

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, 13 FEBRUARY 2018 AT 6:05PM

Present:

The Mayor, Councillor L Shurey (North Ward)

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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), M Matson |
| 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
Chief Information Officer	Mr G Curley
Executive Manager	Mr L Fitzgerald

The Meeting was adjourned at 6.05pm and was resumed at 7.17pm.

Apologies/Granting of Leave of Absences

An apology was received from Cr Roberts.

RESOLVED: (Matson/Said) that the apology received from Cr Roberts be accepted and leave of absence from the meeting be granted.

Confirmation of the Minutes

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

RESOLUTION: (Matson/Said) that the Minutes of the Planning Committee Meeting held on Tuesday 14 November 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 Neilson declared a non-significant non pecuniary interest in Item D7/18 as some of the objectors are known to her.
- b) Cr Neilson declared a non-significant non pecuniary interest in Item D15/18 as an objector is known to her.
- c) Cr Shurey declared a non-significant non pecuniary interest in Item D9/18 as an objector is known to her.
- d) Cr D'Souza declared a non-significant non pecuniary interest in Item D19/18 as the applicant taught his son.
- e) Cr Luxford declared a significant non pecuniary interest in Item D14/18 as the objectors are known to her. Cr Luxford indicated that she would not take part in the debate or the voting on the matter.
- f) Cr Parker declared a non-significant non pecuniary interest in Item D7/18 as he knows one of the objectors.
- g) Cr Andrews declared a non-significant non pecuniary interest in Item D9/18 as one of the objectors ran for the Greens at the last election and is known to him.
- h) Cr Matson declared a non-significant non pecuniary interest in Item D9/18 as one of the objectors is known to him.
- i) Cr Da Rocha declared a non-significant non pecuniary interest in Item D9/18 as an objector is known to him.
- j) Cr Andrews declared a non-significant non pecuniary interest in Item D7/18 as the applicant is known to him.
- k) Cr Stavrinou declared a non-significant non pecuniary interest in Item D7/18 as the applicant is known to him.
- l) Cr Seng declared a non-significant non pecuniary interest in Item D7/18 as the applicant is known to him.
- m) Cr Parker declared a non-significant non pecuniary interest in Item D7/18 as the applicant is known to him.
- n) Cr Bowen declared a non-significant non pecuniary interest in Item D7/18 as the applicant is known to him.
- o) Cr D'Souza declared a non-significant non pecuniary interest in Item D13/18 as the applicant is known to him.
- p) Cr Seng declared a significant non pecuniary interest in Item D17/18 as he lives in the vicinity. Cr Seng indicated that he would not take part in the debate or the voting 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:

D1/18 185 BOYCE ROAD, MAROUBRA (DA/847/2016/A) (DEFERRED)

- Applicant** Mr Tony Moody (representing the applicant)
- D3/18 20 DUNDAS STREET, COOGEE (DA/150/2017) (DEFERRED)
- Applicant** Mr Daniel Taylor
- D6/18 385 MAROUBRA ROAD, MAROUBRA (DA/767/2017)
- Objector** Mr Alfred Stewart
- Applicant** Ms Belinda Johnson
- D7/18 212 ARDEN STREET COOGEE (DA/427/2016/A)
- Applicant** Mr David Rippingill (representing the applicant)
- D8/18 50 SHACKEL AVENUE, CLOVELLY (DA/536/2017)
- Objector** Mr Hugh McKid
- Applicant** Ms Marisa Nardome (representing the applicant)
- D9/18 58-60 CARR STREET, COOGEE (DA/116/2014/A)
- Objector** Mr Jeff Smith
- Applicant** Ms Larissa Ozog (representing the applicant)
- D13/18 2A-2B SMITHFIELD AVENUE, COOGEE (DA/3/2016/A)
- Applicant** Mr Warwick Waugh
- D14/18 4 CONWAY AVENUE, RANDWICK NSW 2031(DA/629/2016/A)
Note: Having previously declared an interest, Cr Luxford left the chamber and took no part in the debate or voting on this matter.
- Objector** Mr Nicholas Papaioannou
- Applicant** Ms Jade Young (representing the applicant)
- Cr Luxford returned to the meeting at this point (8.33pm).
- D15/18 293-297 ALISON ROAD, COOGEE (DA/11/2015/D)
- Objector** Mr Tom Molomby
- Applicant** Mr Anthony Betros (representing the applicant)
- Cr D'Souza returned to the meeting at this point (8.xxpm).
- D16/18 6 CHAPEL STREET, RANDWICK (DA/66/2016/B)
- Applicant** Mr Alex Pascoe
- D18/18 44 MAROUBRA ROAD, MAROUBRA (DA/472/2017)
- Applicant** Mr Peter Djendjinovic
- D19/18 33 TODMAN AVE, KENSINGTON (DA/564/2017)

Applicant Ms Nicole Bonython-Hines

The Meeting was adjourned at 9.01pm and was resumed at 9.15pm.
Cr D'Souza did not return to the meeting after the adjournment.

Urgent Business

Nil.

Development Application Reports

D1/18 Development Application Report - 185 Boyce Road, Maroubra (DA/847/2016/A) (Deferred)

PL1/18

RESOLUTION: (Neilson/Shurey) 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/847/2016/A for permission to delete condition 2(f) that requires deletion of the void areas at first floor level of both dual occupancies for 185 Boyce Road, Maroubra in the following manner:

Non standard conditions

Amend Condition 2 (f) to read as follows:

- f. The void areas at the first floor level of both dual occupancies shall be deleted and the roofs shall be designed within void areas having a maximum height of 4m from the ground level. The void area above the roofs shall step in to be in line with the hallways of the dual occupancies. The Galvin Street dual occupancy voids shall be setback a minimum of 5m from the eastern and western side boundaries and the Boyce Road dual occupancy shall be setback a minimum of 4.2m from the eastern and western side boundaries. Any new glazing proposed in these parts of the development shall be incorporated into an amended BASIX certificate and submitted to Council for approval. Any new glazing shall incorporate external privacy screens to protect the privacy of the neighbouring buildings and rear yards opposite. The total area of any openings within the privacy screens must not exceed 25% of the area of the screens. Details showing compliance with this condition shall be submitted to Council for approval prior to a construction certificate being issued for the development.

MOTION: (Andrews/Da Rocha) 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/847/2016/A for permission to delete condition 2(f) that requires deletion of the void areas at first floor level of both dual occupancies for 185 Boyce Road, Maroubra.

