

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 NOVEMBER 2017 AT 6:08PM

Present:

- | | |
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| North Ward | - Councillors C Hamilton & K Neilson |
| South Ward | - Councillors C Da Rocha, N D'Souza & D Said |
| East Ward | - Councillors T Bowen (Deputy Chairperson) (arrived 6.38pm), M Matson & B Roberts |
| West Ward | - Councillors A Luxford, H Stavrinou (Chairperson) & P Veitch |
| Central Ward | - Councillors A Andrews, D Parker & T Seng |

Officers present:

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

Apologies/Granting of Leave of Absences

Apologies were received from Crs Roberts and Shurey.

RESOLVED: (Seng/Andrews) that the apologies received from Crs Roberts and Shurey be accepted and leave of absences from the meeting be granted.

Confirmation of the Minutes

CONFIRMATION OF THE MINUTES OF THE PLANNING COMMITTEE MEETING HELD ON TUESDAY 8 AUGUST 2017

PL78/17

RESOLUTION: (Andrews/Matson) that the Minutes of the Planning Committee Meeting held on Tuesday 8 August 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) Cr Matson declared a significant non pecuniary interest in Item D89/17 as he takes his dog to the Vet practice in question. Cr Matson indicated that he would not take part in the debate or the vote on the matter.
- b) Cr Matson declared a significant non pecuniary interest in Item D94/17 as a delegate on the JRPP. Cr Matson indicated that he would not take part in the debate or the vote on the matter.
- c) Cr Neilson declared a non-significant non pecuniary interest in Item D82/17 as one of the objectors is known to her.
- d) Cr Luxford declared a non-significant non pecuniary interest in Item D81/17 as the owners are known to her.
- e) Cr Andrews declared a non-significant non pecuniary interest in Item D88/17 as both the applicant and objectors are known to him.
- f) Cr Veitch declared a non-significant non pecuniary interest in Item D81/17 as she knows someone who lives across the road from the proposal.
- g) Cr Stavrinou declared a significant non pecuniary interest in Item D88/17 as he frequents the Café in question. Cr Stavrinou indicated that he would not take part in the debate or the vote on the matter.
- h) Cr Stavrinou declared a non-significant non pecuniary interest in Item D75/17 as he knows the speaker.
- i) Cr Bowen declared a significant non pecuniary interest in Item D83/17 as he owns property in the street. Cr Bowen indicated that he would not take part in the debate or the vote on the matter.
- j) Cr D'Souza declared a significant non pecuniary interest in Item D94/17 as an alternate delegate on the JRPP. Cr D'Souza indicated that he would not take part in the debate or the vote on the matter.

Address of Council by Members of the Public

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

D75/17 3 SEAVIEW STREET, CLOVELLY (DA/44/2017) (DEFERRED)

Objector Mr John Dimopoulos

Applicant Ms Melissa Chapman

D76/17 1 KEATING STREET, MAROUBRA (DA/445/2017)

Objector Mr Robert Zarauz

D77/17 1 KEATING STREET, MAROUBRA (DA/549/2017)

Objector Mr Robert Zarauz

D79/17 31 TORRINGTON ROAD, MAROUBRA (DA/281/2017)

Objector Ms Laura Sparkes

D80/17 299 STOREY STREET, MAROUBRA (DA/493/2017)

Applicant Mr Alex Machkevitch (representing the applicant)

D81/17 213 BUNNERONG ROAD, MAROUBRA (DA/237/2017)

- Objector** Mr Mitchell Stamatellis
- Applicant** Mr David Gray
- D82/17 4-6 GROSVENOR STREET, KENSINGTON (DA/166/2017)
- Objector** Ms Christine Alexander
- Applicant** Mr Joe Bell (representing the applicant)
- D83/17 31 HOLMES STREET, MAROUBRA (DA/318/2015/A)
- Applicant** Mr Matthew Mealing
- D84/17 10 SEASIDE PARADE, SOUTH COOGEE (DA/54/2017)
- Objector** Ms Maree Lee
- Applicant** Ms Katerina Katris
- D86/17 12 VICAR STREET, COOGEE (DA/333/2017)
- Objector** Mr Robert Wilchar
- Applicant** Mr Kent Wilson (representing the applicant)
- D87/17 70-82 BELMORE ROAD RANDWICK (DA/488/2017)
- Applicant** Mr Winston Tang (representing the applicant)
- D88/17 4/199-203A MALABAR ROAD, SOUTH COOGEE (DA/153/2015/A)
Note: Having previously declared an interest, Cr Stavrinis left the chamber and took no part in the debate or voting on this matter.

Cr Bowen (Deputy Chairperson) assumed the Chair.

RESOLVED: (PROCEDURAL MOTION) (Andrews/Luxford) that Item D88/17 (4/199-203A Malabar Rd, South Coogee) be brought forward for immediate consideration.

Cr Stavrinis returned to the meeting and resumed the Chair (7.45pm).

- D89/17 81-85 FRENCHMANS ROAD, RANDWICK (DA/599/2008/B)
Note: Having previously declared an interest, Cr Matson left the chamber and took no part in the debate or voting on this matter.

Applicant Mr Andrew Herron

The Meeting was adjourned at 7.55pm and was resumed at 8.17pm.

Urgent Business

Nil.

Development Application Reports

D75/17 Development Application Report - 3 Seaview Street, Clovelly (DA/44/2017) (Deferred)

RESOLUTION: (Neilson/Hamilton) –

PL79/17

- A. That Council supports the exception to development standards under Clause 4.6 of Randwick Local Environmental Plan 2012 in respect to non-compliance with Clause 4.4 of Randwick Local Environmental Plan 2012, relating to floor space ratio, on the grounds that the proposed development complies with the objectives of the above clause, and will not adversely affect the amenity of the locality, and that the Department of Planning & Environment be advised accordingly.
- B. That Council, as the consent authority, grants development consent under Sections 80 and 80A of the Environmental Planning and Assessment Act 1979, as amended, to Development Application No. DA/44/2017 for lower ground, ground and first floor alterations and addition to existing dual occupancy, construction of swimming pool to rear, landscaping and associated works (variation to floor space ratio control), at No. 3 Seaview Street, Clovelly, subject to the following conditions:

DEVELOPMENT CONSENT CONDITIONS

GENERAL CONDITIONS

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

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

Approved Plans & Supporting Documentation

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

Plan	Drawn by	Dated
DA-04 Rev. C	Chapman Architecture	10 April 2017
DA-05 to DA-07 Rev. A	Chapman Architecture	28 August 2016
DA-08 to DA-11 Rev. C	Chapman Architecture	10 April 2017

BASIX Certificate No.	Dated
A266774	31 Jan. 2017

Amendment of Plans & Documentation

2. The approved plans and documents must be amended in accordance with the following requirements:
- a. The rear lawn, pool coping and deck all proposed at RL 67.50 shall match original ground levels or be lowered to not exceed RL 66.78.
 - b. All 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.
 - 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:

- W07 to the ground floor level kitchen.

Eastern Boundary Hedging

3. The hedge adjacent to the full length of the eastern boundary shall be maintained indefinitely at a minimum height above ground level of 4m.

REQUIREMENTS BEFORE A CONSTRUCTION CERTIFICATE CAN BE ISSUED

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

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

Consent Requirements

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

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 \$291,500 the following applicable monetary levy must be paid to Council: \$2,915.

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 9093 6999 or 1300 722 542 for the indexed contribution amount prior to payment.

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

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

Where:

IDC = the indexed development cost

ODC = the original development cost determined by the Council

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

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

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

Compliance Fee

6. A development compliance and enforcement fee of \$291.50 shall be paid to Council in accordance with Council's adopted Fees & Charges Pricing Policy, prior to the issue of a Construction Certificate for development.

Long Service Levy Payments

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

the *Environmental Planning & Assessment Act 1979*.

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

Sydney Water

8. 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.

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

9. 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

10. 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 additions to the upper floors.

BASIX Requirements

11. 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

12. 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

13. 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 licensed *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.

Home Building Act 1989

14. 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

15. 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

16. 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 is to be minimised, by using appropriate plant and equipment, silencers and the implementation of appropriate noise management strategies.

Construction Site Management Plan

17. 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.

Public Utilities

18. 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.
19. The applicant must meet the full cost for telecommunication companies, gas providers, Ausgrid, and Sydney Water to adjust/repair/relocate their services as required. The applicant must make the necessary arrangements with the service authority.

REQUIREMENTS DURING CONSTRUCTION & SITE WORK

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

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

and environmental amenity during construction.

Inspections During Construction

20. 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.

