

ORDINARY COUNCIL MEETING

**DEVELOPMENT APPLICATION
COMPLIANCE REPORTS**

TUESDAY 25 FEBRUARY 2014

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Director City Planning Reports

CP7/14 Randwick Environment Park draft Plan of Management Site visit

CP8/14 Randwick Community Centre (Draft) Final Plan of Management

General Manager's Report

GM 4/14 Local Government Reform

Director Governance & Financial Services Report

GF6/14 Quarterly Budget Review - December 2013

GF7/14 Councillors' Expenses & Facilities Policy

Development Application Compliance Report



Folder /DA No:	DA/584/2012/A
PROPERTY:	158 Moverly Road, SOUTH COOGEE NSW 2034
Proposal:	<p>Section 96 modification to Land and Environment Court approval to extend hours of operation of outdoor play area to 8.30am to 5.00pm Monday to Friday, increase number of children permitted in outdoor play area from 30 to 46, amend conditions 80 and 82 relating to acoustic report and noise levels and amend condition 85 to allow non-amplified music to be played outdoors.</p> <p>Original Consent: Alterations and additions to the existing dwelling and change of use to a child care centre with capacity of 46 children, operating between the hours of 8.30am to 5pm weekdays. Works include construction of a subfloor parking area for six (6) vehicles, disabled access and associated works</p>
Recommendation:	Approval, subject to conditions

CP1/14

Relevant Environment Planning Instruments:

1. SEPPs

None applicable to this application.

2. Randwick LEP 2012

Zone R2 Low Density Residential

The subject site is zoned R2 Low Density Residential under Randwick LEP 2012. The approved development is classified as a detached dwelling house for a child care centre and the proposed modifications will continue to be permissible in the zone.

The relevant zoning objectives for the child care centre are addressed as follows:

- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To protect the amenity of residents.

The proposed modifications to the approved Child Care Centre will continue to integrate with, and support the primary function of the zone. The proposed modifications, subject to conditions and through proper management and operation of the centre will not unreasonably impact on the amenity of the adjoining residents and nearby residential zones. The child care centre will continue to provide a facility for the local community where there is a demand/need for child care centres.

Overall, the proposed modifications are not considered to detract from the general aims and zoning objectives stated in the Randwick LEP.

3. Randwick Comprehensive DCP 2013

3.1 C1 Table: Low Density Residential

Randwick Development Control Plan

Part D3 – Child Care Centres

The proposed modifications have been assessed against Part D3 of the DCP and are considered to satisfy the objectives of all the relevant development and design controls that are applicable to the site. Where applicable to the proposed amendments specific comments in relation to the DCP are discussed below.

4	AMENITY		
4.1	Acoustic Amenity and Privacy		
	<p>i) Submit an acoustic report prepared by an accredited acoustic consultant. The report must demonstrate that:</p> <ul style="list-style-type: none"> ▪ Adequate site planning and building design measures are proposed to minimise noise impacts. ▪ Noise levels generated from the child care centre, when measured over a 15 minute period at any point on the boundary of the site) will not exceed 5dBA above the background level. ▪ Suitable noise attenuation measures have been incorporated into the proposal. <p>ii) Orient new buildings and extensions to minimise overlooking, overshadowing and to preserve the acoustic amenity of adjoining properties.</p> <p>iii) Locate outdoor and indoor play areas, balconies and terraces and openable windows to minimise the direct line of sight to and from neighbouring properties.</p> <p>iv) Locate pedestrian access ways and ramps away from neighbouring residential properties where practical.</p> <p>v) Maximise the use of fencing, landscape buffers and window coverings to protect visual privacy and acoustic amenity for the centre and neighbouring properties.</p>	<p>An amended/ revised acoustic report has been submitted by Acoustic Logic. The report demonstrates compliance with acoustic criteria; however, subject to a number of recommendations.</p>	<p>i) Yes. Refer to Executive Summary report and Environmental Health comments below for further details.</p>

CP1/14

4. 79C Matters for consideration

Section 79C 'Matters for Consideration'	Comments
Environmental Planning Instruments	
Section 79C(1)(a)(i) – Provisions of any environmental planning instrument	Refer to the “Environmental Planning Instruments” section of this report for details.
Section 79C(1)(a)(ii) – Provisions of any draft environmental planning instrument	Not applicable.
Section 79C(1)(a)(iii) – Provisions of any development control plan	Refer to the “Randwick Comprehensive DCP 2013” section of this report for details.
Section 79C(1)(a)(iiia) – Provisions of any Planning Agreement or draft Planning Agreement	Not applicable.
Section 79C(1)(a)(iv) – Provisions of the regulations	The relevant clauses of the Regulations have been satisfied.
Section 79C(1)(b) – The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality	<p>The environmental impacts of the proposed development on the natural and built environment, which are otherwise not addressed in this report, are discussed in the paragraphs below.</p> <p>The proposed development is consistent with the dominant residential character in the locality. The proposal would not considered result in detrimental social or economic impacts on the locality.</p>
Section 79C(1)(c) – The suitability of the site for the development	The site is located in close proximity to local services and public transport. The site has sufficient area to accommodate the proposed land use and associated structures. Therefore, the site is considered suitable for the proposed development.
Section 79C(1)(d) – Any submissions made in accordance with the EP&A Act or EP&A Regulation	The issues raised in the submissions have been addressed in this report.
Section 79C(1)(e) – The public interest	The childcare facility would contribute to a necessary service for the community and will continue to promote the objectives of the zone. The modified development, subject to conditions will not result in any significant adverse environmental, social or economic impacts on the locality. Accordingly, the proposal is considered to be in the public interest.

CP1/14

5. Referral Comments

5.1 Environmental Health and Building Services

Proposed Development:

Council is in receipt of an application to amend the existing consent at 158 Moverly Road, South Coogee, NSW 2034.

The proposed changes include the following;

1) Amendment to Condition No. 72;

The hours of operation for the outdoor play area are restricted to:

Monday to Friday: 1 hour and 30 minutes in the morning period
Monday to Friday: 1 hour and 30 minutes in the afternoon period

The applicant has requested to change these hours to;

Monday to Friday: 8.30am to 5.00pm

2) Amendment to condition 80;

"The proposed use of the child care centre including the outside play area 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 premises, plant and equipment shall not give rise to a sound pressure level at any affected premises that exceeds the background ($L_{A90}, 15 \text{ min}$) noise level, measured in the absence of the noise source/s under consideration by more than 10dB(A) for a period of 1 hour 30 minutes in the morning and then again for 1 hour 30 minutes in the afternoon period and then by no more than 5dB(A) at all other times. The source noise level shall be assessed as an $L_{Aeq, 15 \text{ min}}$ and adjusted in accordance with the NSW Environmental Protection Authority's Industrial Noise Policy 2000 and Environmental Noise Control Manual (sleep disturbance)".

The applicant has requested to change the second paragraph of this condition to read as;

"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) at all times. The source noise level shall be assessed as an $L_{Aeq, 15 \text{ min}}$ and adjusted in accordance with the NSW Environmental Protection Authority's Industrial Noise Policy 2000 and Environmental Noise Control Manual (sleep disturbance)".

3) Amendment to condition 82;

"The operation of the site and the project specific criteria for noise emissions shall be in accordance with the acoustic report referenced 20120735.1/0309/S/RO/TT dated 03 September 2012 prepared by Acoustic Logic PTY LTD unless otherwise stated by this development consent".

The applicant has requested to amend this condition to comply with a new acoustic report submitted with this application.

4) Amendment to condition 83;

"The outdoor play area must not exceed a maximum number of 30 children at any one time playing during the permitted operational hours for the outdoor play area specified in this consent."

The applicant has requested to change this condition to read as;

"The outdoor play area must not exceed a maximum number of 46 children at any one time playing during the permitted operational hours for the outdoor play area specified in this consent".