AMENDMENT: (Neilson/Shurey) 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 Da Rocha	Councillor Andrews
Councillor Luxford	Councillor Bowen
Councillor Matson	Councillor Hamilton
Councillor Neilson	Councillor Seng
Councillor Parker	Councillor Stavrinou
Councillor Said	
Councillor Shurey	
Councillor Veitch	
Total (8)	Total (5)

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

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

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

D2/18 Development Application Report - 122 Bundock Street, South Coogee (DA/70/2017) (Deferred)

PL2/18

RESOLUTION: (Andrews/Luxford) 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/70/2017 for the demolition of the existing garage and construction of a new two storey outbuilding with garage/carport at ground floor level and secondary dwelling at first floor level, at No. 122 Bundock Street, South Coogee, subject to the following conditions:

GENERAL CONDITIONS

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

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

Approved Plans & Supporting Documentation

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

Plan	Drawn by	Dated
DWG No. DA/01 to DA/07 V1.1	MC Design Architects	May 2017

BASIX Certificate No.	Dated
823828S	23 May 2017

Amendment of Plans & Documentation

- The approved plans and documents must be amended in accordance with the following requirements:
 - Window 9 to the dining room shall be deleted.
 - The following windows must have a minimum sill height of 1.6m above

- floor level and be fixed with frosted double glazing:
- W3 (bed 2)
 - W6 (bed 1)
 - W7 (bed 1)
- c. The following window/s must have a minimum sill height of 1.6m above floor level:
- W4 (bed 2)
 - W5 (bed 1)

REQUIREMENTS BEFORE A CONSTRUCTION CERTIFICATE CAN BE ISSUED

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

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

Consent Requirements

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

External Colours, Materials & Finishes

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

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

- b) Details of the proposed colours, materials and textures (i.e. a schedule and brochure/s or sample board) are to be submitted to and approved by the Council's Manager Development Assessments prior to issuing a construction certificate for the development.

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 \$292,325 the following applicable monetary levy must be paid to Council: \$2,923.25.

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

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

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

Where:

IDC = the indexed development cost

ODC = the original development cost determined by the Council

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

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

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

Compliance Fee

6. A development compliance and enforcement fee of \$292 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.

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

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

BASIX Requirements

9. 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

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

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

11. Prior to the commencement of any building works, the following requirements must be complied with:
- a) a *Construction Certificate* must be obtained from the Council or an accredited certifier, in accordance with the provisions of the *Environmental Planning & Assessment Act 1979*.

A copy of the construction certificate, the approved development consent plans and consent conditions must be kept on the site at all times and be made available to the Council officers and all building contractors for assessment.
 - b) a *Principal Certifying Authority* (PCA) must be appointed to carry out the necessary building inspections and to issue an *occupation certificate*; and
 - c) a *principal contractor* must be appointed for the building work, or in relation to residential building work, an *owner-builder* permit may be obtained in accordance with the requirements of the *Home Building Act 1989*, and the PCA and Council are to be notified accordingly; and
 - d) the *principal contractor* must be advised of the required *critical stage inspections* and other inspections to be carried out, as specified by the *Principal Certifying Authority*; and
 - e) at least two days notice must be given to the Council, in writing, prior to commencing any works.

Home Building Act 1989

12. 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

13. 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. 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

14. Noise and vibration emissions during the construction of the building and associated site works must not result in damage to nearby premises or result in an unreasonable loss of amenity to nearby residents and the relevant requirements of the *Protection of the Environment Operations Act 1997* and NSW EPA Guidelines must be satisfied at all times.

Noise and vibration from any rock excavation machinery, pile drivers and all plant and equipment must be minimised, by using appropriate plant and equipment, silencers and the implementation of noise management strategies.

Construction Site Management Plan

15. 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

16. 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.
17. 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

18. The building works must be inspected by the *Principal Certifying Authority*, in accordance with sections 109 E (3) of the *Environmental Planning & Assessment Act 1979* and clause 162A of the *Environmental Planning & Assessment Regulation 2000*, to monitor compliance with the relevant standards of construction, Council's development consent and the construction certificate.

The *Principal Certifying Authority* must specify the relevant stages of construction to be inspected and a satisfactory inspection must be carried out, to the satisfaction of the *Principal Certifying Authority*, prior to proceeding to the subsequent stages of construction or finalisation of the works (as applicable).

Site Signage

19. 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

20. 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

21. All work and activities must be carried out in accordance with the relevant regulatory requirements and Randwick City Council policies, including:

- Work Health and Safety Act 2011
- Occupational Health and Safety (Hazardous Substances) Regulation 2001
- Occupational Health and Safety (Asbestos Removal Work) Regulation 2001
- WorkCover 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
- Protection of the Environment Operations (Waste) Regulation 2005
- Relevant Office of Environment & Heritage / Environment Protection Authority (EPA) and WorkCover NSW Guidelines.
- Randwick City Council Asbestos Policy (adopted 13 September 2005)

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

Removal of Asbestos Materials

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

- Relevant Occupational Health & Safety legislation and WorkCover NSW requirements
- Randwick City Council's Asbestos Policy
- A WorkCover licensed demolition or asbestos removal contractor must undertake removal of more than 10m² of bonded asbestos (or as otherwise specified by WorkCover or relevant legislation). Removal of friable asbestos material must only be undertaken by contractor that holds a current friable asbestos removal licence. A copy of the relevant

licence must be provided to the Principal Certifying Authority.

- On sites involving the removal of asbestos, a sign must be clearly displayed in a prominent visible position at the front of the site, containing the words 'DANGER ASBESTOS REMOVAL IN PROGRESS' and include details of the licensed contractor.
- Asbestos waste must be stored, transported and disposed of in compliance with the *Protection of the Environment Operations Act 1997* and the *Protection of the Environment Operations (Waste) Regulation 2005*. Details of the landfill site (which must be lawfully able to receive asbestos materials) must be provided to the Principal Certifying Authority.
- A Clearance Certificate or Statement, prepared by a suitably qualified person (i.e. an occupational hygienist, licensed asbestos removal contractor, building consultant, architect or experienced licensed building contractor), must be provided to Council and the Principal certifying authority upon completion of the asbestos related works which confirms that the asbestos material have been removed appropriately and the relevant conditions of consent have been satisfied.

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

Sediment & Erosion Control

23. 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 must be shown in a *Sediment and Erosion Control Plan*, including; a site plan; indicating the slope of land, access points & access control measures, location and type of sediment & erosion controls, location of existing vegetation to be retained, location of material stockpiles and storage areas, location of building operations and equipment, methods of sediment control, details of drainage systems and details of existing and proposed vegetation.

A copy of the Sediment and Erosion Control Plan must be provided to the Principal Certifying Authority and a copy must be maintained on site and be made available to Council officers upon request.

Public Safety & Site Management

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

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

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

- b) Building materials, sand, soil, waste materials, construction equipment or other articles must not be placed upon the footpath, roadway or nature strip at any time.

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

Support of Adjoining Land, Excavations & Retaining Walls

- 25. 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.
- 26. 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.
- 27. 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*.

Survey Requirements

28. A Registered Surveyor's check survey certificate or other suitable documentation must be obtained at the following stage/s of construction to demonstrate compliance with the approved setbacks, levels, layout and height of the building to the satisfaction of the Principal Certifying Authority (PCA):
- prior to construction (pouring of concrete) of the footings or first completed floor slab,
 - upon completion of the building, prior to issuing an occupation certificate,
 - as otherwise may be required by the PCA.

