION SUBMITTED BY CRS GARCIA, STEVENSON AND ANDREWS - 5 EDGECLIFFE AVENUE, SOUTH COOGEE (DA/419/2016)

Objector Ms Jodi Sweeney

Applicant Mr Craig Taylor (representing the applicant)

The meeting was adjourned at 7.03pm and was resumed at 7.19pm.

Urgent Business

Nil.

Development Application Reports**D32/17 Development Application Report - 773-775 Anzac Parade, Maroubra (DA/595/2016)**

The application (DA/595/2016) was withdrawn by the applicant prior to the meeting.

D33/17 Development Application Report - 352 Clovelly Road, Clovelly (DA/674/2014/C)

PL36/17

RESOLUTION: (Matson/Neilson) that Council, as the consent authority, refuses development consent under Section 96(2) of the Environmental Planning and Assessment Act 1979, as amended, to Development Application No. DA/674/2014/C for deletion of condition 2(a) to allow for construction of roof terrace, at No. 352 Clovelly Road, Clovelly, for the following reasons:

1. The proposal does not satisfy the objectives of the R3 Medium Density Residential specified in the Randwick Local Environmental Plan 2012. The proposed development is unacceptable and unreasonable in that it will have an adverse impact on the amenity of neighbouring residents and is not compatible with the scale of residential development in the medium density residential zone.
2. The modified development as proposed does not satisfy the requirements under Section 96(2) of the Environmental Planning and Assessment Act 1979 (as amended) in that it is not substantially the same as the development originally approved.
3. The proposed The proposal does not satisfy the objectives and controls for Building façade in Section 4.1 of Part C2 Medium Density Residential of the Randwick Comprehensive Development Control Plan (RDCP) 2013.
4. The proposal does not satisfy the objectives and controls for Roof Design in Section 4.2 of Part C2 Medium Density Residential of the Randwick Comprehensive Development Control Plan (RDCP) 2013.
5. The proposed roof terrace does not satisfy the objectives and controls for Visual and Acoustic Privacy in Section 5.3 and 5.4 of Part C2 Medium Density Residential of the Randwick Comprehensive Development Control Plan (RDCP) 2013. The proposed roof terrace will have direct sightlines into the habitable room windows of units in the neighbouring building at No. 34 Melrose Parade and result in adverse acoustic privacy impact on the neighbouring properties.
6. The proposal fails to satisfy the relevant considerations under Section 79C(1) (b), (c) and (e) Environmental Planning and Assessment Act 1979 for natural and built environmental impacts, suitability of the site, and the public interest.

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

D34/17 Development Application Report - 28 Dolphin Street, Randwick (DA/726/2016)

PL37/17

RESOLUTION: (Matson/Neilson) 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/726/2016 for

the demolition of an existing single storey dwelling house and the construction of a new attached dual occupancy, at No. 28 Dolphin Street, Randwick, subject to the standard conditions contained in the development application compliance report.

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

D35/17 Development Application Report - 537 Anzac Parade, Kingsford (DA/905/2016)

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

PL38/17

RESOLUTION: (Shurey/Bowen) 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/905/2016 for the demolition of the existing dwelling house and construction of a new 2 storey dwelling house, at No. 537 Anzac Parade, Kingsford, subject to the following non standard conditions and the standard conditions contained in the development application compliance report attached to this report:

Non-standard conditions

2.
 - a. Details of 1800mm high fencing along both side boundaries are to be included in the Construction Certificate. The height of the western fence is to be measured from the ground level currently set by the concrete pathway existing on the 47 Hincks Street side and the fence adjacent to window 9 in bedroom 3 to be of a height to overcome overlooking of the neighbouring properties with details to be provided for Council officers for approval. Reason: To provide visual privacy to the residents and neighbours.
 - b. A 1600mm high privacy screen must be provided to the eastern and western edges of the first floor rear balcony. The privacy screens must be constructed with either:
 - Translucent or obscured glazing;
 - Fixed lattice/slats with individual openings not more than 30mm wide;
 - Fixed vertical or horizontal louvres with the individual blades angled and spaced appropriately to prevent overlooking into the private open space or windows of the adjacent dwellings.