Site Signage

21. 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

22. 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

23. The demolition, removal, storage, handling and disposal of products and materials containing asbestos must be carried out in accordance with Randwick City Council's Asbestos Policy and the relevant requirements of SafeWork NSW and the NSW Environment Protection Authority (EPA), including:
- Work Health and Safety Act 2011;
 - Work Health and Safety Regulation 2011;
 - SafeWork NSW Code of Practice for the Safe Removal of Asbestos;
 - Australian Standard 2601 (2001) – Demolition of Structures;

- The Protection of the Environment Operations Act 1997;
- Randwick City Council Asbestos Policy (adopted 13 September 2005).

A copy of Council's Asbestos Policy is available on Council's web site or a copy can be obtained from Council's Customer Service Centre.

Removal of Asbestos Materials

24. 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 assessor or other competent person, 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 or a copy can be obtained from Council's Customer Service Centre.

Public Safety & Site Management

25. 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) All building and site activities (including storage or placement of materials or waste and concrete mixing/pouring/pumping activities) must not cause or be likely to cause 'pollution' of any waters, including any stormwater drainage systems, street gutters or roadways.

Note: It is an offence under the Protection of the Environment Operations Act 1997 to cause or be likely to cause 'pollution of waters', which may result in significant penalties and fines.

- 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. Details are to be provided in the Construction Site Management Plan and a copy is to be provided to the Principal Certifying Authority and Council.
- 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) 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. Please contact Council's Road/Asset Openings officer on 9093 6691 for further details.

Support of Adjoining Land, Excavations & Retaining Walls

26. 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.
27. 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.

28. 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

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

Road/Asset Opening Permit

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

For further information, please contact Council's Road / Asset Opening Officer on 9093 6691 or 1300 722 542.

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

31. 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*.

BASIX Requirements

32. 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

33. 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.

Swimming Pool & Spa Pool Requirements

34. Swimming 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

35. The owner of the premises must 'register' the swimming 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 Office 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

36. 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.
37. 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 "Crossings and Entrances – Contributions Policy" and "Residents' Requests for Special Verge Crossings Policy" and the following requirements:
- a) Details of the proposed civil works to be carried out on Council land must be submitted to Council in a Civil Works Application Form. Council will respond, typically within 4 weeks, with a letter of approval outlining conditions for working on Council land, associated fees and workmanship bonds. Council will also provide details of the approved works including specifications and construction details.
 - b) Works on Council land, must not commence until the written letter of approval has been obtained from Council and heavy construction works within the property are complete. The work must be carried out in accordance with the conditions of development consent, Council's conditions for working on Council land, design details and payment of the fees and bonds outlined in the letter of approval.
 - c) The civil works must be completed in accordance with the above, prior to the issuing of an occupation certificate for the development, or as otherwise approved by Council in writing.
38. That part of the naturestrip upon Council's footway which is damaged during the construction of the proposed works shall be excavated to a depth of 150mm, backfilled with topsoil equivalent with 'Organic Garden Mix' as supplied by Australian Native Landscapes, and re-turfed with Kikuyu turf or similar. Such works shall be completed at the applicant's expense.

OPERATIONAL CONDITIONS

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

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

External Lighting

39. 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 – Noise Levels

40. 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*.

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

41. 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.

Rainwater Tanks

42. 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 \$6,000) 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 9093 6944.

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 9093 6944.

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

A8 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.

A9 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.

A10 This consent does not authorise any trespass or encroachment upon any adjoining or supported land or building whether private or public. Where any underpinning, shoring, soil anchoring (temporary or permanent) or the like is proposed to be carried out upon any adjoining or supported land, the land owner or principal contractor must obtain:

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

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

land (the supported land).

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

**D76/17 Development Application Report - 1 Keating Street, Maroubra
(DA/445/2017)**

PL80/17

RESOLUTION: (Andrews/Da Rocha) 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. 445/2017 for use of the existing structure as a home gym and the proposed works including a new roof, installation of glazing to the window openings and internal fitout, at No. 1 Keating Street, Maroubra, subject to the following non standard condition and the standard conditions contained in the development application compliance report attached to this report:

Non Standard Condition

2. This approval does not include any building works that have been completed prior to the issue of the subject development consent including the new walls and roof timbers and only applies to the work not undertaken including the proposed metal roof, window glazing and internal fitout.

AMENDMENT: (Matson/Veitch) that the application be deferred for mediation.
LOST.

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

FOR	AGAINST
Councillor Bowen	Councillor Andrews
Councillor Luxford	Councillor Da Rocha
Councillor Matson	Councillor D'Souza
Councillor Veitch	Councillor Hamilton
	Councillor Neilson
	Councillor Parker
	Councillor Said
	Councillor Seng
	Councillor Stavrinou
Total (4)	Total (9)

MOTION: (Andrews/Da Rocha) 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 Veitch
Councillor Bowen	
Councillor Da Rocha	
Councillor D'Souza	
Councillor Hamilton	
Councillor Luxford	
Councillor Matson	
Councillor Neilson	
Councillor Parker	
Councillor Said	
Councillor Seng	
Councillor Stavrinou	
Total (12)	Total (1)

**D77/17 Development Application Report - 1 Keating Street, Maroubra
(DA/549/2017)**

PL81/17

RESOLUTION: (Andrews/Da Rocha) 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. 445/2017 for a new front double hardstand car space and front boundary fence and new storage on the eastern side of the dwelling, at No. 1 Keating Street, Maroubra, subject to the following non standard condition and the standard conditions contained in the development application compliance report attached to this report:

Non Standard Conditions

Amendment of Plans & Documentation

3. The approved plans and documents must be amended in accordance with the following requirements:
 - a. The proposed pathway between the front street boundary and the dwelling shall consist of stepping stones surrounded by a permeable material such as pebbles or grass and the pathway extension which extends around the western side of the dwelling shall be deleted and replaced with soft landscape such as grass.

Council's Infrastructure, Vehicular Crossings, street verge

13. The applicant must meet the full cost for a Council approved contractor to:
 - a. Splay/extend the existing Council concrete driveway slab from the existing layback out to a width of 4.00m at the Council footpath line. The works are to be done to Council's specifications and requirements.

AMENDMENT: (Matson/Veitch) that the application be deferred for mediation.
LOST.

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

FOR	AGAINST
Councillor Bowen	Councillor Andrews
Councillor Luxford	Councillor Da Rocha
Councillor Matson	Councillor D'Souza
Councillor Veitch	Councillor Hamilton
	Councillor Neilson
	Councillor Parker
	Councillor Said
	Councillor Seng
	Councillor Stavrinou
Total (4)	Total (9)

MOTION: (Andrews/Da Rocha) 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 Veitch
Councillor Bowen	
Councillor Da Rocha	
Councillor D'Souza	
Councillor Hamilton	

Councillor Luxford
 Councillor Matson
 Councillor Neilson
 Councillor Parker
 Councillor Said
 Councillor Seng
 Councillor Stavrinou
Total (12)

Total (1)

D78/17 Development Application Report - 2-18 Tunstall Avenue, Kensington (DA/334/2017)

PL82/17

RESOLUTION: (Andrews/Hamilton) 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/334/2017 for demolition of existing workshop, administration and amenities structures, construction of new workshop/maintenance building comprising of plant room, vehicle storage, store rooms, amenities, office, mezzanine level and paved apron area utilising existing access at the Australian Golf Club, at No. 2-18 Tunstall Avenue, Kensington, subject to the standard conditions contained in this report:

Approved Plans & Supporting Documentation

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

Plan	Drawn by	Dated
A100 (Revision M)	Architects Becerra	27/03/2017
A102 (Revision V)	Architects Becerra	01/06/2017
A103 (Revision V)	Architects Becerra	01/06/2017
A105 (Revision E)	Architects Becerra	01/06/2017
A106	Architects Becerra	May 2015
A201 (Revision O)	Architects Becerra	01/06/2017
A202 (Revision O)	Architects Becerra	01/06/2017
A302 (Revision C)	Architects Becerra	08/05/2017
A303 (Revision D)	Architects Becerra	01/06/2017
A501 (Revision I)	Architects Becerra	01/06/2017
A704 (Revision U)	Architects Becerra	08/05/2017

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 an Accredited Certifier or Randwick City Council. 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.

Section 94A Development Contributions

2. In accordance with Council's Section 94A Development Contributions Plan effective from 21 April 2015, based on the development cost of \$3,135,000 the following applicable monetary levy must be paid to Council: \$31,350.

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 9093 6999 or 1300 722 542 for the indexed contribution amount prior to payment.

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

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

Where:

IDC = the indexed development cost

ODC = the original development cost determined by the Council

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

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

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

Compliance Fee

3. A development compliance and enforcement fee of \$3,135 shall be paid to Council in accordance with Council's adopted Fees & Charges Pricing Policy, prior to the issue of a Construction Certificate for development.

Long Service Levy

4. Any required Long Service Levy payment, under the *Building and Construction Industry Long Service Payments Act 1986*, is to be forwarded to the Long Service Levy Corporation or the Council, prior to the issuing of a Construction Certificate, 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

5. 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*:

- \$8,000.00 - 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.