The survey documentation must be forwarded to the Principal Certifying Authority and a copy is to be forwarded to the Council, if the Council is not the Principal Certifying Authority for the development.

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 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.

Tree Management

31. Approval is granted for the removal of those trees directly affected the proposed garage, with granny flat, subject to the planting of 1 x 25L broad canopied replacement tree (not palm) within the site. The species selected shall be one that will attain a minimum height of 6m at maturity.

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

32. An Occupation Certificate must be obtained from the Principal Certifying Authority prior to any occupation of the building work encompassed in this development consent (including alterations and additions to existing buildings), in accordance with the relevant provisions of the *Environmental Planning & Assessment Act 1979*.

An Occupation Certificate must not be issued for the development if the development is inconsistent with the development consent. The relevant requirements of the *Environmental Planning & Assessment Act 1979* and conditions of development consent must be satisfied prior to the issuing of an occupation certificate.

BASIX Requirements

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

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

Council's Infrastructure, Vehicular Crossings, Street Verge

34. 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.
35. 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.

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

36. 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.

Waste Management

37. Adequate provisions are to be made within the premises for the storage and removal of waste and recyclable materials, to the satisfaction of Council.

Plant & Equipment

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

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

Rainwater Tanks

39. The operation of plant and equipment associated with rainwater tanks are to be restricted to the following hours if the noise emitted can be heard within a habitable room in any other residential premises:
- before 8.00am or after 8.00pm on weekends or public holiday; or
 - before 7.00am or after 8.00pm on weekdays.

ADVISORY NOTES

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

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

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

- A2 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.

A3 Council's Building Certification & Fire Safety team can issue your *Construction Certificate* and be your *Principal Certifying Authority* for the development, to undertake inspections and ensure compliance with the development consent, relevant building regulations and standards of construction. For further details contact Council on 9399 0944.

A4 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.

A5 A Local Approval application must be submitted to and be approved by Council's Building Approvals & Certification team 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's Building Approvals & Certification team on 9399 0944.

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

A7 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).

A8 The finished ground levels external to the building must be consistent with the development consent and are not to be raised, other than for the provision of

approved paving or the like on the ground.

- A9 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.
- A10 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.
- A11 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.
- A12 Building owners and occupiers should consider implementing appropriate measures to prevent children from falling from high-level window openings and balconies (e.g. by installing window locking devices; installing heavy-duty screens to window openings; limiting the dimensions of any openings to 125mm; ensuring balustrades to balconies are at least 1m high and; locating fixtures, fittings and furniture away from high-level windows and balconies).

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

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

**D3/18 Development Application Report - 20 Dundas Street, Coogee
(DA/150/2017) (Deferred)**

PL3/18

RESOLUTION: (Neilson/Hamilton) –

- A. That Council does not support 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 the Floor Space Ratio standard, on the grounds that the proposed development does not comply with the objectives of the above clause, and will adversely affect the amenity of the locality, and that the Department of Planning & Environment be advised accordingly.
- B. That Council, as the consent authority, refuses development consent under Section 80 of the Environmental Planning and Assessment Act 1979, as amended, to Development Application No. DA/150/2017 for an application to legitimise the use of the existing garage as a one bedroom dwelling, at No. 20 Dundas Street, Coogee, for the following reasons:

1. The proposed development is inconsistent with the relevant objectives of the R2 Low Density Residential zone under RLEP 2012 in that it will provide poor amenity for residents of the dwelling.
2. The proposal does not comply with Clause 4.4 Floor Space Ratio standard under Randwick Local Environmental Plan 2012 in that the poor residential amenity outcomes would make the floor space ratio non-compliance inconsistent with the relevant objectives of the RLEP 2012 and unsupportable. Therefore, the Clause 4.6 variation to the development standard is not well founded.
3. The proposed development fails to satisfy the relevant objectives and controls of the Randwick Comprehensive Development Control Plan 2013, in relation to the following:
 - Part B7 – Transport, traffic, parking and access
 - 3.2 Vehicle parking rates
 - Part C1 – Low Density Housing
 - 2.5 Private Open Space
 - 3.1 Floor Space Ratio
 - 3.3 Setbacks
 - 5.2 Energy Efficiency and Natural Ventilation.
4. The proposal is unacceptable pursuant to the provisions of Section 79C(e) to the Environmental Planning and Assessment Act, 1979 in that the proposal's non-compliances and inconsistencies with the provisions of adopted environmental planning instrument and a development control plan together with the public submissions received are not in the public interest.

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

D4/18 Development Application Report - 417-439R Bunnerong Road, Maroubra (DA/679/2017)

PL4/18

RESOLUTION: (Andrews/Luxford) 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. 679/2017 for installation of flood lights for ten future tennis courts, at No. 417-439R Bunnerong Road Maroubra, subject to the following non standard conditions and the standard conditions contained in the development application compliance report attached to this report:

Non standard conditions

Hours of Operation

23. The flood lights are to be switched off at 10pm and switched on no earlier than 7am, seven days per week.

D5/18 Development Application Report - 417-439R Bunnerong Road, Maroubra (DA/689/2017)

PL5/18

RESOLUTION: (Andrews/ Luxford) 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. 689/2017 for installation of flood lights for handball and half basketball courts at No. 417-439R

Bunnerong Road, 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

Hours of Operation

23. The flood lights are to be switched off at 10pm and switched on no earlier than 7am, seven days per week.

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

**D6/18 Development Application Report - 385 Maroubra Road, Maroubra
(DA/767/2017)**

PL6/18

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. 767/2017 for enclosure of an existing deck to the rear of the dwelling, at No. 385 Maroubra Road, Maroubra, subject to the following standard conditions contained in the development application compliance report attached to this report

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

**D7/18 Development Application Report - 212 Arden Street Coogee
(DA/427/2016/A)**

PL7/18

RESOLUTION: (Neilson/Matson) 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/427/2016/A for the section 96 modification of the approved development at 212 Arden Street Coogee by modifying conditions 18 & 19 and deleting condition 29 in the following manner:

A. Amend Conditions 18 and 19 to read:

Validation Acoustic Report

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

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

19. The approved Plan of Management for the whole of the premises shall be amended to incorporate the appropriate measures to ensure that the footpath crowding does not occur around the Sports Bar area on Coogee Bay Road. Patrons wishing to smoke are to be advised of designated smoking areas of the

hotel. The amended Plan of Management shall be submitted to and approved by Council's Manager Development Assessment prior to the issuing of the Occupation Certificate.

B. Condition 29 be deleted.

MOTION: (Andrews/Da Rocha) 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/427/2016/A for the section 96 modification of the approved development at 212 Arden Street Coogee by modifying conditions 18 & 19 and deleting condition 29 in the following manner:

A. Amend Conditions 18 and 19 to read:

Validation Acoustic Report

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

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

19. The approved Plan of Management for the whole of the premises shall be amended to incorporate the appropriate measures to ensure that the footpath crowding does not occur around the Sports Bar area on Coogee Bay Road. Patrons wishing to smoke are to be advised of designated smoking areas of the hotel. The amended Plan of Management shall be submitted to and approved by Council's Manager Development Assessment prior to the issuing of the Occupation Certificate.