Details are to be submitted to Council's Manager Development Assessment prior to issuing a construction certificate. The screen is to be a permanent fixture. Reason: To provide visual privacy between residents.

29. In order to comply with Clause 2.4 (Part C1) of the Randwick Comprehensive Development Control Plan, a tree must be planted in the site. When mature it must reach a height of between 4-8m. The selected tree is to be located in the front setback to contribute to the streetscape.

MOTION: (Shurey/Bowen) 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 Bowen	
Councillor D'Souza	

Councillor Neilson
 Councillor Seng
 Councillor Shurey
 Councillor Smith
 Councillor Stavrinou
 Councillor Stevenson
Total (10)

Total (1)

Cr Matson returned to the meeting at this point (7.26pm).

**D36/17 Development Application Report - 14 Close Street, South Coogee
 (DA/224/2016/A)**

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

PL39/17

RESOLUTION: (Smith/Moore) that Council, as the consent authority, grants development consent under Section 96 of the Environmental Planning and Assessment Act 1979, as amended, to modify Development Application No. DA/224/2016/A for the extension of the front undercroft and planter box above by 1m and towards the Close Street boundary and relocation and extension of the rear deck towards the northern side boundary by 951mm, at No. 14 Close Street, South Coogee, 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 consent:

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

Plan	Drawn by	Dated	Received by Council
SK102-107	Archebiosis Design	2 August 2016 (Issue B)	2 August 2016
SK200-203	Archebiosis Design	2 August 2016 (Issue B)	2 August 2016
SK300-301	Archebiosis Design	2 August 2016 (Issue B)	2 August 2016

BASIX Certificate No.	Dated	Received by Council
718269S	29 April 2016	2 May 2016

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:**

Plan	Drawn by	Dated	Received by Council
S96100-S96103	Archebiosis Design	6 February 2017	6 February 2017
S96200-S96203	Archebiosis Design	6 February 2017	6 February 2017
S96300-S96301	Archebiosis Design	6 February 2017	6 February 2017

- An **amended** Landscape Plan is to be submitted and endorsed by Council's landscape architect which indicates the landscape species chosen for the planter box. The planter box is to have a minimum soil depth of 600mm and be a minimum width of 1m.

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

**D37/17 Development Application Report - 137 Carrington Road, Coogee
(DA/88/2014/D)**

PL40/17

RESOLUTION: (Smith/Neilson) that Council, as the consent authority, refuses development consent under Section 96(2) of the Environmental Planning and Assessment Act 1979, as amended, to Development Application No. DA/88/2014C for modification of the approved development by increase of floor area and internal alterations of level 5 with new south facing balcony, increase in size of east facing balcony plus new roof garden to north and west at No. 137 Carrington Road, Coogee, for the following reasons:

1. The proposal does not satisfy the objectives of the R3 Medium Density Residential specified in the Randwick Local Environmental Plan 2012. The proposed development is unacceptable and unreasonable in that it will contain less articulation at the front of the development and will have an adverse impact on the amenity of neighbouring residents and is not compatible with the scale of residential development in the Medium density residential zone.
2. The proposal does not satisfy the objective of floor space ratio standards under Clause 4.4 of Randwick Local Environmental Plan 2012 and Clause 33 and Principle 3: Density of State Environmental Planning Policy No 65 –Design Quality of Residential Flat Buildings.
3. The proposal does not satisfy the controls or the design guidance under Objective 3F - Visual Privacy of the ADG and Clause 33 and principle 6: Amenity of State Environmental Planning Policy No 65 –Design Quality of Residential Flat Buildings.
4. The proposal does not satisfy the controls or the design guidance under Objective 4H-1 Acoustic Privacy of the ADG and Clause 33 Principle 6: Amenity of State Environmental Planning Policy No 65 –Design Quality of Residential Flat Buildings.
5. The proposal does not satisfy the controls or the design guidance under Orientation – Objective 3B – 2: Solar Access of the ADG and Clause 33 Principle 6: Amenity of State Environmental Planning Policy No 65 –Design Quality of Residential Flat Buildings.
6. The proposal does not satisfy the objectives or controls in Section 5.3 and 5.4 relating to Visual and Acoustic Privacy in Part C2 of the Randwick Comprehensive Development Control Plan 2013.
7. The proposal will result in additional impact on the solar access to the living rooms, courtyard and roof terraces of the building and site at No. 139 Carrington Road, Coogee.
8. The proposal will impact on the visual and acoustic privacy of the roof terrace, habitable rooms and private open spaces of units in the neighbouring buildings at No's 135 Carrington Road and 139 Carrington Road.
9. The modified development as proposed does not satisfy the requirements under Section 96(2) of the Environmental Planning and Assessment Act 1979 (as amended) in that it is not substantially the same as the development originally approved.
10. The proposal fails to satisfy the relevant considerations under Section 79C(1) (b),(c) and (e) Environmental Planning and Assessment Act 1979 for natural and built environmental impacts, suitability of the site, and the public interest.