5) Amendment to condition 85;

"Music shall not be played in the outdoor area"

The applicant has requested to change this condition to read as;

"Amplified music shall not be played in the outdoor area".

Comments:

An acoustic report was received with the development application which states that the noise from the development will comply with the relevant requirements.

The environmental health team raised concerns regarding the validity of the new acoustic report (dated 15/07/2013) submitted to Council.

The acoustic report (dated 15/07/2013) includes new predicted noise levels from the operations of the development. These predicted noise levels outlined a reduction in noise from the operations of the outdoor play areas even though the period of time the children will play in the outdoor area will be increased. These results contradict the previous predicted noise levels outlined in the first acoustic report submitted to Council (dated 9/09/2012) without sufficient evidence to support the change in results.

The report also did not provide sufficient acoustic information on any of the following;

- Music played in the outdoor areas (period of time, type of music etc)
- Noise impacts on neighbouring residents potentially caused by 46 children playing in the outdoor area during the entire period 8.30am-5.00pm (the report outlines it complies however this statement is obtained via predicted noise levels and no specific data or examples have been included in the report.
- Details of how 46 children will be managed in the outdoor area.
- Noise from mechanical equipment, e.g. mechanical systems, air conditioning units etc

An amended acoustic report (document reference number 20120735.1/0909A/R6TT revision 6) was received by Council on 15 October 2013.

After a review of this amended acoustic report, additional acoustic information was requested by Council on 31 October 2013 (**See Trim Doc No D01921104 for details**)

A revised acoustic report (revised version 8) was submitted to Council on 27 November 2013. This report outlines the operations of the business will comply with the requirements of NSW EPA- Industrial Noise Policy and other relevant noise requirements.

Discussions were held with the acoustic consultant Mr Thomas Taylor on 28 November 2013 at 2pm. Concerns were raised with predicted noise levels outlined in the revised version 201207.1/0909A/R7/TT. Mr Thomas outlined that there is a reduction in the predicted noise levels due to no active play in the upper outdoor play area. All activities in the upstairs area

will be passive play. Mr Thomas also outlined that the need for the 2.1m high fence is no longer required due to the upper outdoor play area being restricted to passive play.

Concern was also raised with Mr Taylor regarding the number of children in the lower outdoor area. Mr Taylor advised that the lower outdoor area will comply with the 5dB criteria with a maximum number of 46 children playing in the lower outdoor play area with the addition of all recommendations outlined in the report being implemented.

These recommendations include;

- The upper play area to be used by no more than 16 children at any one time and is to be used only for "passive " non ambulatory play (acceptable activities to include reading/painting/craft or other closely supervised activities)
- The lower outdoor play area is to be used by no more than 46 children.
- A minimum 1.8m high bound fence/noise screen is required along the western boundary of the upper outdoor play area. Fence is to consist of Colorbond, lapped and capped timber or (clear) Perspex, or a combination of these items.
- For the remaining fencing around the play areas, the 1.8m High Solid (Colorbond) Boundary fencing is to be retained. If replaced- any replacement fence should be at least 1.8m high and imperforate (no holes- e.g. lapped and capped timber or Colorbond).
- There is to be a solid noise screen constructed to separate the upper and lower place areas. The screen is to be constructed along the top of the rock ledge at the edge of the upper play area. The height of the top of the screen is to be such that it provides line of sight between the lower (active play") area and the top for windows of the residence to the west (top of screen minimum RL 60.9). Screen to be constructed of lapped and capped timber or Perspex to architects detail.
- All windows to be constructed using minimum 4mm thick glass with perimeter acoustic seals.
- No amplified music is to be played in the premises, music is to be provided using a portable stereo.
- Music is to be used as background music only (no more than 70dB (A) at 3m from the stereo). At this noise level, noise from the use of music will not add cumulatively to noise created by the children in the play area.
- Noise from any new mechanical services (air-conditioners, kitchen exhaust fan or similar) should comply with the acoustic requirements of the EPA industrial Noise Policy (intrusiveness and Amenity Criteria) Detailed review of new plan items should be undertaken at Construction certificate stage, once plant items are selected and locations determined. Noise from plant will be designed to be compliant with a "Background +0) acoustic criteria (which is 5dB (A) stricter than EPA guidelines). In doing this, the cumulative noise contribution from mechanical plant will not significantly add to any noise created by children in the play grounds. Compliance with this design goal is achievable.
- The car park will be naturally ventilated, and does not require ventilations fans.
- Proposed air conditioner condenser is to be located within the new garage. The building shell will screen noise to the nearest residence (to the west) and will be more than 25m from the nearest residence with line of site of the condenser (to the south, across Moverly Road).

- Bathroom Ventilation via Small Ceiling Mounted fans (55i/s discharging through the roof. Use of 1m of flex ducting between fan and discharge point will ensure compliance with noise emission goals.
- There is no external refrigeration equipment proposed.

Whilst the report provides a large amount of recommendations to ensure the development complies with the relevant noise criteria, the Environmental Health team raise concerns regarding the ability to comply with the background noise level +5dB, when previous acoustic reports suggested it could only achieve the background noise level + 10dB criteria. The acoustic consultant has gone through the specific predicted noise levels and again advised that it will comply with the relevant noise criteria once the amended acoustic recommendations and management procedures have been implemented.

It is therefore recommended that all acoustic recommendations are conditioned as part of the consent and an acoustic assessment is undertaken after 3 months of commencement to verify that the predicted noise levels and acoustic treatments are sufficient to ensure the operations of the business complies with the relevant noise criteria.

6. DEVELOPMENT CONSENT CONDITIONS

That Council, as the consent authority, grants development consent under Section 96(AA) of the Environmental Planning and Assessment Act 1979, as amended, to Development Application No. DA/584/2012 for modification of the approved development by extending the hours of operation of outdoor play area from 8.30am to 5.00pm Monday to Friday and amend condition no.'s 72, 80, 82, 83 & 85 relating to the restriction of use for the outdoor play area & the number of children permitted in outdoor play area, acoustic report, noise levels and non-amplified music to be played outdoors at No. 158 Moverly Road, South Coogee, subject to the following conditions:

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:

Plan	Drawn by	Dated	Filed in the Land and Environment Court
D-CC01 Site Plan + Roof Plan + Landscape Plan	Design 23 Pty. Ltd	13.05.2013	21.05.2013
D-CC02 Lower Ground Floor Plan + Partial Site			
D-CC03 Ground Floor Plan + Partial Site			
D-CC04 South-East + South - West Elevations			
D-CC05 North-West + North-East Elevations			
D-CC02.1 Lower Ground Floor Level Carpark Layout + Traffic Engineer Details		27.05.2013	27.05.2013

Except as amended by the **Section 96 'A' documentation only in so far as they relate to the modifications highlighted on the Section 96 'A' documentation and**

detailed in the Section 96 application, except as may be amended by other conditions of this consent:

Amend Condition No. 72 to read:

- 72) The hours of operation for the outdoor play areas is restricted to:
Monday to Friday: 8:30am to 5:00pm

Amend Condition No. No. 80 to read:

- 80) The proposed use of the premises and the operation of all plant and equipment 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 premises and plant and equipment shall not give rise to a sound pressure level at any affected premises that exceeds the background (L_{A90}), 15 min noise level, measured in the absence of the noise source/s under consideration by more than 5dB(A). The source noise level shall be assessed as an $L_{Aeq, 15 \text{ min}}$ and adjusted in accordance with the NSW Environmental Protection Authority's Industrial Noise Policy 2000 and Environmental Noise Control Manual (sleep disturbance).

Amend to Condition No. 82 to read:

- 82) The operation of the site and the project specific criteria for noise emissions shall be in accordance with the acoustic report referenced 20120735.1/0909A/R7/TT dated 27 November 2013 prepared by Acoustic Logic PTY LTD unless otherwise stated by this development consent".