B. Conditions 21 and 29 be deleted.

AMENDMENT: (Neilson/Matson) 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 Matson	Councillor Hamilton
Councillor Neilson	Councillor Seng
Councillor Parker	Councillor Stavrinou
Councillor Said	Councillor Veitch
Councillor Shurey	
Total (7)	Total (6)

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

D8/18 Development Application Report - 50 Shackel Avenue, Clovelly (DA/536/2017)

PL8/18

RESOLUTION: (Neilson/Parker) –

- A. That Council supports the exceptions to development standards under Clause 4.6 of Randwick Local Environmental Plan 2012 in respect to non-compliance with Clauses 4.3 of Randwick Local Environmental Plan 2012, relating to maximum height of buildings 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 & Infrastructure be advised accordingly.
- B. That Council, as the consent authority, grants development consent under Sections 80 and 80A of the Environmental Planning and Assessment Act 1979, as amended, to Development Application No. DA/536/2017 for Alterations and additions to the existing semi-detached dwelling house including new upper level addition and alteration to existing carport, at No. 50 Shackel Avenue (Lot B DP 438371), subject to the the standard conditions contained in the development application compliance report.

Non standard conditions

Amendment of Plans & Documentation

2. The approved plans and documents must be amended in accordance with the following requirements:
- a. A privacy screen having a height of 1.6m (measured above deck level) shall be provided to the eastern edge of the rear decks at mid and upper floor levels.

Privacy screen/s 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.
 - b. The overall height of the carport shall not exceed 2.6m above the finished floor slab.

MOTION: (Neilson/Parker) 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 Hamilton
Councillor Bowen	Councillor Veitch
Councillor Da Rocha	
Councillor Luxford	
Councillor Matson	
Councillor Neilson	
Councillor Parker	
Councillor Said	
Councillor Seng	
Councillor Shurey	
Councillor Stavrinou	
Total (11)	Total (2)

D9/18 Development Application Report - 58-60 Carr Street, Coogee (DA/116/2014/A)

RESOLUTION: (Matson/Da Rocha) that the application be deferred for mediation in order to achieve a better ventilation outcome.

MOTION: (Matson/Da Rocha) CARRIED UNANIMOUSLY - SEE RESOLUTION.**D10/18 Development Application Report - 211-215 Maroubra Rd, Maroubra (DA/233/2017/A)**

PL9/18

RESOLUTION: (Andrews/Luxford) that Council, as the consent authority, grants development consent under Section 96 of the Environmental Planning and Assessment Act 1979, as amended, to Development Application No. DA/233/2017/A for an increase in number of child care spaces from 110 to 118 children and alteration to basement carpark to provide a total of 19 car park spaces at 211-215 Maroubra Road, MAROUBRA NSW 2035 in the following manner:

- **Amend Condition 1 to read:**
Approved Plans & Supporting Documentation

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

Plan	Drawn by	Dated	Received by Council
A.01 Rev F	Armada	19/05/2017	19 May 2017
A.02 Rev F		19/05/2017	19 May 2017
A.03 Rev F		19/05/2017	19 May 2017
A.04 Rev F		19/05/2017	19 May 2017
A.05 Rev F		19/05/2017	19 May 2017
A.06 Rev F		19/05/2017	19 May 2017
A.07 Rev F		19/05/2017	19 May 2017
A.08 Rev F		19/05/2017	19 May 2017
A.09 Rev F		19/05/2017	19 May 2017
Landscape Ground floor Issue B	Arcadia Landscape	March 2017	12 July 2017

Landscape first floor Issue B	Architecture	March 2017	12 July 2017
Landscape second floor Issue B		March 2017	12 July 2017

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,:

<i>Plan</i>	<i>Drawn by</i>	<i>Dated</i>
A.03 Rev G	Armada	18/10/2017

except as may be amended by the following conditions and as may be shown in red on the attached plans:

- **Amend Condition 3 to read:**

Child Numbers

3. The size of the proposed childcare centre shall be restricted to a maximum of 118 places.

- **Add Condition 3a to read:
Regulatory Authority Approval**

3a. Written approval must be obtained from the Department of Community Services and Regulatory Authority for the use of indoor space to be included in calculating the required area of outdoor space in accordance with the Education and Care Services National Regulations.

- **Amend Condition 7 to read:**

Carpark Amendments

Plans submitted for the construction certificate shall demonstrate compliance with the following amendments to the carpark to improve ingress and egress;

- a) The length of carspaces 8-11 must be in accordance with the requirements of Figure 2.5 in AS 2890.1
- b) Carspaces adjacent to pedestrian thoroughfare shall install wheel stops or other alternative devices to prevent encroachment of vehicles into the pedestrian zones and improve pedestrian safety.

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

D11/18 Development Application Report - 446 to 448 Bunnerong Road, Matraville (DA/685/2014/D)

PL10/18

RESOLUTION: (Andrews/Luxford) that Council, as the consent authority, grants development consent under Section 96 of the Environmental Planning and Assessment Act 1979, as amended, to Development Application No. 685/2014/D for an increase in maximum height for front and rear building forms, alteration to street awning, alteration to lobby door location and retail 1 and 2 units front doors and windows, change office 1 and 2 to retail use with internal changes, increase in lift over run, alteration to windows in building 2 at 446-448 Bunnerong Road, MATRAVILLE NSW 2036 in the following manner:

- **Amend Condition 1 to read:**

The development must be implemented substantially in accordance with the

plans and supporting documentation listed below and endorsed with Council's approved stamp:

Plan	Drawn by	Dated
DA001 Rev B	Sgamotta Architects	27/02/2015
DA101 Rev B	Sgamotta Architects	27/02/2015
DA102 Rev B	Sgamotta Architects	27/02/2015
DA103 Rev B	Sgamotta Architects	27/02/2015
DA200 Rev B	Sgamotta Architects	27/02/2015
DA201 Rev B	Sgamotta Architects	27/02/2015
DA300 Rev B	Sgamotta Architects	27/02/2015
DA310 Rev B	Sgamotta Architects	27/02/2015

BASIX Certificate	No.	Dated
	577540M	2 October, 2014

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

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

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

Plan	Drawn by	Dated
A301/A902 Issue V	JS Architects Pty Ltd	01/12/2017
A302/A902 Issue V	JS Architects Pty Ltd	01/12/2017
A303/A902 Issue V	JS Architects Pty Ltd	01/12/2017
A305/A902 Issue V	JS Architects Pty Ltd	01/12/2017
A306/A902 Issue V	JS Architects Pty Ltd	01/12/2017
A307/A902 Issue V	JS Architects Pty Ltd	01/12/2017
A308/A902 Issue V	JS Architects Pty Ltd	01/12/2017
A400/A902 Issue V	JS Architects Pty Ltd	01/12/2017
A401/A902 Issue V	JS Architects Pty Ltd	01/12/2017
A402/A902 Issue V	JS Architects Pty Ltd	01/12/2017
A403/A902 Issue V	JS Architects Pty Ltd	01/12/2017