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

Miscellaneous Reports

Nil.

Notice of Rescission Motions

NR6/17 Notice of Rescission Motion - Notice of Rescission Motion submitted by Crs Garcia, Stevenson and Andrews - 5 Edgecliffe Avenue, South Coogee (DA/419/2016)

MOTION: (Andrews/Matson) that the resolution passed at the Ordinary Council meeting held on Tuesday 28 March 2017 and reading as follows:

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/419/2016 for alterations and additions to the existing dwelling house including new upper level addition, rear in-ground swimming pool with associated decks, widening of the driveway, changes to the front boundary wall, associated site and landscaping works, at No. 5 Edgecliffe Avenue, South Coogee, subject to the following non standard conditions and the standard conditions contained in the development application compliance report attached to this report:

GENERAL CONDITIONS

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

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

Approved Plans & Supporting Documentation

- 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
DA 0154 (Revision B)	Red Blue Architect and design	25/05/2016
DA 0200 (Revision C)	Red Blue Architect and design	26/09/2016
DA 0201 (Revision C)	Red Blue Architect and design	26/09/2016
DA 0202 (Revision C)	Red Blue Architect and design	26/09/2016
DA 0203 (Revision C)	Red Blue Architect and design	26/09/2016
DA 0204 (Revision C)	Red Blue Architect and design	26/09/2016
DA 0207 (Revision C)	Red Blue Architect and design	26/09/2016
DA 0210 (Revision C)	Red Blue Architect and design	25/05/2016
DA 0211 (Revision A)	Red Blue Architect and design	26/09/2016
DA 0221 (Revision A)	Red Blue Architect and design	27/09/2016

BASIX Certificate No.	Dated
A241570	30 May 2016

Amendment of Plans & Documentation

- The approved plans and documents must be amended in accordance with the following requirements:
 - The rear Balcony 1 off the sitting room on level 2 shall be reduced in

- size to have a maximum depth of 1m. To provide cover over the ground floor Deck 1 an awning structure can be constructed in its place to a maximum RL height of 52.590.
- b) The ensuite on level 2 shall be reduced in depth by 1 metre. The ensuite maybe increased in width by 1 metre to substitute for the loss in area.
 - c) The new western boundary fence shall be at a maximum height of 1.2m from the existing ground level of the adjoining property at no. 1 Edgecliffe in order to retain the water horizon views.
 - d) The glass balustrades to Deck 2 on the eastern elevation shall be of obscure glazing to minimise overlooking in a downward direction into the neighbour property at no. 7 Edgecliffe Avenue.

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.

Section 94A Development Contributions

4. In accordance with Council's Section 94A Development Contributions Plan effective from 21 April 2015, based on the development cost of \$1,234,895 the following applicable monetary levy must be paid to Council: \$12348.95.

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.

Long Service Levy Payments

5. 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

6. 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*:

- \$1000.00 - 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

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

- Extended Western Driveway Entrance – RL 45.17 AHD
- Pedestrian Entrance – RL 46.48 AHD

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

8. 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.