Additional condition is added to read as follows:

- (82.a) In accordance with the acoustic report 20120735.1/0909A/R7/TT prepared by Acoustic Logic PTY LTD dated 27 November 2013 the following measures are to be implemented:
- A minimum 1.8m high bound fence/noise screen is required along the western boundary of the upper outdoor play area. Fence is to consist of Colorbond, lapped and capped timber or (clear) Perspex, or a combination of these items.
 - For the remaining fencing around the play areas, the 1.8m High Solid (Colorbond) Boundary fencing is to be retained. If replaced- any replacement fence should be at least 1.8m high and imperforate (no holes- e.g. lapped and capped timber or colorbond).
 - There is to be a solid noise screen constructed to separate the upper and lower place areas. The screen is to be constructed along the top of the rock ledge at the edge of the upper play area. The height of the top of the screen is to be such that it provides line of sight between the lower (active play") area and the top for windows of the residence to the west (top of screen minimum RL 60.9). Screen to be constructed of lapped and capped timber or Perspex to architects detail.
 - All windows to be constructed using minimum 4mm thick glass with perimeter acoustic seals.
 - Noise from any new mechanical services (air-conditioners, kitchen exhaust fan or similar) should comply with the acoustic requirements of the EPA industrial Noise Policy (intrusiveness and Amenity Criteria) Detailed review of new plan items should be undertaken at Construction certificate stage, once plant items are selected and locations determined. Noise from plant will be designed to be compliant with a "Background +0) acoustic criteria (which is 5dB (A) stricter than EPA guidelines). In doing this, the cumulative noise contribution from mechanical

plant will not significantly add to any noise created by children in the play grounds. Compliance with this design goal is achievable.

- The proposed air conditioner condenser is to be located within the new garage. The building shell should screen noise to the nearest residence (to the west) and should be more than 25m from the nearest residence with line of site of the condenser (to the south, across Moverly Road).
- The bathroom ventilation is to be provided via Small Ceiling Mounted fans (55i/s discharging through the roof. Use of 1m of flex ducting between the fan and discharge point should ensure compliance with noise emission criteria.

Amend Condition No. 83 to read:

(83.) The lower outdoor play area must not exceed a maximum number of 46 children at any one time playing during the permitted operational hours for the outdoor play area specified in this consent".

Additional condition is added to read as follows:

(83.a) The upper outdoor play area is to be used by no more than 16 children at any one time. This area is only to be used for "passive "non ambulatory play" (acceptable activities to include reading/painting/craft or other closely supervised activities)

Amend Condition No. 85 to read:

(85.) No amplified music is to be played in the premises, music is to be provided using a portable stereo.

Additional condition is added to read as follows;

(85.a) Music is to be used as background music only (no more than 70dB (A) at 3m from the stereo).

(85.b) No music is to be played in the upper outdoor play area.

Add Condition No. 95 to read:

(95.) A validation report must be obtained from a suitably qualified and experienced consultant in acoustics three (3) month after the business commences trading. The report should demonstrate and certify that noise and vibration from the development (including all plant and equipment internally and externally) satisfies the relevant provisions of the *Protection of the Environment Operations Act 1997*, NSW Office of Environment & Heritage/Environment Protection Authority Noise Control Manual & Industrial Noise Policy and conditions of Council's development consent.

The report is to be forwarded to and approved by Council. This report must address (but not limited to) the accumulation effect of mechanical plant and equipment and noise generated from all children playing in the upper and lower outdoor play areas simultaneously and the noise generated from 46 children playing in the lower outdoor play area. Any recommendations outlined in the acoustic report are to be implemented accordingly.

Development Application Compliance Report



Folder /DA No:	DA/584/2012/B
PROPERTY:	158 Moverly Road, SOUTH COOGEE NSW 2034
Proposal:	Section 96(AA) modification of approved development by relocating the main office and toilet to the western side of the building including new windows on south eastern elevation and installation of skytubes to the roof Original Consent: Alterations and additions to the existing dwelling and change of use to a child care centre with capacity of 46 children, operating between the hours of 8.30am to 5pm weekdays. Works include construction of a subfloor parking area for six (6) vehicles, disabled access and associated works
Recommendation:	Approval

CP2/14

1. Section 96 Assessment

Section 96 of the Environmental Planning and Assessment Act 1979, states that a consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent if:

- (a) *it is satisfied that the proposed modification is of minimal environmental impact, and*
- (b) *it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which the consent was originally granted and before that consent as originally granted was modified (if at all), and*
- (c) *it has notified the application*
- (d) *it has considered any submissions made concerning the proposed modification within any period prescribed by the regulations or provided by the development control plan, as the case may be.*

The proposal does not involve any significant changes to the approved built form, floor space ratio or use of the site. Therefore, in accordance with Section 96 of the Environmental Planning and Assessment Act 1979, the proposed modification to the approved development is considered to result in a development that is substantially the same as the originally approved development. As such, it can be assessed under Section 96 of the Act.

2. State Environmental Planning Policies

No State Environmental Planning Policies are relevant to the proposal.

3. Relevant Environment Planning Instruments:

Randwick LEP 2012

The subject site is zoned R2 Low Density Residential under Randwick LEP 2012 and the proposed development classified as child care centre is permissible in the zone. The relevant zoning objectives are addressed as follows:

- To enable other land uses that provide facilities or services to meet the day to day

needs of residents.

- To protect the amenity of residents.

The proposed modifications will not unreasonably impact on the amenity of the adjoining residents and will continue to provide a facility for the local community where there is a demand for child care centres. Overall, the proposal is considered to meet the objectives of the R2 Low Density Residential zone as stipulated in the Randwick LEP 2012.

4. Randwick Comprehensive DCP

Part D3 – Child Care Centres

The DCP provisions are structured into two components, Objectives and Controls. The Objectives provide the framework for assessment under each requirement and outline key outcomes that a development is expected to achieve. The controls contain both numerical standards and qualitative provisions. Any proposed variations from the controls may be considered only where the applicant successfully demonstrates that an alternative solution could result in a more desirable planning and urban design outcome.

The relevant provisions of the DCP are addressed in the table below. (Note: a number of control provisions that are not related to the proposal have been deliberately omitted.)

DCP Clause	Controls	Proposal	Compliance
4	Amenity		
4.1	Acoustic Amenity and Privacy		
	i) Submit an acoustic report prepared by an accredited acoustic consultant. The report must demonstrate that: <ul style="list-style-type: none"> ▪ Adequate site planning and building design measures are proposed to minimise noise impacts. ▪ Noise levels generated from the child care centre, when measured over a 15 minute period at any point on the boundary of the site) will not exceed 5dBA above the background level. ▪ Suitable noise attenuation measures have been incorporated into the proposal. 	An amended/ revised acoustic report has been submitted to Council which demonstrates compliance associated with the proposed modifications.	Yes
	iii) Locate outdoor and indoor play areas, balconies and terraces and openable windows to minimise the direct line of sight to and from neighbouring	The proposed new window on the south-eastern elevation overlooks the street.	Yes
4.2	Safety and Security		
	iii) Incorporate windows on the front façade where possible to enable casual surveillance.	The proposed new window is located on the front façade which will improve casual surveillance of the street	Yes

CP2/14

DCP Clause	Controls	Proposal	Compliance
4.3	Play Areas		
	x) Toilets should be easily accessible from both indoor and outdoor play areas.	The new location of the subject toilets will remain easily accessible from indoor play areas. There are additional toilets located close to the outdoor play area on the north-west side of the building which are to remain as approved.	Yes

5. 79C Matters for consideration

Section 79C 'Matters for Consideration'	Comments
Environmental Planning Instruments	
Section 79C(1)(a)(i) – Provisions of any environmental planning instrument	Refer to 3 'Randwick LEP 2012' section of this report for details.
Section 79C(1)(a)(ii) – Provisions of any draft environmental planning instrument	There are no provisions of any draft environmental planning instrument applicable to the application.
Section 79C(1)(a)(iii) – Provisions of any development control plan	Refer to the section 4 'Randwick Comprehensive DCP' of this report for details.
Section 79C(1)(a)(iiia) – Provisions of any Planning Agreement or draft Planning Agreement	None applicable.
Section 79C(1)(a)(iv) – Provisions of the regulations	The relevant clauses of the Regulations have been satisfied.
Section 79C(1)(b) – The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality	<p>The environmental impacts of the proposed development on the natural and built environment, which are otherwise not addressed in this report, are discussed in the paragraphs below.</p> <p>The proposed development is consistent with the dominant residential character in the locality. The proposal would not considered result in detrimental social or economic impacts on the locality.</p>
Section 79C(1)(c) – The suitability of the site for the development	The site is located in close proximity to local services and public transport. The site has sufficient area to accommodate the proposed land use and associated structures. Therefore, the site is considered suitable for the proposed development.
Section 79C(1)(d) – Any submissions made in accordance with the EP&A Act or EP&A	The issues raised in the submissions have been addressed in this report.