Flood Planning

6. Plans submitted for the construction certificate must demonstrate the formal adoption of the flood mitigation measures as recommended in the Local Flood Study by Meinhardt Pty Ltd dated October 2017 Issue c and stamped by Council 17 October 2017 including but not limited to the construction of the concrete and grass swales around the eastern and southern edge of southern building. The following requirements must also be met;
- The Floor level of the building/s are to be set at twice at the depth of the flow above the base of the channel (being the flood planning level) or suitably protected up to this level.
 - The building/s are to be constructed of flood compatible material for any part of the building below the flood planning level.

Stormwater Drainage

7. As the development is proposed to be constructed over existing Council pipe infrastructure, which is not permitted under Section 3.4 Part B8 of Council's DCP, the applicant is to submit to Council for approval and have approved, "for construction" plans to relocate the affected Council stormwater lines. All costs associated with the reconstruction of the Council lines shall be met by the developer/applicant. The plans shall be prepared by a certified practicing Hydraulic Engineer and demonstrate compliance with the following requirements;
- a) The drainage Plans must include a detailed specification which must be prepared in consultation with Council's Development Engineering Coordinator.
 - b) All affected Council lines must be identified and accurately located relative to the proposed development.
 - c) Relocated pipes must be positioned outside of the footprint of the proposed buildings with the centreline of any relocated pipe setback a minimum of 1.5m from any external wall or structure.
 - d) Certification of the proposed design from a certified practicing Hydraulic engineer is to be provided.
 - e) Existing pipeline/s must remain fully operational until such time as an alternate stormwater drainage system has been constructed to Council's satisfaction.
 - f) The diversion/upgrade of the Council Line/s will be required to be completed prior to commencement of building works within the site unless otherwise approved in writing by the Development Engineering Coordinator.
8. Detailed drainage plans for the internal site drainage system 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.

9. The site stormwater drainage system is to be provided in accordance with the following requirements;
- a) The stormwater drainage system must be provided in accordance with the relevant requirements of Building Code of Australia and the conditions of this consent, to the satisfaction of the *Certifying Authority* and details are to be included in the construction certificate.

- b) The site stormwater from the redeveloped portion of the site must be discharged (by gravity) either:
- i. Directly to the existing pipe system within the site.
 - ii. To a suitably designed infiltration system (subject to confirmation in a full geotechnical investigation that the ground conditions are suitable for the infiltration system),

NOTES:

- Infiltration will not be appropriate if the site is subject to rock and/or a water table within 2 metres of the base of the proposed infiltration area, or the ground conditions comprise low permeability soils such as clay.

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

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

- d) Should stormwater be discharged to an infiltration system the following requirements must be met;

- i. Infiltration systems/Absorption Trenches must be designed and constructed generally in accordance with Randwick City Council's Private Stormwater Code.
- ii. The infiltration area shall be sized for all storm events up to the 5% AEP (1 in 20 year) storm event with provision for a formal overland flow path to Council's Street drainage system.

Should no formal overland escape route be provided for storms greater than the 5% AEP (1 in 20yr) design storm, the infiltration system shall be sized for the 1% AEP (1 in 100yr) storm event.

- iii. Infiltration areas must be a minimum of 3.0 metres from any structure (Note: this setback requirement may not be necessary if a structural engineer or other suitably qualified person certifies that the infiltration area will not adversely affect the structure)
 - iv. Infiltration areas must be a minimum of 2.1 metres from any site boundary unless the boundary is common to Council land (eg. a road, laneway or reserve).
- e) Determination of the required cumulative storage (in the on-site detention and/or infiltration system) must be calculated by the mass curve technique as detailed in Technical Note 1, Chapter 14 of the Australian Rainfall and Run-off Volume 1, 1987 Edition.

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

- f) If connecting to Council's underground drainage system, a reflux valve shall be provided (within the site) over the pipeline discharging from the site to ensure that stormwater from Council drainage system does not surcharge back into the site stormwater system.
- g) Generally all internal pipelines must be capable of discharging a 1 in 20 year storm flow. However the minimum pipe size for pipes that accept stormwater from a surface inlet pit must be 150mm diameter. The site must be graded to direct any surplus run-off (i.e. above the 1 in 20 year storm) to the proposed drainage (detention/infiltration) system.
- h) A sediment/silt arrester pit must be provided within the site near the street boundary prior to discharge of the stormwater to Council's drainage system and prior to discharging the stormwater to any absorption/infiltration system.

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

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

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

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

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

- j) The maximum depth of ponding in any above ground detention areas and/or infiltration systems with above ground storage shall be as follows (as applicable):
 - i. 150mm in uncovered open car parking areas (with an isolated

maximum depth of 200mm permissible at the low point pit within the detention area)

- ii. 300mm in landscaped areas (where child proof fencing is not provided around the outside of the detention area and sides slopes are steeper than 1 in 10)
- iii. 600mm in landscaped areas where the side slopes of the detention area have a maximum grade of 1 in 10
- iv. 1200mm in landscaped areas where a safety fence is provided around the outside of the detention area
- v. Above ground stormwater detention areas must be suitably signposted where required, warning people of the maximum flood level.

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

- k) A childproof and corrosion resistant fastening system shall be installed on access grates over pits/trenches where water is permitted to be temporarily stored.
- l) Mulch or bark is not to be used in on-site detention areas.

Footings adjacent to drainage easements.

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

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

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

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

Sydney Water's **Tap in™** online service is available at:
<https://www.sydneywater.com.au/tapin>

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

Site Landscaping

12. The Certifying Authority/PCA must ensure that the Landscape Plans submitted as part of the approved Construction Certificate are substantially consistent with the Landscape Schematic Plan & Planting Projections by GCH, dated 5 April 2017.

Tree Protection Measures

13. In order to ensure retention of the large *Ficus macrocarpa* var. 'Hillii' (Hills Weeping Fig) located along the eastern site boundary, fronting Tunstall Avenue, then to the west, on the western side of the existing/central access road, the single *Phoenix canariensis* (Canary Island Date Palm) in the existing sloped garden bed, as well as the stand of three *Phoenix canariensis* (Canary Island Date Palms) behind the 6th Tee/free standing shed 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 crowns/canopies 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 contained within existing/new footprints so as to minimise root damage and future maintenance issues, with all services plans to demonstrate compliance with this requirement.
 - c. The Construction Certificate plans must show that the footprint of the new building will be consistent with what is shown on the Ground Floor Plan, dwg A102, rev V, dated 01/06/17.
 - d. All Construction Certificate plans must also show that the 1.60m wide concrete lined channel along the length of the eastern side of the new building, as well as the 4.90m wide grass lined channel between the southeast corner of the new building and existing internal roadway, will be consistent with what is shown at Appendix E – Channel Plan & Details, of the Local Flood Study Report by Meinhardt, project reference #114964, issue C, dated October 2017, and stamped by Council 17/10/17, with both to be constructed on-site in accordance with these plans/details.
 - e. Any roots encountered following demolition of existing structures which will be in direct conflict with the approved footings/slab, retaining wall or flood channels may be cut cleanly, only by hand, and only using hand-held tools, not machinery, with the affected areas to be backfilled with clean site soil as soon as practically possible so that cut roots are not left exposed to the atmosphere.
 - f. Other than the approved works, ground levels beneath the extent of their canopies/crowns must not be altered by more than 200mm, with no other new structures such as continuous strip footings, hydraulic systems, planter boxes or similar to be located in these areas.
 - g. These trees/palms are to be physically protected (either individually or in groups) by the installation of 1.8 metre high steel mesh/chainwire fencing, which shall be located to the extent of their crowns/driplines, either on all four sides, or, so as to match up with property boundaries, to ensure they are completely excluded for the duration of works.

- h. 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".
- i. 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.
- j. If additional trunk or branch protection is required, this can be provided by way of wrapping layers of geo-textile, underfelt or Hessian around affected areas, to which lengths of evenly spaced hardwood timbers shall be placed around their circumference, and are then to be secured by 8 gauge wires or steel strapping at 300mm spacing. NO nailing to the trunk.
- k. Where needed so as to avoid compaction, ground protection comprising strapped together rumble boards, plywood or similar may also be placed to the extent of their TPZ's, and will need to remain in place until such time as the approved landscaping is being installed.
- l. Within the TPZ's 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.
- m. 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.

Building Code of Australia & Fire Safety

- 14. 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 are to be provided in the construction certificate.
- 15. All new building work (including alterations, additions, fit-out work and fire safety works) are to be carried out in accordance with the relevant provisions of the Building Code of Australia (BCA) and details are to be included in the Construction Certificate, to the satisfaction of the Certifying Authority.