Only in so far as they relate to the modifications highlighted on the Section 96 plans and detailed in the Section 96 applications, except where amended by Council in red and/or by other conditions of this consent:

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

**D12/18 Development Application Report - 7 Torrington Road, Maroubra
(DA/531/2016/B)**

PL11/18

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 Development Application No. 531/2016/B for modification of the approved development for alterations and additions to the existing dwelling house at 7 Torrington Road, Maroubra, including an increase to the floor area within the master bedroom and ensuite and the addition of two windows facing the secondary road frontage in the following manner:

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

Approved plans and supporting information

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 02_01 Issue A	Pinnacle Plus	22 July 2016
DA 02_03 to DA 02_04 Issue A	Pinnacle Plus	22 July 2016
DA 03_01 to DA 03_05 Issue A	Pinnacle Plus	22 July 2016
DA 04_01 to DA 04_03 Issue A	Pinnacle Plus	22 July 2016
DA 05_01 Issue A	Pinnacle Plus	22 July 2016

BASIX Certificate No.	Dated
A256533	1 August 2016

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

Issue A Plans	Drawn by	Dated
DA 02_03 Issue A	Pinnacle Plus	15 November 2017
DA 03_03 Issue A	Pinnacle Plus	15 November 2017
DA 03_04 Issue A	Pinnacle Plus	15 November 2017
DA 04_01 Issue A	Pinnacle Plus	15 November 2017
DA 04_03 Issue A	Pinnacle Plus	15 November 2017

Only in so far as they relate to the modifications highlighted on the Section 96 plans and details 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/Luxford) CARRIED UNANIMOUSLY - SEE RESOLUTION.

D13/18 Development Application Report - 2A-2B Smithfield Avenue, Coogee (DA/3/2016/A)

PL12/18

RESOLUTION: (Bowen/Andrews) that Council, as the consent authority, grants consent under Section 96 of the Environmental Planning and Assessment Act 1979, as amended, to modify Development Application No. DA/3/2016/A for Section 96 modification of the approved development by deletion of the timber deck adjacent to Tree T2, relocation of pool equipment, deletion of trafficable roof terraces and changes to window openings on elevations and provision of OSD tank, at No. 2A-2B Smithfield Avenue, Coogee, in the following manner:

(A) Amend Condition No. 1 to read:

1. The development must be implemented substantially in accordance with the

plans and supporting documentation listed below and endorsed with Council's approved stamp, except where amended by Council in red and/or by other conditions of this consent:

Plan	Drawn by	Dated
A105B	Walter Barda Design	17 May 2016
A110D	Walter Barda Design	17 May 2016
A111D	Walter Barda Design	17 May 2016
A112D	Walter Barda Design	17 May 2016
A130D	Walter Barda Design	17 May 2016
A135D	Walter Barda Design	17 May 2016

BASIX Certificate No.	Dated
685751S	16 December 2015

Except as amended by the **Section 96'A' plans shown below, only in so far as they relate to the modifications highlighted on the Section 96 plans and detailed in the Section 96 application:**

Plan	Drawn by	Dated
A111H	Walter Barda Design	18/01/2018
A112G	Walter Barda Design	18/01/2018
A130F	Walter Barda Design	18/01/2018
A135G	Walter Barda Design	18/01/2018

BASIX Certificate No.	Dated
685751S_03	25 July 2017

(B) Amend condition 2 (a) to read as follows:

- 2.a. A privacy screen having a height of 1.6 m above floor level must be provided to the western and northern external sides of the "kids terrace" on the roof level. The privacy screens must be constructed of metal or timber and the total area of any openings within the privacy screen must not exceed 30% of the area of the screen. Alternatively, the privacy screen may be constructed with translucent, obscured, frosted or sandblasted glazing in a suitable frame.

(C) Amend condition 9 to read as follows:

Landscape Plan

9. The Certifying Authority/PCA must ensure that the Landscape Plan submitted as part of the approved Construction Certificate is substantially consistent with the revised Landscape Plan by Walter Barda Design, dwg A150, issue B, dated 25.09.16.

(D) Amend condition 10 to read as follows:

Protection of Palm

10. In order to ensure retention of the large and significant *Phoenix canariensis* (Canary Island Date Palm, T2) located in the rear yard, towards the northern site boundary in good health, the following measures are to be undertaken:
- All documentation submitted for the Construction Certificate application must show its retention, with the position and diameter of both its trunk and canopy to be clearly and accurately shown on all plans in relation to the proposed works.
 - Any excavations associated with the installation of new services, pipes, stormwater systems or similar *can only be located* hard up against the approved footprints of the building and pool so as to minimise root damage. The Certifying Authority/PCA must ensure that all services plans demonstrate compliance with this requirement.

- c. The Construction Certificate plans must show that:
- i) Both the setback and orientation of the pool in relation to the Palm must be strictly in accordance with the amended condition that is contained in the S96B application, DA/3/2016/B, approved by Council 28 November 2017;
 - ii) The existing grass surface and ground levels must be maintained as the pool surrounds for the 'Jungle Bar patio', in the area bounded by the western and northern Lot boundaries, the western edge of the new swimming pool to its east and the northern wall of the new building to its south, as is shown on the Ground Level Floor Plan, dwg A111, issue F, dated 25.09.17.
- d. In order to prevent the introduction or transfer of the harmful plant pathogen, *Fusarium sp*, to which this species is particularly susceptible, any tools or machinery to be used directly or indirectly with this palm must be firstly disinfected and sterilised, prior to commencement, as well as regularly during the course of the works by soaking for 5 minutes in the following mixture:
- i. 50% household bleach or 5% quaternary ammonium (eg, Phytoclean, Avis Chemicals); then;
 - ii. Rinsing with clean water and/or 70% alcohol to remove disinfectant.
- e. All initial excavations for footings for any of the works described in point 'c' above, within a radius of 3500mm, measured off the outside edge of its trunk at ground level, must be performed by hand, to a minimum depth of 600mm, without damaging any roots in the process.
- f. Council's Landscape Development Officer (9399-0613) must then be contacted for an inspection of these trenches, prior to proceeding further with any works, forming or pouring footings or similar, giving at least 2 working days' notice, with the applicant to comply with any instructions issued.
- g. Where a large amount of root material is encountered, which Council's officer determines must be retained; a cantilevered, pier and beam style footing that will 'bridge' over these roots and leave them undisturbed in the ground will need to be used for the northern wall of the new building.
- h. The Construction Certificate plans must acknowledge that a flexible footing system may be needed (depending on the findings of the site inspection) with a suitably qualified engineer to have a site specific design approved by the PCA, prior to commencement.
- i. Where roots are encountered which are in direct conflict with the approved works, and Council's officer gives approval for their pruning, they may be cut cleanly by hand (using only sterilized, hand held tools, not machinery), with the affected area/s to be backfilled with clean site soil as soon as practically possible.
- j. In order to prevent the introduction of pathogens such as *Fusarium sp*, to which this species of palm is particularly vulnerable, any imported soils and mulch must comply with AS4419 - 2003: Soils for landscaping & garden use, and AS4454 - 2003 Composts, Soil Conditioners & Mulches respectively, with a certificate of compliance confirming such to be

provided to Council's satisfaction, prior to use on site.