Section 79C 'Matters for Consideration'	Comments
Environmental Planning Instruments	
Regulation	
Section 79C(1)(e) – The public interest	The proposal promotes the objectives of the zone and will not result in any significant adverse environmental, social or economic impacts on the locality. Accordingly, the proposal is considered to be in the public interest.

6. Referral Comments

The application was referred to Council’s Environmental Health Unit in which the following comments were received:

Proposed Development:

Council is in receipt of an application for the relocation of a bathroom to the western side of the existing building the changes include 3 ceiling louvers to be installed. The Ceiling louvers will be mechanically vented.

Comments:

The Environmental Health team raised concerns regarding the vented louvers to be serviced by mechanical motors. An acoustic report has been received for the development which confirms that that the bathroom ventilation will be provided via small ceiling mounted fans (55l/s) discharging through the roof.

The acoustic report recommends the use of 1m of flex ducting between fan and discharge point to ensure compliance with noise emission goals.

The acoustic report also confirms that the noise from mechanical equipment will comply with the requirements of the NSW EPA Industrial Noise Policy and other relevant noise requirement.

The original development consent for this property DA/584/2012 has included a requirement for an acoustic assessment to be undertaken prior to the issue of an occupation certificate and an acoustic validation certificate within 3 months of operation. It is considered that these additional acoustic validation reports will confirm compliance with relevant noise criteria as outlined in the supporting acoustic assessment.

General noise conditions have also been included in this consent.

7. DEVELOPMENT CONSENT CONDITIONS

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 except where amended by other conditions of this consent:

Plan	Drawn by	Dated	Filed in the Land and Environment Court
D-CC01 Site Plan + Roof Plan + Landscape Plan			
D-CC02 Lower Ground Floor Plan			

CP2/14

+ Partial Site	Design 23 Pty. Ltd	13.05.2013	21.05.2013
D-CC03 Ground Floor Plan + Partial Site			
D-CC04 South-East + South - West Elevations			
D-CC05 North-West + North-East Elevations	Design 23 Pty. Ltd	27.05.2013	27.05.2013
D-CC02.1 Lower Ground Floor Level Carpark Layout + Traffic Engineer Details			

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

Plan	Drawn by	Dated	Received by Council
DA01 Site Plan + Roof Plan + Landscape Plan	Design 23 Pty. Ltd	08.08.2013	13.08.2013
DA03 Ground Floor Plan + Partial Site			
DA04 South-East + South - West Elevations			

B. Add Condition 96 to read:

- 96. Bathroom ventilation via small ceiling mounted fans (55l/s) discharging through the roof are to be fitted with 1m of flex ducting between the fan and discharge point to ensure compliance with the requirements of the NSW EPA Industrial Noise Policy and relevant noise requirements.

CP2/14

Development Application Compliance Report



Folder /DA No:	DA/874/2013
PROPERTY:	2R Barker Street, KINGSFORD NSW 2032
Proposal:	Alterations and additions to an existing building (potting Shed) at the Randwick Community Nursery
Recommendation:	Approval

CP3/14

Relevant Environment Planning Instruments:

1. SEPPs

There are no SEPPs applicable to the subject development application.

2. Randwick LEP 2012

The subject site is zoned RE1 Public Recreation under Randwick LEP 2012. The proposed development is classified as alterations and additions to an existing building at the Randwick Community Nursery and is permissible in the zone. The zone objectives include:

- To enable land to be used for public open space or recreational purposes.
- To provide a range of recreational settings and activities and compatible land uses.
- To protect and enhance the natural environment for recreational purposes.
- To protect, manage and restore areas with high biodiversity, ecological and aesthetic values, including buffer areas and habitat corridors.

The proposed alterations and additions to the potting shed and tractor parking area are consistent with the aims of RLEP 2012 and the relevant zone objectives. The Community Nursery has been operating for over 50 years. It operates as a wholesale and retail production nursery, providing plants for Randwick City Council, other local government and statutory authorities, landscapers, contractors, other wholesale nurseries and members of the public. The development and built form will maintain the use of the Randwick Community Nursery. The proposed works will not change the existing public use or access to the site.

3. Randwick Comprehensive DCP

Randwick Development Control Plan

The DCP provisions are structured into two components, Objectives and Controls. The Objectives provide the framework for assessment under each requirement and outline key outcomes that a development is expected to achieve. The controls contain both numerical standards and qualitative provisions. Any proposed variations from the controls may be considered only where the applicant successfully demonstrates that an alternative solution could result in a more desirable planning and urban design outcome.

The relevant provisions of the DCP are addressed in the table below. (Note: A number of control provisions that are not related to the proposal have been deliberately omitted.)

DCP Clause	Control	Proposal	Compliance
F	Miscellaneous Controls		
F1	Development in recreation zones		
	<p>Development proposed in a RE1 or RE2 zone must demonstrate the following as a minimum:</p> <ul style="list-style-type: none"> (i) The need for the proposed development on that land; (ii) The need to retain the land for its existing or likely future recreation use; (iii) The impact of the proposed development on the existing or likely future use of the land; (iv) Whether the proposed development is complementary to the scenic, recreational and/or ecological values of the land; and (v) In the case of RE1 Public Recreation zoned land, whether the proposed development would: <ul style="list-style-type: none"> a) Unreasonably impede or diminish the intended public use or public access to the land; b) Be consistent with any relevant plan of management adopted by Council. 	<p>The subject application does not propose to change the existing land use of the subject site.</p>	<p>The proposed alterations and additions to the existing potting shed and the tractor parking roof structure are relatively modest in terms of the overall scale of the nursery.</p> <p>The additional storeroom and the new roof and openings to the potting shed will provide improved amenity (light and ventilation) for staff working in the shed and provide for a better use of space.</p> <p>The proposed roof for the tractor parking area is for the protection and maintenance of the tractor. The tractor is essential to the function of the site and it is important to ensure it is well maintained.</p> <p>The Randwick Community Nursery has been operating for over 50 years. The proposed works will improve the potting shed facilities and assist in the maintenance of expensive equipment. The proposed works will make a positive contribution to the efficiency and operation of the nursery. In turn, this is a positive contribution to the range of facilities available to the residents of the Randwick local government area and the wider community, who support the nursery operations.</p> <p>The proposal will not change public use or access to the site.</p> <p>The proposed works are not inconsistent with Council's Generic Plan of Management for public recreation and community land.</p>

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4. 79C Matters for consideration