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 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™ 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.

New Street Tree

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 selected from Council's Street Tree Masterplan, on the Edgecliffe Avenue verge, an equal distance between the western edge of the new vehicle crossing and western 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.

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 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.

Structural Adequacy

12. Certificate of Adequacy supplied by a *professional engineer* shall be submitted

to the certifying authority (*and the Council, if the Council is not the certifying authority*), certifying the structural adequacy of the existing structure to support the additional storey.

BASIX Requirements

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

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

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

Stormwater Drainage

14. 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

15. 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

16. In accordance with section 80A(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

17. 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 (eg. 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

18. 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

19. 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

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

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

- The name, address, contact details and licence number of the Demolisher /Asbestos Removal Contractor
- Details of hazardous materials (including asbestos)

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

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

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

Notes

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

Public Utilities

21. 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.
22. 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

23. A landscape plan 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) 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;
 - b) A predominance of species that can withstand poor quality sandy soils, persistent salt laden winds, and are not reliant on high quantities of moisture and fertilizer for survival;
 - c) A high quality selection and arrangement of decorative species throughout the front setback so as to assist with presentation of the development to the streetscape;
 - d) So as to maintain existing water views for adjoining neighbours to the west, this Plan must include details confirming that any species selected along the length of the western site boundary, including adjacent the

- pool, will be a species that will not exceed 2 metres in height at maturity above finished ground levels, with screening along the eastern site boundary to use only those species that will not exceed 3 metres in height above finished levels;
- e) The tree shown for the rear yard, adjacent the southwest corner of the new dwelling, as well as the three shown for the front setback must be a feature species that will not exceed 4 metres in height at maturity, with the nominated species to be shown in order to confirm compliance.

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

24. 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

25. 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

26. 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

27. 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

28. 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

29. 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

30. 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

31. 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.

32. 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.

33. 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

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

Tree Management

35. Due to their small size and insignificance, no objections are raised to removing any vegetation throughout the site, including the dead tree in the rear yard, towards the southwest corner, so as to accommodate the works as shown, but is subject to full implementation of the approved landscaping.

Road / Asset Opening Permit

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

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

development.

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

REQUIREMENTS PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE

The following conditions of consent must be complied with prior to the 'Principal Certifying Authority' issuing an 'Occupation Certificate'.

Note: For the purpose of this consent, any reference to 'occupation certificate' shall also be taken to mean 'interim occupation certificate' unless otherwise stated.

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

Occupation Certificate Requirements

37. 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

38. 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.

Swimming Pool Safety

39. Swimming pools are to be designed and installed in accordance with the relevant requirements of the *Building Code of Australia* and be provided with childproof fences and self-locking gates, in accordance with the *Swimming Pools Act 1992* and the *Swimming Pools Regulation 2008*.

The swimming pool is to be surrounded by a fence having a minimum height of 1.2m, that separates the pool from any *residential building* (as defined in the *Swimming Pools Act 1992*) that is situated on the premises and from any place (whether public or private) adjoining the premises; and that is designed, constructed and installed in accordance with Australian Standard AS 1926.1 - 2012 (Swimming Pool Safety Part 1 - Safety Barriers for Swimming Pools).

Gates to pool area shall be a maximum width of 1 metre, and be self-closing and latching; the gate is required to open outwards from the pool area and prevent a small child opening the gate or door when the gate or door is closed.

Temporary pool safety fencing is to be provided 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.

A 'warning notice' must be erected in a prominent position in the immediate vicinity of the swimming pool, in accordance with the provisions of the *Swimming Pools Regulation 2008*, detailing pool safety requirements, resuscitation techniques and the importance of the supervision of children at all times.

Note: This development consent does not approve the design and location of swimming pool fencing and other swimming pool safety barriers. Swimming pool fencing and other safety barriers are required to comply with the Swimming Pools Act 1992 and Swimming Pools Regulation 2008. Details of compliance are required to be incorporated into the plans and specifications for a Construction Certificate, to the satisfaction of the Certifying Authority.