Access & Facilities

- 16. Access and/or facilities for people with disabilities must be provided to all new building work in accordance with any relevant provisions of the Building Code of Australia Disability (Access to Premises – Buildings) Standards 2010, to the

satisfaction of the Certifying Authority and details are to be provided with the Construction Certificate application.

REQUIREMENTS PRIOR TO THE COMMENCEMENT OF ANY WORKS

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

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

Certification, PCA & other Regulatory Requirements

17. 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) 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
- d) at least two days' notice must be given to the Council, in writing, prior to commencing any works; and
- e) the relevant requirements of the *Home Building Act 1989* (as applicable) must be complied with and details provided to the *Principal Certifying Authority* and Council.

Dilapidation Report

18. A dilapidation report must be obtained from a Professional Engineer, Building Surveyor or other suitably qualified independent person, in the following cases:

- excavations for new buildings, additions to buildings and other substantial structures which are proposed to be located within the *zone of influence* of the footings of a building located upon an adjoining premises;
- buildings sited up to shared property boundaries (e.g. terraced or attached buildings or walls built to a boundary);
- excavations for new buildings, additions to existing buildings 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 dilapidation report shall include details of the current condition and status of any building or other substantial structure located upon the adjoining or

nearby premises and shall include relevant photographs of the structures, to the satisfaction of the *Principal Certifying Authority*.

The dilapidation report must be submitted to the Council, the *Principal Certifying Authority* and the owners of the adjoining/nearby premises encompassed in the report, prior to commencing any site works (including any demolition work, excavation work or building work).

Demolition Work & Removal of Asbestos Materials

19. Demolition work must be carried out in accordance with the following requirements:

a) Demolition work must be carried out in accordance with Australian Standard, AS2601 (2001) - The Demolition of Structures and a Demolition Work Plan is required to be developed and implemented to the satisfaction of the Principal Certifying Authority prior to commencing any demolition works.

b) The demolition, removal, storage and disposal of any materials containing asbestos must be carried out in accordance with the relevant requirements of WorkCover NSW, Council's Asbestos Policy and the following requirements:

- A licence must be obtained from WorkCover NSW for the removal of friable asbestos and or more than 10m² of bonded asbestos (i.e. fibro)
- Asbestos waste must be disposed of in accordance with the *Protection of the Environment Operations Act 1997* & relevant Regulations
- A sign must be provided to the site/building stating "Danger Asbestos Removal In Progress"
- A Clearance Certificate or Statement must be obtained from a suitably qualified person (i.e. Occupational Hygienist) upon completion of the asbestos removal works, which is to be submitted to the Principal Certifying Authority and Council prior to issuing an Occupation Certificate.

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.

Construction Noise & Vibration

20. 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 provisions of the *Protection of the Environment Operations Act 1997* 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 and Vibration Management Plan*, prepared in accordance with the DECC Construction Noise Guideline, by a suitably qualified person is to be developed and implemented throughout the works, to the satisfaction of the Council. A copy of the plan must be provided to the Council and Principal Certifying Authority prior to the commencement of site works.

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.

Construction Traffic Management

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

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

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

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

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

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.

Building Inspection Requirements

25. The 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.

Excavations & Support of Adjoining Land

26. 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.
27. 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 are to 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.

Retaining walls, shoring, or piling must be designed and installed in accordance with appropriate professional standards and the relevant requirements of the Building Code of Australia and Australian Standards. Details of proposed retaining walls, shoring or piling are to be submitted to and approved by the Principal Certifying Authority for the development prior to commencing such excavations or works.

Permitted Working Hours

28. 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 or sawing of rock, use of jack-hammers, pile-drivers 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
Internal work only within a commercial or industrial development, located in a commercial or industrial zone, which is not audible within any residential dwelling or commercial or industrial premises	<ul style="list-style-type: none"> Monday to Saturday - No time limits (subject to column 1) Sunday & public holidays - No work permitted
Additional requirements for all development (except for single residential dwellings)	<ul style="list-style-type: none"> Saturdays and Sundays where the preceding Friday and/or the following Monday is a public holiday - 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.

Construction Site Management

29. Public health, safety and convenience must be maintained at all times during demolition and building works and the following requirements must be complied with at all times:

- a. A sign must be provided and maintained in a prominent position throughout 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".
- b. The roadway, footpath and nature strip must be maintained in a good, safe condition and free from any obstructions, trip hazards, materials, soils or debris at all times. Any damage caused to the road, footway or nature strip must be repaired immediately, to the satisfaction of Council.
- c. Building materials, sand, soil, waste materials, construction equipment or other materials or articles must not be placed upon the footpath, roadway or nature strip at any time and the footpath, nature strip and road must be maintained in a clean condition and free from any obstructions, soil and debris at all times.
- d. Bulk bins, waste containers or 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 or other articles in a public place can be made to Council's Building Services section.
- e. During demolition and construction, sediment laden stormwater run-off shall be controlled using the sediment control measures outlined in the manual for Managing Urban Stormwater – Soils and Construction, published by Landcom.

Details of the proposed sediment control measures are to be detailed in the *site management plan* which must be submitted to the Principal Certifying Authority and Council prior to the commencement of any site works. The sediment and erosion control measures must be implemented prior to the commencement of any site works and be maintained throughout construction. A copy of the plan is to be maintained on-site and be made available to Council officers upon request.

- f. Public safety must be maintained at all times and public access to any

demolition and building works, materials and equipment on the site is to be restricted. If necessary, a temporary safety fence or hoarding (having a minimum height of 1.5m) is to be provided to protect the public. Temporary site fences are to be structurally adequate, safe and be constructed in a professional manner and the use of poor quality materials or steel reinforcement mesh as fencing is not permissible. If necessary, an overhead (B Class type) hoarding may be required to protect the public or occupants of the adjoining premises from falling articles or materials.

If it is proposed to locate any site fencing, hoardings or items upon any part of the footpath, nature strip or any public place, a Local Approval application must be submitted to and approved by Council's Health, Building & Regulatory Services department beforehand. Details and plans are to be submitted with the application, together with payment of the weekly charge in accordance with Council's adopted Pricing Policy.

- g. Adequate provisions must be made to ensure pedestrian safety and traffic flow during the site works and traffic control measures are to be implemented in accordance with the relevant provisions of the Roads and Traffic Manual "Traffic Control at Work Sites" (Version 4), to the satisfaction of Council.
- h. A Road / Asset Opening application must be submitted to and be approved by 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.

All works within or upon the road reserve, footpath, nature strip or other public place are to be completed to the satisfaction of Council, prior to the issuing of an occupation certificate for the development. For further information, please contact Council's Road / Asset Opening Officer on 9399 0691 or 9399 0999.

Pruning

- 30. Permission is granted for the minimal and selective pruning of only those lower growing branches from those trees that are being retained, as listed in the 'Tree Protection Measures' condition earlier in this report, only where they overhang the approved works and need to be pruned in order to avoid damage to the trees/palms; or; avoid interference with the works.
- 31. All pruning can only be undertaken by an Arborist who holds a minimum of AQF Level III in Arboriculture, and to the requirements of Australian Standard AS 4373-2007 'Pruning of Amenity Trees,' and NSW Work Cover Code of Practice for the Amenity Tree Industry (1998).

Tree Management

- 32. Approval is granted for removal of the following trees, subject to full implementation of the approved Landscape Plans:
 - a) The group planting adjacent the southwest corner of the existing shed, just east of the existing internal road, being a *Melaleuca armillaris* (Bracelet Honey Myrtle), a *Grevillea robusta* (Silky Oak) and a *Leptospermum patersonii* (Lemon Scented Tea tree), so as to facilitate construction of the new footprint/perimeter retaining wall, as well as re-contouring of existing ground levels association with the new 4.90m wide grass lined drainage channel along the length of the southern side of the new footprint as shown;

- b) The variety of shrubs/small trees on the sloped embankment around the northwest corner of the scope of works, given their direct conflict with the new footprint, including the *Cinnamomum camphora* (Camphor Laurel) adjacent the northeast corner of the existing 'workshop/metal shed' in this same area, and the most eastern *Glochidion ferdinandii* (Cheese Tree) to the northeast of the existing free-standing shed at the 6th Tee.

Road / Asset Opening Permit

33. 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 9093 6691 or 1300 722 542.

Footings adjacent to drainage easements

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

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'.

Notes: An Occupation Certificate must be obtained from the PCA prior to occupation and use of the premises.

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

35. An Occupation Certificate must be obtained from the Principal Certifying Authority prior to any occupation or use of the development encompassed in this development consent (including alterations, additions and 'fit-out' work 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 requirements of the *Environmental Planning & Assessment Act 1979* and conditions of development consent must be satisfied prior to the issuing of an occupation certificate.