Section 79C 'Matters for Consideration'	Comments
Environmental Planning Instruments	
Section 79C(1)(a)(i) – Provisions of any environmental planning instrument	The relevant Clauses of the Randwick Local Environmental Plan 2012 have been satisfied.
Section 79C(1)(a)(ii) – Provisions of any draft environmental planning instrument	There are no current draft environmental planning instruments.
Section 79C(1)(a)(iii) – Provisions of any development control plan	The relevant parts of the Randwick Development Control Plan 2013 have been satisfied.
Section 79C(1)(a)(iiia) – Provisions of any Planning Agreement or draft Planning Agreement	There are no current Planning Agreements or draft Planning Agreements.
Section 79C(1)(a)(iv) – Provisions of the regulations	The relevant clauses of the Regulations have been satisfied.
Section 79C(1)(b) – The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality	<p>The proposal will have no detrimental environmental impacts, provided the development is conducted in accordance with the recommended conditions of consent.</p> <p>The proposed development is consistent with the character in the locality. The proposal is not considered to result in detrimental social or economic impacts on the locality.</p>
Section 79C(1)(c) – The suitability of the site for the development	The site is located in close proximity to local services and public transport. The site has sufficient area to accommodate the proposed land use and associated structures. Therefore, the site is considered suitable for the proposed development.
Section 79C(1)(d) – Any submissions made in accordance with the EP&A Act or EP&A Regulation	The issues raised in the submissions have been addressed in this report.
Section 79C(1)(e) – The public interest	The proposal promotes the objectives of the zone and will not result in any significant adverse environmental, social or economic impacts on the locality. Accordingly, the proposal is considered to be in the public interest.

5. Referral Comments

5.1 Development Engineer

General Comments

Development Engineering raises no objection to the proposal subject to the following comments and conditions.

Flooding Comments

The site lies within the study catchment for the Kensington/Centennial Park Flood Study which indicates significant flooding over most of the nursery site during major storm events.

In the location of the potting shed the flood study indicates approximate flood depths of between 0.5-1.0m for the 1% AEP (1 in 100yr) flood and low flow velocities. The flood study classifies this flood affected area as Low Hazard.

With the exception of the new storage area adjacent to the eastern boundary the proposal is restricted to within the existing building form with flood planning controls therefore not applicable.

Flood planning controls may be applicable to the new storage area however it is noted the store does not form part of a habitable area to a dwelling and will not be used for the storage of food-stuffs or valuable items. The storage area is therefore acceptable however any new electrical outlets (including within the main building) will be required to be a minimum of 1.2m above the floor level.

Drainage Comments

The site's internal drainage system is adequate however during major storm events floodwaters will enter the site from Barker Street and Day Lane and overwhelm the system. This is a product of the site's location within a large entrapped low point and cannot be improved by any adjustments to the site's internal drainage system since the whole site will be inundated.

It is proposed stormwater runoff from the re-developed potting shed will be directed to this system via a rainwater tank. This is acceptable to Development Engineering.

Landscape Comments

There are no existing trees, (covered by Council's Tree Preservation Order), that will be affected by this proposal.

6. DEVELOPMENT CONSENT CONDITIONS**GENERAL CONDITIONS**

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

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

Approved Plans & Supporting Documentation

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

<i>Plan</i>	<i>Drawn by</i>	<i>Dated</i>	<i>Received by Council</i>
100B – Existing/Proposed Site plan	Melocco & Moore Architects	18 December 2013	31 December 2013
101B – Existing & Proposed Drawings		18 December 2013	31 December 2013
200B – Notification Plan		18 December 2013	31 December 2013
201B – Proposed Material Finishes		18 December 2013	31 December 2013

<i>Document</i>	<i>Report by</i>	<i>Dated</i>	<i>Received by Council</i>
Statement of Environmental Effects	Helen Mulcahy Urban Planning	December 2013	31 December 2013
Asbestos Materials Survey	Parsons Brinckerhoff	June 2009	31 December 2013

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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

- 2. 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

- 3. 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. Colourbond) 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 Certifying Authority prior to issuing a construction certificate for the development.

Long Service Levy Payments

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

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

the works.

Security Deposits

5. The following security deposits requirement must be complied with prior to a construction certificate being issued for the development, as security for making good any damage caused to Council's assets and infrastructure; and as security for completing any public work; and for remedying any defect on such public works, in accordance with section 80A(6) of the *Environmental Planning and Assessment Act 1979*:

- \$600.00 - Damage / Civil Works Security Deposit

Security deposits may be provided by way of a cash, cheque or credit card payment and is refundable upon a satisfactory inspection by Council upon the completion of the civil works which confirms that there has been no damage to Council's infrastructure.

The owner/builder is also requested to advise Council in writing and/or photographs of any signs of existing damage to the Council roadway, footway, or verge prior to the commencement of any building/demolition works.

To obtain a refund of relevant deposits, a *Security Deposit Refund Form* is to be forwarded to Council's Director of City Services upon issuing of an occupation certificate or completion of the civil works.

Stormwater Drainage

6. Surface water/stormwater (from the redeveloped portion of the site) must be drained and discharged to the site's stormwater drainage system 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.

Stormwater runoff from the redeveloped portion of the site must not be directed to any adjoining premises or cause a nuisance.

NOTE: This does not include any floodwaters flowing through the site resulting from major storm events.

Sydney Water

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

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

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

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

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

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*, Council's 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.

Structural Adequacy

9. Certificate of Adequacy supplied by a *professional engineer* shall be submitted to the certifying authority (*and the Council, if the Council is not the certifying authority*), certifying the structural adequacy of the existing structure to support the alterations

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

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

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

- e) at least two days notice must be given to the Council, in writing, prior to commencing any works.

In relation to residential building work, the principal contractor must be the holder of a contractor licence, in accordance with the provisions of the Home Building Act 1989.

Construction Noise & Vibration Management Plan

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

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

A *Construction Noise Management Plan*, prepared in accordance with the NSW EPA Construction Noise Guideline by a suitably qualified person, is to be implemented throughout the works. A copy of the strategy must be provided to the Principal Certifying Authority and Council prior to the commencement of works on site.

Construction Site Management Plan

12. 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

13. 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.

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14. 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

15. 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

16. 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

17. 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

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

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

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

Removal of Asbestos Materials

19. 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

20. Sediment and erosion control measures, must be implemented throughout the site works in accordance with the manual for Managing Urban Stormwater – Soils and

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Construction, published by Landcom, to Council's satisfaction. Details are to be included in the *Construction Site Management Plan*.

Public Safety & Site Management

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

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

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

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

c) The road, footpath, vehicular crossing and nature strip must be maintained in a good, safe, clean condition and free from any excavations, obstructions, trip hazards, goods, materials, soils or debris at all times. Any damage caused to the road, footway, vehicular crossing, nature strip or any public place must be repaired immediately, to the satisfaction of Council.

d) Building operations such as brick cutting, washing tools or equipment and mixing mortar are not permitted on public footpaths, roadways, nature strips, in any public place or any location which may lead to the discharge of materials into the stormwater drainage system.

e) Sediment and erosion control measures, must be implemented throughout the site works in accordance with the manual for Managing Urban Stormwater – Soils and Construction, published by Landcom, to Council's satisfaction.

f) Site fencing, building materials, bulk bins/waste containers and other articles must not be located upon the footpath, roadway or nature strip at any time without the prior written approval of the Council. Applications to place a waste container in a public place can be made to Council's Health, Building and Regulatory Services department.

g) Temporary safety fencing is to be provided to any swimming pools under construction, pending the completion of all building work and the pool must not be filled until a fencing inspection has been carried out and approved by the principal certifying authority.

Support of Adjoining Land, Excavations & Retaining Walls

22. 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.

23. 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.

24. Prior to undertaking any demolition, excavation or building work in the following circumstances, a report must be obtained from a *professional engineer* which details the methods of support for the dwelling or associated structure on the adjoining land, to the satisfaction of the *Principal Certifying Authority*:
- when undertaking excavation or building work within the zone of influence of the footings of a dwelling or associated structure that is located on the adjoining land;
 - when undertaking demolition work to a wall of a dwelling that is built to a common or shared boundary (e.g. semi-detached or terrace dwelling);
 - when constructing a wall to a dwelling or associated structure that is located within 900mm of a dwelling located on the adjoining land;
 - as may be required by the *Principal Certifying Authority*.