- k. Ground protection comprising either a 50mm layer of woodchip mulch; or; strapped together rumble boards, plywood or similar; shall be provided in the area bounded by the western and northern site boundaries, the northern wall of the new building to its south and the western edge of the new pool to its east, and must remain in place for the duration of works, until such time as the approved landscaping is being installed.
- l. This palm must also be physically protected by the installation of 1.8 metre high steel mesh/chainwire fencing, which shall be located a minimum distance of 3 metres to its north and east, 1 metre to its south (measured off the outside edge of its trunk at ground level), matching up with the western site boundary in order to completely enclose the palm for the duration of works.
- m. 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".
- n. If additional trunk protection is required, this can be provided by way of wrapping layers of geo-textile, underfelt or Hessian around its diameter, 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.
- o. In order to prevent soil/sediment being washed over its root system, erosion control measures must be provided at ground level around the perimeter of the TPZ.
- p. Within the TPZ, there is to be no storage of materials, machinery or site office/sheds, nor is cement to be mixed or chemicals spilt/disposed of and no stockpiling of soil or rubble, with all Site Management Plans needing to acknowledge these requirements.
- q. Ground levels within the TPZ described in point 'n' above must not be altered by more than 200mm, and other than the approved footprints for the building and pool, there must be no other structures such as continuous strip footings, planter boxes or similar to be located in this area, which must remain as undisturbed, deep soil.
- r. 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.

(E) Delete condition 26.

**(F) Amend condition 61 to read as follows:
Landscaping**

61. The PCA must ensure that landscaping at this site has been installed in accordance with the revised Landscape Plan by Walter Barda Design, dwg A150, issue B, dated 25.09.16, and any relevant conditions of consent, prior to issuing any Occupation Certificate.

New condition - Restriction on Use

A "restriction on the use of land" (under section 88E of the Conveyancing Act 1919) shall be placed on the title of the subject property to ensure retention of

the Phoenix canariensis (Canary Island Date Palm, T2) located in the rear yard towards the northern site boundary, so that no works which could directly or indirectly affect this palm are undertaken without the prior consent (in writing) from Council. Such restriction shall not be released, varied or modified without the consent of the Council.

- a) The restriction must state that the standard '2 metre exemption clause' (currently specified in Volume B, Section B5, Part 2 of Randwick Council's DCP) which would normally allow the removal of such a tree in such a circumstance does not apply to this site and Palm.
- b) The "restriction on the use of land" is to be to the satisfaction of Council. The proposed wording must be forwarded to Council's Landscape Development Officer and Development Engineer for approval prior to execution of the Restriction .
- c) The building setback from the palm is to be in strict accordance with the plans approved at the Council Meeting of 13th February 2018 and relevant conditions of this consent, with confirmation of compliance by way of a survey to be presented to Council prior to the "restriction on the use of land" being executed by Council.

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

**D14/18 Development Application Report - 4 Conway Avenue, Randwick
(DA/629/2016/A)**

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

PL13/18

RESOLUTION: (Matson/Mayor, Cr Shurey) that Council, as the consent authority, grants development consent under Sections 96 of the Environmental Planning and Assessment Act 1979, as amended, to Development Application No. 629/2016/A for modification of window openings and dimensions, relocation of air conditioning unit to ground level at northern side at No. 4 Conway Avenue, Randwick in the following manner:

• **Amend Condition No. 1 to read:**

Approved Plans & Supporting Documentation

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

Plan	Drawn by	Dated	Received by Council
Ground Floor Plan A100 Rev D	Georgina Wilson Architect	8 December 2016	8 December 2016
Level 1 Plan A101 Rev D	Georgina Wilson Architect	8 December 2016	8 December 2016
Elevations A200 Rev D	Georgina Wilson Architect	8 December 2016	8 December 2016
Elevations A201 Rev D	Georgina Wilson Architect	8 December 2016	8 December 2016
Roof Plan A110 Rev A	Georgina Wilson Architect	30 August 2016	5 September 2016
Sections A300 Rev A	Georgina Wilson Architect	30 August 2016	5 September 2016
Finishes Schedule A900 Rev A	Georgina Wilson Architect	30 August 2016	5 September 2016

BASIX Certificate No.	Dated	Received by Council
A256348	31 August 2016	5 September 2016

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, and as may be shown on the attached plans:

Plan	Drawn by	Dated
Ground Floor Plan - A100 (Revision E)	Georgina Wilson	30/10/2017
Level 1 Plan - A101 (Revision E)	Georgina Wilson	30/10/2017
Roof Plan - A110 (Revision C)	Georgina Wilson	30/10/2017
Elevations A200 (Revision D)	Georgina Wilson	30/10/2017
Elevations A201 (Revision D)	Georgina Wilson	30/10/2017

Add condition 1(a) to read as follows:

1(a) The kitchen window (WG.06) on the southern elevation of the dwelling house shall be provided with obscured glazing and/or translucent/frosted window film to avoid overlooking into the private open space of the southern adjoining neighbour.

MOTION: (Matson/Mayor, Cr Shurey) CARRIED UNANIMOUSLY - SEE RESOLUTION.

Cr Luxford returned to the meeting at this point (9.54pm).

D15/18 Development Application Report - 293-297 Alison Road, Coogee (DA/11/2015/D)

PL14/18

RESOLUTION: (Bowen/Neilson) that Council, as the consent authority, refuses consent under Sections 96 of the Environmental Planning and Assessment Act 1979, as amended, to Development Application No. 11/2015 to modify the Land and Environment Court approval by increase in height by 280mm, alterations to facade, alteration to internal layout and modification to basement, at No. 293-297 Alison Road, Coogee, for the following reasons:

1. The proposal is inconsistent with the relevant objectives of the R3 - Medium Density Residential zone under the Randwick Local Environmental Plan 2012 as it does not:
 - recognise the desirable elements of the existing streetscape and built form;
 - contribute to the desired future character of the area; and
 - protect the amenity of residents.
2. The proposal does not comply with the objectives and development standard for building height under Clause 4.3 of Randwick Local Environmental Plan 2012.
3. The proposal does not comply with the objectives and controls for external wall height pursuant to the Randwick Comprehensive Development Control Plan 2013.
4. The proposal is unacceptable pursuant to the provisions of Section 79C(e) to the *Environmental Planning and Assessment Act, 1979* in that the proposed non-

compliances and inconsistencies with the provisions of adopted environmental planning instrument and development control plan are not in the public interest.