Fire Safety Certificate Requirements

36. Prior to issuing an interim or final Occupation Certificate, a single and complete *Fire Safety Certificate*, encompassing all of the essential fire safety measures contained in the *fire safety schedule* must be obtained and be submitted to Council, in accordance with the provisions of the *Environmental Planning and Assessment Regulation 2000*. The *Fire Safety Certificate* must be consistent with the *Fire Safety Schedule* which forms part of the Construction Certificate.

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

Noise Emissions - Certification

37. Where plant and equipment is installed in the premises (e.g. air-conditioners, mechanical ventilation/exhaust systems or refrigeration motors etc), a written report or statement must be obtained from a suitably qualified and experienced consultant in acoustics.

The report/statement must demonstrate and confirm that noise and vibration from the development satisfies the relevant provisions of the *Protection of the Environment Operations Act 1997*, NSW Office of Environment & Heritage/Environment Protection Authority Noise Control Manual & Industrial Noise Policy, Council's conditions of consent (including any relevant approved acoustic report and recommendations), to the satisfaction of Council. The assessment and report must include all relevant fixed and operational noise sources and a copy of the report/statement must be provided to Council prior to the issue of an occupation certificate.

Council's Infrastructure, Vehicular Crossings, street verge

38. 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.
39. 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 "Crossings and Entrances – Contributions Policy" and "Residents' Requests for Special Verge Crossings Policy" and the following requirements:
- a) Details of the proposed civil works to be carried out on Council land must be submitted to Council in a Civil Works Application Form. Council will respond, typically within 4 weeks, with a letter of approval outlining conditions for working on Council land, associated fees and workmanship bonds. Council will also provide details of the approved works including specifications and construction details.
 - b) Works on Council land, must not commence until the written letter of approval has been obtained from Council and heavy construction works within the property are complete. The work must be carried out in accordance with the conditions of development consent, Council's conditions for working on Council land, design details and payment of the fees and bonds outlined in the letter of approval.
 - c) The civil works must be completed in accordance with the above, prior to the issuing of an occupation certificate for the development, or as otherwise approved by Council in writing.

Stormwater Drainage

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

Notes:

- a. The "restriction on the use of land" and "positive covenant" are to be to the satisfaction of Council. A copy of Council's standard wording/layout for the restriction and positive covenant may be obtained from Council's Development Engineer.
- b. The works as executed drainage plan and hydraulic certification must be submitted to Council prior to the "restriction on the use of land" and "positive covenant" being executed by Council.
42. A works-as-executed drainage plan prepared by a registered surveyor and approved by a suitably qualified and experienced hydraulic consultant/engineer must be forwarded to the Principal Certifying Authority and the Council. The works-as-executed plan must include the following details (as applicable):
- The location of any detention basin/s with finished surface levels;
 - Finished site contours at 0.2 metre intervals;
 - Volume of storage available in any detention areas;
 - The location, diameter, gradient and material (i.e. PVC, RC etc) of all stormwater pipes;
 - The orifice size/s (if applicable);
 - Details of any infiltration/absorption systems; and
 - Details of any pumping systems installed (including wet well volumes).
43. A minimum 3m wide Easement to Drain water in favour of Council is to be created over any relocated 750mm and 1050mm diameter Council pipes as required. Such easements shall be registered on the title of the property prior to the issuing of an occupation certificate. Any redundant easement shall be extinguished.
44. A minimum 2m wide Easement to drain water in favour of Council is to be created over any relocated 375mmmm diameter Council pipe adjacent to the southern proposed building. Such easement shall be registered on the title of the property prior to the issuing of an occupation certificate. Any redundant easement shall be extinguished.
- Flooding**
45. A "restriction on the use of land" and "positive covenant" (under section 88E of the Conveyancing Act 1919) shall be placed on the title of the subject property to ensure that the provided swales around southern building be maintained and not to be used for landscaping or the storage of goods to ensure the overland flow path is maintained around the subject property. Such restriction and positive covenant shall not be released, varied or modified without the

consent of the Council.

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

Sydney Water

46. A compliance certificate must be obtained from Sydney Water, under Section 73 of the Sydney Water Act 1994. Sydney Water's assessment will determine the availability of water and sewer services, which may require extension, adjustment or connection to their mains, and if required, will issue a Notice of Requirements letter detailing all requirements that must be met. Applications can be made either directly to Sydney Water or through a Sydney Water accredited Water Servicing Coordinator (WSC).

Go to sydneywater.com.au/section73 or call 1300 082 746 to learn more about applying through an authorised WSC or Sydney Water.

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

Landscaping

47. Prior to issuing any type of Occupation Certificate, certification from a qualified professional in the landscape/horticultural industry must be submitted to, and be approved by, the PCA, confirming the date that the completed landscaping was inspected, and that it has been installed substantially in accordance with the Landscape Schematic Plan & Planting Projections by GCH, dated 5 April 2017.
48. 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.
49. That part of the nature-strip upon Council's footways which is damaged during the course of the works shall be re-graded and re-turfed with Kikuyu Turf rolls, including turf underlay, wholly at the applicant's cost, to Council's satisfaction, prior to the issue of any 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.

Fire Safety Statements

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

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

The *Fire Safety Statement* is required to confirm that all the fire safety

measures have been assessed by a properly qualified person and are operating in accordance with the standards of performance specified in the *Fire Safety Schedule*.

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

Environmental Amenity

51. The use and operation of the premises shall not give rise to an environmental health or public nuisance, cause a vibration nuisance or, result in an offence under the *Protection of the Environment Operations Act 1997* and *Regulations*.
52. The proposed use and operation of the premises (including all plant and equipment) must 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 premises and plant and equipment shall not give rise to a 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). The source noise level shall be assessed as an $L_{Aeq, 15 \text{ min}}$ and adjusted in accordance with the NSW Office of Environment & Heritage/Environment Protection Authority Industrial Noise Policy 2000 and Environmental Noise Control Manual (sleep disturbance).

Waste Management

53. Adequate provisions are to be made within the premises for the storage, collection and disposal of trade/commercial waste and recyclable materials, to the satisfaction of Council.

Any trade/commercial waste materials must not be disposed in or through Council's domestic garbage service. All trade/commercial waste materials must be collected by Council's Trade Waste Service or a waste contractor authorised by the Waste Service of New South Wales and details of the proposed waste collection and disposal service are to be submitted to the Principal Certifying Authority and Council prior to commencing operation of the business.

The operator of the business must also arrange for the recycling of appropriate materials and make the necessary arrangements with an authorised waste services contractor accordingly.

GENERAL ADVISORY NOTES

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

- A1 The requirements and provisions of the *Environmental Planning & Assessment Act 1979* and *Environmental Planning & Assessment Regulation 2000*, must be fully complied with at all times. Failure to comply with these legislative requirements is an offence and may result in the commencement of legal proceedings, issuing of 'on-the-spot' penalty infringements or service of a notice and order by Council.
- A2 All new building work (including alterations, additions and building renovations) must comply with the Building Code of Australia (BCA) and relevant Australian Standards and details of compliance must be provided in

the Construction Certificate application.

The assessment of this development application does not include an assessment of the proposed building work under the Building Code of Australia and Disability (Access to Premises – Buildings) Standards 2010 and you are advised to liaise with your architect or building certifier regarding these requirements prior to applying for a Construction Certificate.

- A3 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.

- A4 A separate development application and construction certificate or a complying development certificate (as applicable) must be obtained if the premises is to be used for any of the purposes detailed below (unless specifically included in this consent):

- All food businesses (including premises used for the sale, storage, preparation and distribution of food and drinks)
- Hairdressing salons, Beauty salons, Businesses involving Skin Penetration & Piercing, Massage businesses
- Licensed premises, places of public entertainment and hotels
- Places of Shared Accommodation (including Boarding / Lodging Houses, Bed & Breakfast businesses, Backpackers, Residential Hotels or the like
- Cooling Towers or Warm Water Systems
- Business providing any form of sexual service (i.e. brothel or the like).

Business premises which are used for these purposes must comply with relevant public health and safety legislation and requirements and they must be registered with Council prior to an Occupation Certificate being issued for the development. The relevant registration and inspection fee is also required to be paid to Council in accordance with Council's adopted Pricing Policy.

- A5 Underground assets (e.g. pipes, cables etc.) may exist in the area that is subject to your application. In the interests of health and safety and in order to protect damage to third party assets please contact Dial before you dig at www.1100.com.au or telephone on 1100 before excavating or erecting structures (This is the law in NSW). If alterations are required to the configuration, size, form or design of the development upon contacting the Dial before You Dig service, an amendment to the development consent (or a new development application) may be necessary. Individuals owe asset owners a duty of care that must be observed when working in the vicinity of plant or assets. It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial before you dig service in advance of any construction or planning activities.

- A6 The applicant is to advise Council in writing and/or photographs of any signs of existing damage to the Council roadway, footway, or verge prior to the commencement of any building/demolition works.