The demolition, excavation and building work and the provision of support to the dwelling or associated structure on the adjoining land, must also be carried out in accordance with the abovementioned report, to the satisfaction of the *Principal Certifying Authority*.

Building Encroachments

25. 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

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

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

REQUIREMENTS PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE

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

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

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

Occupation Certificate Requirements

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

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

Council's Infrastructure, Vehicular Crossings, street verge

28. 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.
29. All external civil work to be carried out on Council property (including the installation and repair of roads, footpaths, vehicular crossings, kerb and guttering and drainage works), must be carried out in accordance with Council's Policy for "Vehicular Access and Road and Drainage Works" and the following requirements:
- a) All work on Council land must be carried out by Council, unless specific written approval has been obtained from Council to use non-Council contractors.
 - b) Details of the proposed civil works to be carried out on Council land must be submitted to Council in a Pre-paid Works Application Form, prior to an occupation certificate being issued for the development, together with payment of the relevant fees.
 - c) If it is proposed to use non-Council contractors to carry out the civil works on Council land, the work must not commence until the written approval has been obtained from Council and the work must be carried out in accordance with the conditions of consent, Council's design details and payment of a Council design and supervision fee.
 - d) The civil works must be completed in accordance with Council's conditions of consent and approved design and construction documentation, prior to occupation of the development, or as otherwise approved by Council in writing.

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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

30. 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.

Flooding

31. Any new electrical outlets associated with the development are to be a minimum of 1.2m above the existing floor level to assist in protection from flooding during major storm events.
32. The proposed store shall not be used for the storage of valuable items or items likely to be affected by flooding unless they are located 1.2m above the floor level.

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 \$1,500) for each offence. Council may also issue notices and orders to demolish unauthorised or non-complying building work, or to comply with the requirements of Council's development consent.

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

A3 Demolition, building or excavation work must not be commenced until;

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

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

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

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

For further information please contact Council on 9399 0944.

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

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

- A8 The applicant is to advise Council in writing and/or photographs of any signs of existing damage to the Council roadway, footway, or verge prior to the commencement of any building/demolition works.
- A9 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).
- A10 Smoke alarms are required to be installed in all residential dwellings, in accordance with the relevant provisions of the *Environmental Planning & Assessment Act 1979* and the Building Code of Australia. Details should be included in the construction certificate application.
- A11 Demolition work and removal of asbestos materials:
- *A copy of Council's Asbestos Policy is available on Council's web site at www.randwick.nsw.gov.au in the Building & Development section or a copy can be obtained from Council's Customer Service Centre.*
 - *It is the responsibility of the persons undertaking demolition work to obtain the relevant WorkCover licences and permits.*
- A12 Any external lighting to the premises should be designed and located so as to minimise light-spill beyond the property boundary or cause a public nuisance.
- A13 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.

Development Application Compliance Report



Folder /DA No:	DA/552/2013
PROPERTY:	3 Severn Street, MAROUBRA NSW 2035
Proposal:	Demolition of existing dwelling, removal of Norfolk Island Pine tree, construction of part 3/part 4 storey residential flat building in two building forms containing 10 units, basement parking for 14 vehicles, strata subdivision and associated works
Recommendation:	Approval

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Relevant Environment Planning Instruments:

1. SEPPs

1.1 State Environmental Planning Policy No. 55: Remediation of Land

State Environmental Planning Policy No. 55 aims to promote the remediation of contaminated land for the purposes of reducing risk of harm to human health or any other aspect of the environment. The subject site has been continuously used for residential purposes for the last few decades. There is no known previous use of the site which would potentially contribute to land contamination. Accordingly, no contamination report is required in this instance.

1.2 State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 applies to the proposed development. The development application is accompanied by a BASIX Certificate. The requirements of the certificate could be imposed by appropriate standard conditions on any consent, if approval was to be granted.

1.3 State Environmental Planning Policy No.65:Design Quality of Residential Flat Development

SEPP No. 65 applies to the subject proposal. The application is accompanied by a design verification statement prepared by the architect that justifies consistency of the development with the 10 Design Qualities under the SEPP. The application has been reviewed by the Randwick Waverley Design Review panel. Council's comments are including after each point, where necessary.

INTRODUCTION

It was noted that this was a Development Application and the first Panel meeting with the applicant.

A copy of the ten SEPP 65 Design Quality Principles is attached. The Panel's comments, set out below, are to assist Randwick Council in its consideration of the application, and to assist applicants to achieve better design outcomes in relation to these principles.

The absence of a comment under any of the heads of consideration does not necessarily imply that the Panel considers the particular matter has been satisfactorily addressed, as it may be that changes suggested under other heads will generate a desirable change.

The Panel draws the attention of applicants to the Residential Flat Design Code, as published by Planning NSW (September 2002), which provides guidance on all the issues addressed below.

This document is available from the Department of Infrastructure Planning and Natural Resources.

Note: The Panel members' written and verbal comments are their professional opinions, based on their experience.

To address the Panel's comments, the applicant may need to submit amended plans. Prior to preparing any amended plans, the applicant should discuss the Panel's comments and any other matter that may require amendment with the assessing Planning Officer.

When addressing the Panel's comments by way of amendments, if the applicant does not propose to address all or the bulk of the Panel's comments, and wishes to make minor amendments only, then it should be taken that the Panel considers the proposal does not meet the SEPP 65 requirements. In these instances it is unlikely the scheme will be referred back to the Panel for further review.

PANEL COMMENTS

It was noted that this is now a Development Application and the third Panel meeting with the Applicant, the first meeting being March 2010.

The Applicant has engaged new consultants and the proposal has been redesigned generally following the Panel's previous recommendations.

Panel members are familiar with the site and the general area.

1. Relationship to the Context of the Proposal

The DA seeks consent to demolish the existing dwelling house, remove the existing Norfolk Pine tree and construct 10 apartments and 14 basement car spaces. The proposed floor space is approximately 50m² over the FSR of 0.9:1. The previous Pre-DA proposal was for 13 apartments, 3 townhouses and 27 basement car spaces.

The long thin site falls steeply to the south from Severn Street and is located within 100 metres of the Maroubra beachfront in an area dominated by 3 and 4 storey apartment buildings. An analysis of building heights within the local area, aerial and street views and footprints of neighbouring buildings have been previously provided.

The building is now in two separate wings separated by a central courtyard which improves access to sunlight both within the site and to the neighbouring private outdoor spaces.

2 + 3. The Scale of the Proposal + Built Form

The proposal is generally for two separate buildings, a central courtyard and two levels of basement which extends from the east to the west boundary. The street front building is three stories with two units per floor. The floor plate is split so that the height of the building follows the split of the basement car parking - all to keep within

the height restrictions. Unit 1 should be raised slightly to bring it more level with street level.

The rear building is four storeys with one apartment per floor. Due to the height restrictions the lower unit is quite submerged and open predominantly to the south. Raising this slightly along with the front building would be beneficial.

The basement was previously dominant and added to the bulk of the building however it is now reasonably well placed though the ramp is not shown clearly in any of the drawings. More information should be provided including details to reduce car headlights affecting unit 2 (a pergola to window sill height might assist) and noise affecting Unit 1.

The building's bulk could be further reduced by removing or simplifying the top skillion roofs elements and replacing them with more discrete clerestorey skylights set back from the main building edges. This would also reduce the shadow impacts.

4. The Proposed Density

It is understood that the levels have been carefully considered however if the roof height is reduced the rear building may be able to be raised, decreasing excavation and improving the aspect for Apartment 07.

Otherwise the density is generally satisfactory.

5. Resource and Energy Use and Water Efficiency

The proposal provides a reasonable framework for good environmental outcomes. All units have dual aspect, good ventilation options and reasonable access to sun.