MOTION: (Andrews/Da Rocha) that Council, as the consent authority, grants consent under Sections 96 of the Environmental Planning and Assessment Act 1979, as amended, to Development Application No. 11/2015 to modify the Land and Environment Court approval by increase in height by 280mm, alterations to facade, alteration to internal layout and modification to basement, at No. 293-297 Alison Road, Coogee, in the following manner:

Non-standard conditions

Amend Condition No. 1 to read:

- 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
Cover A0000 Rev C01	Alex Phegan Pty Ltd	12 June 2015
Location A0000 Rev C01		12 June 2015
Site Analysis A1002 Rev C01		12 June 2015
Demolition A0000 Rev C01		12 June 2015
Level 04 A0000 Rev C01		12 June 2015
Level 03 A0000 Rev C01		12 June 2015
Level 02 A0000 Rev C01		12 June 2015
Level 01 A0000 Rev C01		12 June 2015
Ground A0000 Rev C01		12 June 2015
Basement 01 A0000 Rev C01		12 June 2015
Basement 02 A0000 Rev C01		12 June 2015
Area GFA A0000 Rev C01		12 June 2015
Landscape/Deep Soil A0000 Rev C01		
Elevation North A0000 Rev C01		12 June 2015
Elevation North 02 A0000 Rev C01		12 June 2015
Elevation South A0000 Rev C01		12 June 2015
Elevation South 02 A0000 Rev C01		12 June 2015
Elevation East A0000 Rev C01		12 June 2015
Elevation West A0000 Rev C01		12 June 2015
A3100 Section Section 01 A3101 Rev C01		12 June 2015
A3100 Section Section 02 A3102 Rev C01		12 June 2015
A3100 Section Section 03 A3103 Rev C01		29 July 2015
A3100 Section Section 04 A3104 Rev C02		29 July 2015
Finished Board A6001 Rev C01		12 June 2015

BASIX Certificate No.	Received
598125m_2	19 June 2015

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,:

Plan	Drawn by	Date received by Council
Cover A0000 Rev S9602	Alex Phegan Pty Ltd	4 July 2016
Site Analysis A1002 Rev S9602		4 July 2016
Roof Plan A2102 Rev S9602		4 July 2016
Level 03 A2103 Rev S9602		4 July 2016
Level 02 A2104 Rev S9602		4 July 2016
Level 01 A2105 Rev S9602		4 July 2016
Ground A2106 Rev S9602		4 July 2016
Basement 01 A2107 Rev S9602		4 July 2016
Basement 02 A2108 Rev S9602		4 July 2016
Area GFA A2301 Rev S9602		4 July 2016
Landscape/Deep Soil A2302 Rev S9602		4 July 2016
Elevation North A3001 Rev S9602		4 July 2016
Elevation North 02 A3002 Rev S9602		4 July 2016
Elevation South A3003 Rev S9602		4 July 2016
Elevation South 02 A3004 Rev S9602	4 July 2016	
Elevation East A3005 Rev S9602	4 July 2016	
Elevation West A3006 Rev S9602	4 July 2016	
A3100 Section Section 01 A3101 Rev S962	4 July 2016	
A3100 Section Section 02 A3102 Rev C01	4 July 2016	
A3100 Section Section 03 A3103 Rev C01	4 July 2016	
A3100 Section Section 04 A3104 Rev C02	4 July 2016	
A4000 Detail Façade Detail Façade 01 A4001 Rev S9602	4 July 2016	
A4000 Detail Façade Detail Façade 01 A4002 Rev S9602	4 July 2016	

BASIX Certificate No.	Received
598125m_3	12 April 2016

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 lodged 14 October 2016,:

Plan	Drawn by	Dated
A2106 - Plan Ground - Rev CC02	ESS Architects	24.03.17
L01 - Landscape Plan - Issue H	Amber Road	23.03.17
L02 - Landscape planting and materials palette - Issue C		23.03.017
L03 - Landscape section and elevations - Issue G		23.03.17

and as further amended by the plans listed below, only in so far as they relate to the modifications highlighted on the plans and/or detailed in the Section 96 application lodged 24 October 2017 :

Plan	Drawn by	Date
A0000 Revision S9605	ESS Architects	29.09.17
A1002 Revision S9605		29.09.17
A2102 Revision S9605		29.09.17
A2103 Revision S9605		29.09.17
A2104 Revision S9605		29.09.17
A2105 Revision S9605		29.09.17
A2106 Revision S9605		29.09.17
A2107 Revision S9605		29.09.17
A2108 Revision S9605		29.09.17
A3001 Revision S9605		29.09.17
A3002 Revision S9605		29.09.17
A3003 Revision S9605		29.09.17
A3004 Revision S9605		29.09.17
A3005 Revision S9605		29.09.17
A3006 Revision S9606		22.01.18
A3101 Revision S9605		29.09.17
A3102 Revision S9605		29.09.17
A3103 Revision S9605		29.09.17
A3104 Revision S9605		29.09.17
A4001 Revision S9605		29.09.17
A4002 Revision S9605		29.09.17

BASIX Certificate No.	Received
829399M	11 August 2017

except as may be amended by the following conditions and as may be shown in red on the attached plans:

Add the following condition:

- 3c. The screen colour across the façade of the development shall be restricted to a more recessive colour such as beige. Details showing compliance with the condition shall be submitted to Council's Heritage Planner for approval prior to an amended construction certificate being issued for the development.
- 3d. Plan number A3006 dated 22.01.18 shall be amended to correctly reference the parapet of the rear building as RL31.05. Details showing compliance with this condition shall be submitted to the Certifying Authority. **LOST.**

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

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

MOTION: (Bowen/Neilson) 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 Luxford	Councillor Da Rocha
Councillor Matson	Councillor Hamilton
Councillor Neilson	Councillor Seng
Councillor Parker	Councillor Stavrinou
Councillor Said	Councillor Veitch
Councillor Shurey	
Total (7)	Total (6)

D16/18 Development Application Report - 6 Chapel Street, Randwick (DA/66/2016/B)

PL15/18

RESOLUTION: (Matson/Da Rocha) 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/66/2016 for 6 Chapel Street Randwick subject to the conditions contained to this report:

A Amend Condition 1 to read:**Approved Plans & Supporting Documentation**

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

Plan	Drawn by	Dated
DWG A102/A, A103/A, and A104/A	Robertson + Marks	13 Jan. 2016

BASIX Certificate No.	Dated
A239862	8 February 2016

as amended by the **Section 96 'A' plans and documentation listed below**

Plan No.	Drawn by	Dated
DWG s96-01 Issue A	Sofair Design	May 2017

as amended by the **Section 96 'B' plans and documentation listed below**

Plan No.	Drawn by	Dated
DWG s96-01 Issue A	Sofair Design	October 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:

B Amend conditions 23 & 24 to read;**Pruning**

- 23 Permission is granted for the minimal and selective pruning of the *Lagerstroemia indica* (Crepe Myrtle, T1) that is located in the front yard of the subject site, between the front boundary and carport, only where needed so as

to avoid damage to the tree, interference with the approved works; or; so as to provide the required clearance from the overhead power lines.