- A7 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: (Andrews/Hamilton) CARRIED UNANIMOUSLY - SEE RESOLUTION.

**D79/17 Development Application Report - 31 Torrington Road, Maroubra
(DA/281/2017)**

PL83/17

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

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

**D80/17 Development Application Report - 299 Storey Street, Maroubra
(DA/493/2017)**

PL84/17

RESOLUTION: (Veitch/Andrews) that the application be deferred to allow for the submission of amended plans.

MOTION: (Neilson/D'Souza) that Council, as the consent authority, refuse development consent under Sections 80 and 80A of the Environmental Planning and Assessment Act 1979, as amended, to Development Application No. DA/493/2017 for alterations and additions to the existing dwelling and conversion to a dual occupancy with associated works including infill of swimming and spa pools (variation to floor space ratio control), at No. 299 Storey Street, Maroubra for the following reasons:

- 1) The proposal fails to satisfy the relevant objectives of R2 – Low Density zone under Randwick Local Environmental Plan 2012 in relation to the desired future character of the locality and the protection of residential amenity.
- 2) The proposal exceeds the maximum floor space ratio of 0.5:1 specified in Clause 4.4 of Randwick Local Environmental Plan 2012 and the Clause 4.6 variation to the development standard does not adequately demonstrate that strict application of the control is either unreasonable or unnecessary or that there are sufficient environmental planning reasons to justify contravening the development standard.
- 3) Approval of such a significant variation to the floor space ratio development standard without satisfactory justification as required by Clause 4.6(3) of the of Randwick Local Environmental Plan 2012 would not be in the public interest as it is inconsistent with the objectives of the floor space ratio development standard and the objectives for development within the R2 – Low Density zone in which the development is proposed to be carried out.
- 4) The proposal fails to satisfy the relevant objectives of Building Design under Part C1 of the Randwick Comprehensive Development Control Plan 2013 in that the excessive height and density, lack of adequate solar access and privacy, excessive site coverage, lack of adequate private open space, lack of adequate deep soil zones, poor internal layout, lack of adequate laundry and clothes drying facilities, poor pedestrian access and lack of adequate natural ventilation would result in unreasonable impacts for the future residents of the development in terms of overall residential amenity, privacy and solar access.
- 5) The proposal does not comply with the landscape and permeable surface requirements under Part C1 of the Randwick Comprehensive Development Control Plan 2013.

- 6) The proposal does not achieve adequate side and rear setbacks for dual occupancy development under Part C1 of the Randwick Comprehensive Development Control Plan 2013, resulting in to inadequate solar access, private open space, privacy and residential amenity.
- 7) The proposal does not satisfy the visual privacy requirements under Part C1 of the Randwick Comprehensive Development Control Plan 2013 because it would result in unreasonable internal privacy impacts as a consequence of overlooking from the living rooms and rear balconies of Unit 1 directly over the private open space area for Unit 2, as well as an unacceptable loss of privacy to the adjoining dwelling at 301 Storey Street by people using the non-compliant stairs along the eastern boundary.
- 8) Private open space which achieves suitable dimensions for Unit 1 is not directly accessible from living rooms within the dwelling, is located only on the rooftop and in such a manner that direct overlooking of adjoining dwellings occurs and is not provided with any landscaping to ensure an adequate level of amenity or utility.
- 9) The proposal would result in inadequate levels of internal amenity due to a lack of solar access to the living rooms and private open space areas of Unit 2 and poor natural ventilation due to the setbacks, orientation, poor internal floor layout and inadequate window design and placement.
- 10) Pedestrian access to Unit 2 is inadequate as it cannot be easily seen from the street, can only be accessed via a non-compliant stairway and indirect path of travel within the lower level of the dwelling and is not provided with an acceptable level of passive surveillance from the public domain.
- 11) The development will not provide adequate facilities for each dwelling with Unit 1 not being provided with a laundry and neither Unit 1 or 2 being provided with any defined location for the drying of clothes.
- 12) The approval of a development with poor levels of internal amenity, inadequate facilities and private open space areas, poor natural ventilation and inadequate solar access despite such a significant density which is well above the stipulated floor space ratio is not in the public interest and will set an undesirable precedent for other similarly inadequate proposals, resulting in a significant adverse effect on the wider health and wellbeing of the community.

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

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

FOR	AGAINST
Councillor Andrews	Councillor Da Rocha
Councillor Bowen	Councillor D'Souza
Councillor Matson	Councillor Hamilton
Councillor Parker	Councillor Luxford
Councillor Seng	Councillor Neilson
Councillor Stavrinou	Councillor Said
Councillor Veitch	
Total (7)	Total (6)

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

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

FOR	AGAINST
Councillor Andrews	Councillor Da Rocha
Councillor Bowen	Councillor D'Souza
Councillor Matson	Councillor Hamilton
Councillor Parker	Councillor Luxford
Councillor Seng	Councillor Neilson
Councillor Stavrinou	Councillor Said
Councillor Veitch	
Total (7)	Total (6)

D81/17 Development Application Report - 213 Bunnerong Road, Maroubra (DA/237/2017)

PL85/17

RESOLUTION: (Matson/Veitch) that the application be deferred to allow for a site inspection by the Councillors and the matter be reported back to the Council meeting of 28 November 2017.

MOTION: (Matson/Veitch) 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 Da Rocha
Councillor Bowen	Councillor D'Souza
Councillor Luxford	Councillor Hamilton
Councillor Matson	
Councillor Neilson	
Councillor Parker	
Councillor Said	
Councillor Seng	
Councillor Stavrinou	
Councillor Veitch	
Total (10)	Total (3)

D82/17 Development Application Report - 4-6 Grosvenor Street, Kensington (DA/166/2017)

PL86/17

RESOLUTION: (Bowen/Luxford) that the application be deferred for mediation.

MOTION: (Andrews/Matson) –

- A. That Council supports the exceptions to development standards under Clause 4.6 of Randwick Local Environmental Plan 2012 in respect to non-compliance with Clause 4.4 of Randwick Local Environmental Plan 2012, relating to floor space ratio, on the grounds that the proposed development complies with the objectives of the above clause, and will not adversely affect the amenity of the locality, and that the Department of Planning & Environment be advised accordingly.
- B. That Council, as the consent authority, grants development consent under Sections 80 and 80A of the Environmental Planning and Assessment Act 1979, as amended, to Development Application No. DA/166/2017 for demolition of existing structures, construction of a 3 storey residential flat building containing 9 dwellings, basement car parking for 13 cars, landscaping and associated works at No.s 4-6 Grosvenor Street, Kensington, 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**

2. The approved plans and documents must be amended in accordance with the following requirements:
- a. All windows indicated as being highlight windows on the eastern and western elevations must have a minimum sill height of 1.6m above floor level.
 - b. Privacy screens having a height of 1.6 metres above floor level must be provided to the eastern and western sides of all front and rear balconies. **MOTION: (Bowen/Luxford) CARRIED - SEE RESOLUTION.** The privacy screens must be constructed of metal or timber and the total area of any openings within the privacy screen must not exceed 25% of the area of the screen. Alternatively, the privacy screen may be constructed with translucent, obscured, frosted or sandblasted glazing in a suitable frame.

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

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

FOR	AGAINST
Councillor Bowen	Councillor Andrews
Councillor Luxford	Councillor Da Rocha
Councillor Neilson	Councillor D'Souza
Councillor Said	Councillor Hamilton
Councillor Seng	Councillor Matson
Councillor Stavrinou	Councillor Parker
Councillor Veitch	
Total (7)	Total (6)

MOTION: (Bowen/Luxford) CARRIED - SEE RESOLUTION.

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

FOR	AGAINST
Councillor Bowen	Councillor Andrews
Councillor Da Rocha	
Councillor D'Souza	
Councillor Hamilton	
Councillor Luxford	
Councillor Matson	
Councillor Neilson	
Councillor Parker	
Councillor Said	
Councillor Seng	
Councillor Stavrinou	
Councillor Veitch	
Total (12)	Total (1)

D83/17 Development Application Report - 31 Holmes Street, Maroubra (DA/318/2015/A)

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

PL87/17

RESOLUTION: (Matson/Neilson) that Council, as the consent authority, refuse its consent under Section 96 of the Environmental Planning and Assessment Act 1979 as amended to modify Development Consent No. 316/2005 for permission to site the addition 2.4m forward and increase size of first floor, change window size and position and alter roofline at 31 Holmes Street, Maroubra for the following reasons:

1. The proposed development is inconsistent with the objectives of the R2 zone under the RLEP 2012 in that it will not protect the amenity values of the area. The positioning of the addition is incompatible with the existing and desired future character of the locality.
2. The proposal will result in significant adverse impacts in terms of the character of the area and is inconsistent with the objectives under Section 4.2 of the Low Density Residential Section of the Randwick Comprehensive Development Control Plan 2013 as the proposed addition will detract from the symmetry of the pair of semi-detached dwellings and set an undesirable precedent for future development of the significant number of semi-detached dwellings along Holmes Street.