The Panel recommends the following improvements to increase the building's performance:

- Sunshades and weather protection appropriate to orientation should be provided to all openings - there are some exposed windows that require treatment, particularly on the south west and south east.
- Window operation - window types to all rooms should be reconsidered to accommodate different weather conditions, and allow occupants a variety of ventilation options without loss of security. Currently there are a number of fixed glass panels that could have some operable areas to reduce heat load and increase ventilation options.
- Solar hot water heaters, on-site water retention and deep soil planting with appropriate species are initiatives supported by the Panel.
- Internal bathrooms, where possible, should be top lit and naturally ventilated.
- The effects of overshadowing should be carefully considered.

6. The Proposed Landscape

Satisfactory.

7. The Amenity of the Proposal for its Users

Generally the units could provide good amenity for the occupants however some more privacy in the central courtyard should be considered. The south facing apartments in the front building should have the option to screen their balconies.

Furniture layouts should be undertaken particularly for the living, dining and kitchen areas to ensure that window and wall placements provide optimal opportunity, and circulation is considered.

8. The Safety and Security Characteristics of the Proposal

Satisfactory. The applicant has indicated that fire treatments to windows will not be required.

9. Social issues

The area has high amenity with local parks and beaches, easy access to public links to shopping, the university, hospitals and the city. The Panel supports increased density in the area.

10. The Aesthetics of the Proposal

The building has many elements, materials, planes and roofs and these could be modified and refined slightly to reduce the overall bulk and scale. Sun shading elements where necessary will need to be integrated with the facade.

SUMMARY AND RECOMMENDATIONS

The Applicant has responded positively to earlier comments and provided most of the information and detail required for assessment. The Panel does not need to see this application again if the recommendations in this report are satisfactorily resolved in consultation with Council.

Planner's Comments:

Amended plans reduced the size of the skillion roof component of the design. The height of the rear building was not raised so that the development would continue to comply with the maximum height development standard. Sunshade and screening devices have been included in the design, as have skylights to bathroom where possible. Awning windows and sliding doors are proposed to allow operation in all weather conditions. Sliding louvre privacy screens have been added to balconies facing towards the central courtyard in order to increase privacy. A proposed condition of consent requires details of exterior colours and finishes to be submitted for Council approval.

2. Randwick LEP 2012

The subject site is zoned R3 Medium Density Residential under Randwick LEP 2012. The proposal development is classified as a residential flat building and is permissible in the zone. The zoning objectives are addressed as follows:

- To provide for the housing needs of the community within a medium density residential environment.
- To provide a variety of housing types within a medium density residential environment.
- To enable other land uses that provides facilities or services to meet the day to day

- needs of residents.
- To recognise the desirable elements of the existing streetscape and built form or, in precincts undergoing transition, that contribute to the desired future character of the area.
- To protect the amenity of residents.
- To encourage housing affordability.
- To enable small-scale business uses in existing commercial buildings.

The proposal is considered to be consistent with the zone objectives in that:

- The proposal is for the construction of a medium density residential development, thereby providing for the housing needs of the community.
- The proposal will deliver a development which reflects a high standard of urban design and will positively contribute to the amenity of the public realm.
- The impacts of the proposed development on the amenity of adjoining residents have been addressed within this report and are considered to be acceptable.
- The proposed built form is suitably configured and articulated to minimise adverse amenity and visual impacts on surrounding properties.

The following Clauses of RLEP 2012 apply to the proposal:

Description	Council Standard	Proposed	Compliance (Yes/No/NA)
Floor Space Ratio (Maximum)	0.9:1	0.9:1	Yes
Height of Building (Maximum)	12m	12m	Yes
Foreshore scenic protection area	Development is to minimise impacts on the coastal area, including views and is to contribute to the scenic quality of the coastal foreshore.	The development meets relevant LEP standards and DCP objectives and controls. The amended design satisfies DRP requirements.	Yes

3. Randwick Comprehensive DCP

3.1 C2 Table: Medium Density Residential

Randwick Development Control Plan

The DCP provisions are structured into two components, Objectives and Controls. The Objectives provide the framework for assessment under each requirement and outline key outcomes that a development is expected to achieve. The controls contain both numerical standards and qualitative provisions. Any proposed variations from the controls may be considered only where the applicant successfully demonstrates that an alternative solution could result in a more desirable planning and urban design outcome.

The relevant provisions of the DCP are addressed in the table below. (Note: a number of control provisions that are not related to the proposal have been deliberately omitted.)

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B6 Recycling and Waste Management

DCP Clause	Control	Proposal	Compliance
4.	On-Going Operation		
	(iv) Locate and design the waste storage facilities to visually and physically complement the design of the development. Avoid locating waste storage facilities between the front alignment of a building and the street where possible.	The bin storage area is to be located in the first basement level.	Complies.
	(v) Locate the waste storage facilities to minimise odour and acoustic impacts on the habitable rooms of the proposed development, adjoining and neighbouring properties.	Odour and noise impacts will be acceptable as the bin enclosure is to be wholly contained within the basement.	Complies.
	(vi) Screen the waste storage facilities through fencing and/or landscaping where possible to minimise visual impacts on neighbouring properties and the public domain.	As above.	Complies.
	(vii) Ensure the waste storage facilities are easily accessible for all users and waste collection personnel and have step-free and unobstructed access to the collection point(s).	The bin enclosure is to be located on the first basement level and will have unimpeded access to the street by one ramp.	Complies.
	(viii) Provide sufficient storage space within each dwelling / unit to hold a single day's waste and to enable source separation.	There is adequate room within each unit to meet this requirement.	Complies.
	(ix) Bin enclosures / rooms must be ventilated, fire protected, drained to the sewerage system and have lighting and water supply.	The development will be required to meet the requirements of the Building Code of Australia.	Complies.
B7	Transport, Traffic, Parking and Access		
3.	Parking & Service Delivery Requirements		
	Car parking requirements: 1space per 2 studios 1 space per 1-bedroom unit (over 40m2) 1.2 spaces per 2-bedroom unit 1.5 spaces per 3- or more bedroom unit 1 visitor space per 4 dwellings	The development has the following parking requirement: 1x1 bed unit: 1 space 9x2 bed units: 10.8 spaces 4 visitor spaces Total: 14.3 or 14 spaces. (14 provided)	Complies
	Motor cycle requirements:	Requirement is for	Complies.

DCP Clause	Control	Proposal	Compliance
	5% of car parking requirement	less than 1 space. 1 space has been provided in basement level 1.	
4.	Bicycles		
	Residents: 1 bike space per 2 units Visitors: 1 per 10 units	5 spaces have been provided. This is a shortfall of one space. This is considered to be acceptable given the minor variation from the control.	Satisfactory.
C2	Medium Density Residential		
2	Site Planning		
2.1	Site Layout Options Site layout and location of buildings must be based on a detailed site analysis and have regard to the site planning guidelines for: <ul style="list-style-type: none"> • Two block / courtyard example • T-shape example • U-shape example • Conventional example 	A site analysis plan was submitted with the application. The proposed development has a two block form with a central courtyard.	Complies.
2.2	Landscaped open space and deep soil area		
2.2.1	Landscaped open space		
	A minimum of 50% of the site area is to be landscaped open space.	456.65 sqm or 55.12% of the site is to be landscaped.	Complies.
2.2.2	Deep soil area		
	(i) A minimum of 25% of the site area (234.7m ²) should incorporate deep soil areas sufficient in size and dimensions to accommodate trees and significant planting.	207.94 sqm or 25.1% of the site is to be deep soil. Areas of deep soil are of suitable size and dimensions to allow adequate planting.	Complies.
	(ii) Deep soil areas must be located at ground level, be permeable, capable for the growth of vegetation and large trees and must not be built upon, occupied by spa or swimming pools or covered by impervious surfaces such as concrete, decks, terraces, outbuildings or other structures.	Deep soil areas are proposed at the front of the site, adjacent to the front boundary and surrounding the rear building block. Deep soil areas are not proposed to covered with buildings or paving.	Complies.
	(iii) Deep soil areas are to have soft landscaping comprising a variety of trees, shrubs and understorey planting.	A landscape plan was submitted with the application and is considered adequate, subject to proposed	Able to comply.