Tree Removal

- 24 Despite being located beyond the extent of the approved works, approval is still granted for removal of the *Salix matsudana* 'Tortuosa' (Weeping Willow, T2) that is located in the rear yard of the subject site, in the northwest corner, given its poor, unsafe/declining condition as a result of recent storm damage, with this species already exempt from the provisions of Council's DCP as it is recognized as an undesirable species due to its invasive and aggressive root system.

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

D17/18 Development Application Report - 27 Meeks Street and 65 Willis Street, Kingsford (DA/795/2015/B)

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

PL16/18

MOTION: (Andrews/Shurey) that Council, as the consent authority, grants development consent under Section 96 of the Environmental Planning and Assessment Act 1979, as amended, to modify the Land and Environment approved Development Consent No. DA/795/2015/B by addition of central hot water plant room, addition of communal drying area, alteration to layout of accessible rooms G01 and G02, removal of screen on eastern side of car park, alteration to exterior louvres, alter increase in some some window sill heights and alteration to some exterior finishes for 65 Willis Street and 27 Meeks Street, Kingsford in the following manner:

- **Amend Condition 1 to read:**

Approved Plans & Supporting Documentation

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

Plan	Drawn by	Dated
DA-002 (Issue C1)	Architects Nicholas + Associated	20/02/2017
DA-003 (Issue C1)	Architects Nicholas + Associated	20/02/2017
DA-004 (Issue C1)	Architects Nicholas + Associated	20/02/2017
DA-005 (Issue C1)	Architects Nicholas + Associated	20/02/2017
DA-007 (Issue C1)	Architects Nicholas + Associated	20/02/2017
DA-150 (Issue C1)	Architects Nicholas + Associated	20/02/2017
DA-151 (Issue C1)	Architects Nicholas + Associated	20/02/2017
DA-152 (Issue C1)	Architects Nicholas + Associated	20/02/2017
DA-170 (Issue C1)	Architects Nicholas + Associated	20/02/2017
DA-171 (Issue C1)	Architects Nicholas + Associated	20/02/2017

BASIX Certificate No.	Dated
689008M-02	22/03/2017

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

Plan	Drawn by	Dated

Ground Floor Plan Dwg 200 Rev C	Project Tourism International Architecture Pty Ltd	9 October 2017
Level 1 Floor Plan Dwg 201 Rev C	Project Tourism International Architecture Pty Ltd	9 October 2017
Level 2 Floor Plan Dwg 202 Rev C	Project Tourism International Architecture Pty Ltd	9 October 2017
Level 3 Floor Plan Dwg 203 Rev C	Project Tourism International Architecture Pty Ltd	9 October 2017
Elevations Dwg 500 Rev C	Project Tourism International Architecture Pty Ltd	9 October 2017
Elevations Dwg 501 Rev C	Project Tourism International Architecture Pty Ltd	9 October 2017
Elevations Dwg 502 Rev C	Project Tourism International Architecture Pty Ltd	9 October 2017

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

D18/18 Development Application Report - 44 Maroubra Road, Maroubra (DA/472/2017)

PL17/18

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. DA/472/2017 for alterations and additions to the existing dwelling including new first floor and associated works at No. 44 Maroubra Road, Maroubra, subject to the following non standard conditions and the standard conditions contained in the development application compliance report attached to this report:

Non standard conditions

Amendment of Plans & Documentation

2. The approved plans and documents must be amended in accordance with the following requirements:
 - a) The proposed double garage shall be replaced with double carport as shown on the amended plans received by Council on 18 January 2018.
 - b) The following window openings to the eastern side elevation must have a minimum sill height of 1.6m above floor level, or alternatively, the windows are to be fixed and be provided with translucent, obscured, frosted or sandblasted glazing below this specified height:
 - Bedroom window (W15) on the first floor level; and
 - Staircase window (W16) on the first floor level.

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 can be provided as an alternative privacy measure. The screens must attain a minimum sill height of 1.6m above floor level.
 - c) To ensure reasonable levels of privacy are maintained to neighbouring dwellings 1.8m high privacy screens shall be provided to the eastern and western sides of the deck. The screens shall be constructed in the following manner:

- To the western side the screen shall extend the full length and wrap a metre to the northern end of the deck.
 - To the eastern side the screen shall start at the northern edge of the stairs and extend to the northern end of the deck.
- d) The depth of the rear first floor balcony shall not exceed 2.5m. The privacy walls/screens to the sides of the balcony shall be retained.
- e) An awning structure with a maximum depth of 1.5m may be provided directly above the ground floor balcony for weather proofing.

Details of the above changes are to be submitted to and approved by Council's Manager Development Assessments prior to issuing a construction certificate for the development.

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 Luxford
Councillor Bowen	Councillor Neilson
Councillor Da Rocha	Councillor Parker
Councillor Hamilton	Councillor Shurey
Councillor Matson	Councillor Veitch
Councillor Said	
Councillor Seng	
Councillor Stavrinou	
Total (8)	Total (5)

D19/18 Development Application Report - 33 Todman Ave, Kensington (DA/564/2017)

PL18/18

RESOLUTION: (Hamilton/Andrews) that Council, as the consent authority, grants development consent under Sections 80 and 80A of the Environmental Planning and Assessment Act 1979, as amended, to Development Application No. DA/564/2017 for ground and first floor alterations and additions to existing dwelling at No. 33 Todman Avenue, 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 & Documentation

2. The approved plans and documents must be amended in accordance with the following requirements:
 - a. 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:
 - W2
 - W3
 - W4
 - W5

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

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

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

Miscellaneous Reports

M1/18 Miscellaneous Report - IHAP Community Representatives (F2017/00499)

PL19/18 **RESOLUTION: (Matson/Parker)** that this report be received and noted.

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

The Meeting was adjourned at 10.10pm and was resumed at 10.39pm.

Confidential reports (closed session)

That the meeting move into closed session in order to consider confidential items.

Closed Session

M2/18 Confidential - Appointment of expert members to IHAP (F2017/00351)

This matter is considered to be confidential under Section 10A(2) (a) (c) Of the Local Government Act, as it deals with personnel matters concerning particular individuals (other than Councillors); AND information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business. (This report includes recommendations for expert members on Council's IHAP. This information should not be publically available until the decision has been made and individuals involved have been notified of the outcome (i.e. offered positions). Further, if applicants are aware of the recommendations before the report is considered, they may jeopardise the process by making representations to staff or councillors seeking special consideration.)

PL20/18 **RESOLUTION: (Andrews/Da Rocha)** that Council delegate to the General Manager the authority to appoint:

- a) Expert panel members and alternates to Randwick's IHAP from the list of 10 preferred candidates; AND
- b) Expert panel members and alternates to Randwick's IHAP from the list of independent experts approved by the Department of Planning & Environment ONLY if it is not possible to obtain 2 panel members and at least 2 alternates from the list of preferred candidates.

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

Open Session

That the meeting move back into open session.

Notice of Rescission Motions

Nil

The meeting closed at 10.40pm.

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

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CHAIRPERSON