MOTION: (Andrews/Said) that Council, as the consent authority, grant its consent under Section 96 of the Environmental Planning and Assessment Act 1979 as amended to modify Development Consent No. 316/2005 for permission to site the addition 2.4m forward and increase size of first floor, change window size and position and alter roofline at 31 Holmes Street, Maroubra subject to standard condition. **LOST.**

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

FOR	AGAINST
Councillor Andrews	Councillor Da Rocha
Councillor Said	Councillor D'Souza
Councillor Stavrinou	Councillor Hamilton
	Councillor Luxford
	Councillor Matson
	Councillor Neilson
	Councillor Parker
	Councillor Seng
	Councillor Veitch
Total (3)	Total (9)

MOTION: (Matson/Neilson) CARRIED – SEE RESOLUTION.

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

FOR	AGAINST
Councillor Da Rocha	Councillor Andrews
Councillor D'Souza	Councillor Said
Councillor Hamilton	Councillor Stavrinou
Councillor Luxford	
Councillor Matson	
Councillor Neilson	
Councillor Parker	
Councillor Seng	
Councillor Veitch	
Total (9)	Total (3)

Cr Bowen returned to the meeting at this point (8.56pm)

D84/17 Development Application Report - 10 Seaside Parade, South Coogee (DA/54/2017)

PL88/17

RESOLUTION: (Matson/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. 54/2017 to increase the height of the southern side boundary fence at 10 Seaside Parade South Coogee subject to the standard conditions contained in the development application compliance report and further subject to the addition being constructed in wood not better block.

MOTION: (Andrews/Hamilton) 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. 54/2017 to increase the height of the southern side boundary fence at 10 Seaside Parade South Coogee subject to the standard conditions contained in the development application compliance report.

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

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

FOR	AGAINST
Councillor Bowen	Councillor Andrews
Councillor D'Souza	Councillor Da Rocha
Councillor Luxford	Councillor Hamilton
Councillor Matson	Councillor Said
Councillor Neilson	Councillor Seng
Councillor Parker	Councillor Stavrinou
Councillor Veitch	
Total (7)	Total (6)

MOTION: (Matson/Bowen) CARRIED – SEE RESOLUTION.

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

FOR	AGAINST
Councillor Bowen	Councillor Andrews
Councillor D'Souza	Councillor Da Rocha
Councillor Luxford	Councillor Hamilton
Councillor Matson	Councillor Said
Councillor Neilson	Councillor Seng
Councillor Parker	Councillor Stavrinou
Councillor Veitch	
Total (7)	Total (6)

D85/17 Development Application Report - 2/97-99 Albion Street, Randwick (DA/344/2017)

PL89/17

RESOLUTION: (Andrews/Hamilton) -

- A. That Council supports the exception to development standards under Clause 4.6 of Randwick Local Environmental Plan 2012 in respect to non-compliance with Clause 4.4 of Randwick Local Environmental Plan 2012, relating to Floor space ratio respectively, on the grounds that the proposed development complies with the objectives of the above clauses, and will not adversely affect the amenity of the locality, and that the Department of Planning & Environment be advised

accordingly.

- B. That Council, as the consent authority, grants development consent under Sections 80 and 80A of the Environmental Planning and Assessment Act 1979, as amended, to Development Application No. 344/2017 for alterations and additions to the existing first floor residential apartment at No.2/97-99 Albion Street, Randwick, subject to the following the standard conditions contained in the development application compliance report.

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

**D86/17 Development Application Report - 12 Vicar Street, Coogee
(DA/333/2017)**

PL90/17

RESOLUTION: (Andrews/Hamilton) 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. 333/2017 for alterations and additions to the existing dwelling at 12 Vicar Street Coogee subject to the following non standard conditions and the standard conditions contained in the development application compliance report.

MOTION: (Bowen/Matson) that application be deferred for mediation and that the application be brought back to the December 2017 Council meeting. **WITHDRAWN.**

MOTION: (Neilson/Veitch) that the application be deferred to allow for the submission of amended plans that maximise the preservation of the view corridor for the Brook Street neighbour. **LOST.**

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

FOR	AGAINST
Councillor Bowen	Councillor Andrews
Councillor Matson	Councillor Da Rocha
Councillor Neilson	Councillor D'Souza
Councillor Veitch	Councillor Hamilton
	Councillor Luxford
	Councillor Parker
	Councillor Said
	Councillor Seng
	Councillor Stavrinou
Total (4)	Total (9)

MOTION: (Neilson/Veitch) 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. 333/2017 for alterations and additions to the existing dwelling at 12 Vicar Street Coogee. **LOST.**

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

FOR	AGAINST
Councillor Matson	Councillor Andrews
Councillor Neilson	Councillor Bowen
Councillor Veitch	Councillor Da Rocha
	Councillor D'Souza
	Councillor Hamilton
	Councillor Luxford
	Councillor Parker

	Councillor Said
	Councillor Seng
	Councillor Stavrinou
Total (3)	Total (10)

MOTION: (Andrews/Hamilton) CARRIED – SEE RESOLUTION.

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

FOR	AGAINST
Councillor Andrews	Councillor Matson
Councillor Bowen	Councillor Neilson
Councillor Da Rocha	Councillor Veitch
Councillor D'Souza	
Councillor Hamilton	
Councillor Luxford	
Councillor Parker	
Councillor Said	
Councillor Seng	
Councillor Stavrinou	
Total (10)	Total (3)

D87/17 Development Application Report - 70-82 Belmore Road Randwick (DA/488/2017)

PL91/17

RESOLUTION: (Andrews/Said) 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. 488/2017 for the fit out and use of the existing commercial tenancy as a massage therapy use at 78 Belmore Road Randwick, subject to the following non standard conditions and the standard conditions contained in the development application compliance report attached to this report:

Non standard conditions;

2. The minimum clear distance from the existing footpath in Belmore Road to the underside of the proposed under-awning advertising sign, (i.e. the sign to be installed above the footpath in Belmore road), shall be 2.60 metres.
3. No signage is to be provided to the masonry surfaces on either side of the shopfront and existing signage in this area is to be removed, in order to be consistent with signage provision to other retail tenancies within building, and to avoid visual clutter resulting from excessive signage. Amended drawings are to be submitted to and approved by Council's Manager Development Assessment, in accordance with Section 80A (2) of the Environmental Planning and Assessment Act 1979 prior to a construction certificate being issued for the development.
4. Further detail is to be provided of any proposed top hamper/bulkhead signage. Any proposed signage should be consistent with the depth of other top hamper/bulkhead signage to other retail tenancies within the building. Details of any proposed top hamper/bulkhead signage are to be submitted to and approved by Council's Manager Development Assessment, in accordance with Section 80A (2) of the Environmental Planning and Assessment Act 1979 prior to a construction certificate being issued for the development.
5. Further detail is to be provided of any proposed awning fascia signage. Any proposed awning fascia signage should not exceed the depth of the existing awning fascia. Details of any proposed awning fascia signage are to be submitted to and approved by Council's Manager Development Assessment, in accordance with Section 80A (2) of the Environmental Planning and Assessment Act 1979 prior to a construction certificate being issued for the development.

be submitted to and approved by Council's Manager Development Assessment, in accordance with Section 80A (2) of the Environmental Planning and Assessment Act 1979 prior to a construction certificate being issued for the development.

6. Further detail is to be provided of new signage within the proposed under awning sign box. Details of any proposed awning fascia signage are to be submitted to and approved by Council's Manager Development Assessment, in accordance with Section 80A (2) of the Environmental Planning and Assessment Act 1979 prior to a construction certificate being issued for the development.
7. The colours, materials and finishes of the shopfront are to be compatible with other shops within the existing building and surrounding buildings in the heritage conservation area, and consistent with the architectural style of the building. Details of the proposed colours, materials and textures (ie- a schedule and brochure/s or sample board) are to be submitted to and approved by Council's Manager Development Assessment, in accordance with Section 80A (2) of the Environmental Planning and Assessment Act 1979 prior to a construction certificate being issued for the development.

Crime Prevention through Environmental Design

8. The development must be undertaken in accordance with the recommendations of the NSW Police Force's "Crime Risk Assessment" of the development received by Council on 3 November 2017. Details shall be provided at the construction certificate stage, to the satisfaction of the certifying authority.
20. The owner of the subject site must advise Council in writing of any change in the tenant that is operating the massage shop and advise the new tenant that they must provide Council with the qualifications of all staff involved in providing massage services prior to commencing the new operation.
21. The premises must only be used for the purposes of remedial massage. The premises must not be used for the purposes of a brothel and in this regard, no sexual services of any kind are to be offered in association with the massage use.
22. The maximum number of employees operating from the subject premises is restricted to 5, and their relevant remedial and therapeutic massage qualifications are to be submitted to and approved by Council's Manager Development Assessment prior to the commencement of the use or when there are new employees.