Spa Pool Safety

40. Spa pools are to be designed and installed in accordance with the relevant provisions of the *Building Code of Australia* and be provided with a child resistant barrier, in accordance with the provisions of the *Swimming Pools Act 1992* and the *Swimming Pools Regulation 2008*.

A 'warning notice' must be erected in a prominent position in the immediate vicinity of the swimming pool, in accordance with the provisions of the *Swimming Pools Regulation 2008*, detailing pool safety requirements, resuscitation techniques and the importance of the supervision of children at all times.

Swimming Pool & Spa Pool Requirements

41. Swimming pools (and spa pools) are to be designed, installed and operated in accordance with the following general requirements:
- a) Backwash of the pool filter and other discharge of water is to be drained to the sewer in accordance with the requirements of the Sydney Water Corporation; and
 - b) All pool overflow water is to be drained away from the building and adjoining premises, so as not to result in a nuisance or damage to premises; and
 - c) Water recirculation and filtrations systems are required to comply with AS 1926.3 - 2010: Swimming Pool Safety - Water Recirculation and Filtration Systems; and
 - d) Pool plant and equipment is to be enclosed in a sound absorbing enclosure or installed within a building, to minimise noise emissions and possible nuisance to nearby residents.

Notification of Swimming Pools & Spa Pools

42. The owner of the premises must 'register' the swimming pool [or spa pool] on the NSW Swimming Pool Register, in accordance with the *Swimming Pools Amendment Act 2012*.

The Swimming Pool Register is administered by the NSW Government, Department of Premier & Cabinet, Division of Local Government and registration on the Swimming Pool Register may be made on-line via their website www.swimmingpoolregister.nsw.gov.au.

Registration must be made before the issue of an Occupation Certificate for the pool.

Council's Infrastructure, Vehicular Crossings, street verge

43. The applicant must meet the full cost for a Council approved contractor to:
- a. Reconstruct the concrete vehicular crossing opposite the vehicular

entrance to the site to Council's specifications and requirements.

- b. Construct new concrete steps and footpath between the vehicular crossing and the western pedestrian gate entrance to Council's specifications and requirements.
- c. Regrade and returf Council's nature strip, as required by Council, along the site frontage to suit the new footpath/step levels on Council's nature strip. The works are to be to council's specifications and requirements. This may include the owner meeting the cost for lowering of public utility services.

Note: Should the proposed Council footpath/step works in front of the development site commence after completion of the adjoining developments (No. 3 Edgecliffe Ave) construction of the retaining wall on Council property then the owner/applicant is to meet all costs associated with removing the subject retaining wall.

44. 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.
45. 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.

Landscaping

46. The PCA must ensure that landscaping at this site has been installed in accordance with the approved plan and relevant conditions of consent, prior to the issue of any Occupation Certificate, with the owner to maintain it in a healthy and vigorous state until maturity.
47. 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.
48. The nature-strip upon Council's footway shall be excavated to a depth of 150mm, backfilled with topsoil equivalent with 'Organic Garden Mix' as supplied by Australian Native Landscapes, and re-turfed with Kikuyu Turf or similar.

Such works shall be installed prior to the issue of a final Occupation Certificate.

OPERATIONAL CONDITIONS

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

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

Use of premises

49. The premises must only be used as a single residential dwelling and must not be used for dual or multi-occupancy purposes.
50. 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

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

Plant & Equipment

52. 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

53. 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

54. 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

55. 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.

A13 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.

- A14 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.
- A15 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.

BE AND IS HEREBY RESCINDED. **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 Moore
Councillor Stevenson	Councillor Neilson
	Councillor Seng
	Councillor Shurey
	Councillor Smith
	Councillor Stavrinou
Total (4)	Total (8)

The meeting closed at 7.50pm.

The minutes of this meeting were confirmed at the Planning Committee Meeting of the Council of the City of Randwick held on Tuesday, 9 May 2017.

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CHAIRPERSON