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

**D88/17 Development Application Report - 4/199-203A Malabar Road,
South Coogee (DA/153/2015/A)**

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

PL92/17

RESOLUTION: (Andrews/Luxford) that, in accordance with the applicants' request, the application be deferred to the Council meeting of 28 November 2017.

MOTION: (Andrews/Luxford) 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 Said
Councillor Bowen	
Councillor Da Rocha	
Councillor D'Souza	
Councillor Hamilton	
Councillor Luxford	
Councillor Matson	
Councillor Neilson	
Councillor Parker	
Councillor Seng	
Councillor Veitch	
Total (11)	Total (1)

Cr Stavrinou returned to the meeting and resumed the Chair (7.45pm).

D89/17 Development Application Report - 81-85 Frenchmans Road, Randwick (DA/599/2008/B)

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

PL93/17

RESOLUTION: (Andrews/Luxford) that Council, as the consent authority, grants consent under Sections 96 of the Environmental Planning and Assessment Act 1979, as amended, to modify Development Application No. DA/599/2008 for permission to extend the hours of operation of the premises at 81-85 Frenchmans Road, Randwick subject to the following:

• **Condition 8 is amended to read:**

8. The hours of operation, including deliveries and waste collection, for the proposed veterinary establishment shall be limited to the following:

Veterinary surgery	
Monday to Friday	7am to 10pm
Saturday	8am to 7pm
Sunday and Public Holidays	8am to 7pm
Grooming	
Monday to Friday	8am to 6pm
Saturday	9am to 1pm
Sunday and Public Holidays	Closed

MOTION: (Andrews/Luxford) 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 Veitch
Councillor Bowen	
Councillor Da Rocha	
Councillor D'Souza	
Councillor Hamilton	
Councillor Luxford	
Councillor Neilson	
Councillor Parker	
Councillor Said	
Councillor Seng	
Councillor Stavrinou	

Total (11)**Total (1)**

Cr Matson returned to the meeting at this point (9.27pm).

**D90/17 Development Application Report - 512 Bunnerong Road, Matraville
(DA/335/2015/A)**

PL94/17

RESOLUTION: (Andrews/Hamilton) -

A. That Council, as the consent authority, grants development consent under Section 96 of the Environmental Planning and Assessment Act 1979, as amended, to modify Development Consent No. DA/335/2015 by adding a basement level car park with turntable, reconfiguration of car parking spaces, increase the size of the retail space at ground floor level, enclosure of balconies for units at first and second floors fronting Baird Lane, conversion of Units 3 and 7 to a 1 bedroom unit, increase the size of Unit 11 to 2 bedroom and changes to the roof design at 512 Bunnerong Road, Matraville, subject to the following conditions:

• **Amend Condition No. 1 to read:**

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

Plan	Drawn by	Dated
DA01 to DA07, DA12 & DA13 (Issue C)	Archi Spectrum	12/11/2015

BASIX Certificate	No.	Dated
	629095M	19 May 2015

Except, as amended by the Section 96 plans and documentation 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, except as may be amended by the following conditions and as may be shown in red on the attached plans:

Plan	Drawn by	Dated
DA01 to DA07 (Issue E)	Archi Spectrum	24/07/2017
DA08 & DA09 (Issue D)	Archi Spectrum	19/12/2017

B The following conditions are added:

• **Amendment of Plans & Documentation**

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

f) The proposed full height operable vertical louvers and full height glass windows to the balconies facing Baird Lane as detailed on drawings DA02 & DA03 (noted as Building B) on the first and second floor levels shall be amended in order for the balconies to remain 50% fully open. This will require two of the glass window panels to be deleted from each of the balconies.

Details are to be submitted for approval by Council's Manager Development Assessments prior to issuing a construction certificate for the development.

g) The pitched roof form shall be retained as originally approved.

- h) The extension to the southern side of Unit 11 shall be deleted from the approved plans.
- i) An amended BASIX certificate shall be submitted to reflect the approved plans. Details are to be submitted for approval by Council's Manager Development Assessments prior to issuing a construction certificate for the development.

- **Condition 21A is added which is to be included in the construction Certificate**

21A. The development must comply with the following requirements to ensure the adequate management of site seepage and sub-soil drainage and ensure that any water table is not lowered (Category 5 Acid Sulfate Soil area). :

- a) Seepage/ground water and subsoil drainage (from planter boxes etc) must not be collected & discharged directly or indirectly to Council's street gutter or underground drainage system;

NOTE: The system may be connected directly to Council's underground drainage system (but only with the prior written approval of Council, as required under the *Roads Act 1993*) if it can be suitably demonstrated that there will be no lowering of the water table.

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

- **Amend Condition 24.**

24. The garbage room shall be sized to contain a total of 13 x 240 litre bins (comprising 7 garbage bins & 6 recycle bins) **or equivalent storage with bins of different size** and with adequate provisions for access to all bins. Details showing compliance are to be included in the construction certificate. Alternative bin sizes may be considered subject to the approval of the Waste Management Plan

- **Condition 74A is added which is to be included prior to issue of an Occupation Certificate**

74A. The applicant shall submit to the Principal Certifying Authority (PCA) and Council certification from a suitably qualified and experienced professional engineer, confirming that the walls of the basement have been fully tanked and waterproofed to prevent the entry of all groundwater in the basement level/s and that any required sub-soil drainage systems have been provided in accordance with the conditions of this consent. There must be no dry weather seepage/groundwater flows discharging to Council's street gutter.

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

D91/17 Development Application Report - 309-311 Bunnerong Road, Maroubra (DA/827/2008/B)

PL95/17

RESOLUTION: (Andrews/Hamilton) 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/827/2008/A for a Section 96 modification of the approved development by addition of toilet to common roof garden and addition of toilet to roof garden of unit 10.

The consent is modified in the following manner:

• **Amend Condition No. 1 to read:**

1. The development must be implemented substantially in accordance with the plans numbered, DA01 to DA08 all Revision E, DA09 Revision D and DA10 Revision C, all dated March 2009, and stamped received by Council on 31 March 2009, the application form and any supporting information received with the application:

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

<i>Plan</i>	<i>Drawn by</i>	<i>Dated</i>
DWG No. A07 to A10 Rev. E	Edifice Design	24 May 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:."

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

D92/17 Development Application Report - 185 Boyce Road, Maroubra (DA/847/2016/A)

PL96/17

RESOLUTION: (Andrews/D'Souza) that the application be deferred in accordance with the applicants' request.

MOTION: (Andrews/D'Souza) CARRIED UNANIMOUSLY - SEE RESOLUTION.

D93/17 Development Application Report - 15 Stewart Street, Randwick (DA/594/2017)

PL97/17

RESOLUTION: (Andrews/Hamilton) 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. 594/2017 for 15 Stewart Street, Randwick, subject to the following non standard conditions and the standard conditions contained in the development application compliance report attached to this report:

- **Non-Standard Condition
Amendment of Plans & Documentation**
2. The approved plans and Documents must be amended in accordance with the following requirements:
 - a. Colours, materials and finishes of the external surfaces to the building are to be compatible with the existing building and adjacent dwellings in the terraced row and consistent with the architectural style of the building.

Details of the proposed colours, materials and textures (i.e. a schedule and brochure/s or sample board) are to be submitted to and approved by Council's Director City Planning, in accordance with Section 80A (2) of the Environmental Planning and Assessment Act 1979, prior to a construction certificate being issued for the development.

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

D94/17 Development Application Report - SECPP - (Lots A & B in DP 330407) 29-39 Young Street, Randwick (DA/370/2017)

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

PL98/17

RESOLUTION: (Veitch/Luxford) that the SECPP assessment report for DA/370/2017, (Lots A & B in DP 330407) 29-39 Young Street, RANDWICK be received and noted and a submission be made to Sydney Central Planning Panel recommending the implementation of a condition that the applicant be required to set up an ongoing consultative forum with Council and the three adjacent schools to produce a construction plan and daily work schedule that will minimise traffic impediments, noise and other expected disruptions during school hours. The submission will also note Council's opposition to the application based on its failure to meet Council's previous support for lower densities on the site.

MOTION: (Veitch/Luxford) CARRIED UNANIMOUSLY - SEE RESOLUTION.

Miscellaneous Reports

Nil.

Notice of Rescission Motions

Nil.

The meeting closed at 9.32pm.

The minutes of this meeting were confirmed at the Planning Committee Meeting of the Council of the City of Randwick held on Tuesday, 13 February 2018.

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CHAIRPERSON