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DCP Clause	Control	Proposal	Compliance
		conditions.	
	(iv) Deep soil areas cannot be located on structures or facilities such as basements, retaining walls, floor slabs, rainwater tanks or in planter boxes.	The bulk of the proposed deep soil area is at the rear of the site which is clear of the two levels of basement carparking. No planter boxes or rainwater tanks are proposed for this area. The deep soil area at the front of the site is also clear of the basement area.	Complies.
	(v) Deep soil zones shall be contiguous with the deep soil zones of adjacent properties.	The rear proposed deep soil area is adjacent to landscaped areas on adjacent properties.	Complies.
2.3	Private and communal open space		
2.3.1	Private open space		
	Private open space is to be: (i) Directly accessible from the living area of the dwelling. (ii) Open to a northerly aspect where possible so as to maximise solar access. (iii) Be designed to provide adequate privacy for residents and where possible can also contribute to passive surveillance of common areas.	All private open space is directly accessible from living areas. The open space areas for units 2, 4, and 6 will get morning and afternoon sun. Sliding screens are provided for balconies facing towards the central courtyard in order to provide adequate privacy between the two building blocks. Balconies and areas of private open space meet the minimum dimension requirements.	Satisfactory.
	For residential flat buildings: (vi) Each dwelling has access to an area of private open space in the form of a courtyard, balcony, deck or roof garden, accessible from with the dwelling. (vii) Private open space for apartments has a minimum area of 8m ² and a minimum dimension of 2m.	Courtyards and decks meet minimum size requirements.	Complies.
2.3.2	Communal open space		
	Communal open space for residential	An area of communal	Complies.

DCP Clause	Control	Proposal	Compliance
	flat building is to be: (a) Of a sufficient contiguous area, and not divided up for allocation to individual units. (b) Designed for passive surveillance. (c) Well oriented with a preferred northerly aspect to maximise solar access. (d) adequately landscaped for privacy screening and visual amenity. (e) Designed for a variety of recreation uses and incorporate recreation facilities such as playground equipment, seating and shade structures.	open space is provided at the rear of the site with adequate dimensions to allow for a variety of uses. The space has a north-westerly aspect which will allow for afternoon solar access.	
3	Building Envelope		
3.1	Floor space ratio		
	Floor Space Ratio LEP 2012 = 0.9:1	Site = 824.4sqm Gross floor area = 744.56 sqm FSR = 0.9:1	Complies
3.2	Building height		
	Maximum overall height LEP 2012 = 12m	Maximum overall height = 12m	Complies with LEP maximum height.
3.3	Building depth		
	For residential flat buildings, the preferred maximum building depth (from window to window line) is between 10m and 14m. Any greater depth must demonstrate that the design solution provides good internal amenity such as via cross-over, double-height or corner dwellings / units.	Maximum of 10m – 14m.	Complies.
3.4	Setbacks		
3.4.1	Front setback		
	(i) The front setback on the primary and secondary property frontages must be consistent with the prevailing setback line along the street. Notwithstanding the above, the front setback generally must be no less than 3m in all circumstances to allow for suitable landscaped areas to building entries.	A minimum 3m front setback is provided, with the bulk of the development being setback 3.5m from the front boundary. The front setback area is to be landscaped.	The proposed setback is generally compatible with the existing streetscape, although is noted that the adjacent dwelling to the west, No. 1 Severn Street, is set back 4.7m

DCP Clause	Control	Proposal	Compliance
	(ii) Where a development is proposed in an area identified as being under transition in the site analysis, the front setback will be determined on a merit basis. (iii) The front setback areas must be free of structures, such as swimming pools, above-ground rainwater tanks and outbuildings. (iv) The entire front setback must incorporate landscape planting, with the exception of driveways and pathways.		from the front boundary. Complies.
3.4.2	Side setback		
	<p>Residential flat building</p> (i) Comply with the minimum side setback requirements stated below: - 14m ≤ site frontage width < 16m: 2.5m (ii) Incorporate additional side setbacks to the building over and above the above minimum standards, in order to: - Create articulations to the building facades. - Reserve open space areas and provide opportunities for landscaping. - Provide building separation. - Improve visual amenity and outlook from the development and adjoining residences. - Provide visual and acoustic privacy for the development and the adjoining residences. - Ensure solar access and natural ventilation for the development and the adjoining residences. (iii) A fire protection statement must be submitted where windows are proposed on the external walls of a residential flat building within 3m of the common boundaries. The statement must outline design and construction measures that will enable operation of the windows (where required)	East: 1.9m to 4.1m West: 0.9m to 2.5m	Complies in part. See comments in Executive Summary.

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DCP Clause	Control	Proposal	Compliance
	whilst still being capable of complying with the relevant provisions of the BCA.		
3.4.3	Rear setback		
	For residential flat buildings, provide a minimum rear setback of 15% of allotment depth or 5m, whichever is the greater.	8.229m is required, being 15% of the depth of the allotment. 6m is provided.	Does not comply, however the rear setback can be reduced when the development scheme incorporates two building forms with a central courtyard. See comments in Executive Summary.
4	Building Design		
4.1	Building façade		
	<ul style="list-style-type: none"> (i) Buildings must be designed to address all street and laneway frontages. (ii) Buildings must be oriented so that the front wall alignments are parallel with the street property boundary or the street layout. (iii) Articulate facades to reflect the function of the building, present a human scale, and contribute to the proportions and visual character of the street. (iv) Avoid massive or continuous unrelieved blank walls. This may be achieved by dividing building elevations into sections, bays or modules of not more than 10m in length, and stagger the wall planes. (vi) Conceal building services and pipes within the balcony slabs. 	The proposed development has been designed to address the street and the front alignment is adequately parallel to the front boundary. The façade of the building includes a high level of articulation and does not have unrelieved blank walls or modules of more than 10m in length. Building services are concealed. The roof form has been altered meet	Complies
4.2	Roof design		
	<ul style="list-style-type: none"> (i) Design the roof form, in terms of massing, pitch, profile and silhouette to relate to the three dimensional form (size and scale) and façade composition of the building. (ii) Design the roof form to 	DRP suggestions to reduce the butterfly roof component of the design. The roof is divided into components	Complies.

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DCP Clause	Control	Proposal	Compliance
	<p>respond to the orientation of the site, such as eaves and skillion roofs to respond to sun access.</p> <p>(iii) Use a similar roof pitch to adjacent buildings, particularly if there is consistency of roof forms across the streetscape.</p> <p>(iv) Articulate or divide the mass of the roof structures on larger buildings into distinctive sections to minimise the visual bulk and relate to any context of similar building forms.</p> <p>(v) Use clerestory windows and skylights to improve natural lighting and ventilation of internalised space on the top floor of a building where feasible. The location, layout, size and configuration of clerestory windows and skylights must be sympathetic to the overall design of the building and the streetscape.</p> <p>(vi) Any services and equipment, such as plant, machinery, ventilation stacks, exhaust ducts, lift overrun and the like, must be contained within the roof form or screened behind parapet walls so that they are not readily visible from the public domain.</p> <p>(vii) Terraces, decks or trafficable outdoor spaces on the roof may be considered only if:</p> <ul style="list-style-type: none"> - There are no direct sightlines to the habitable room windows and private and communal open space of the adjoining residences. - The size and location of terrace or deck will not result in unreasonable noise impacts on the adjoining residences. - Any stairway and associated roof do not detract from the architectural character of the building, and are positioned to minimise direct and oblique views from the street. 	<p>thereby minimizing visual bulk. Clerestory windows are used to improve natural lighting and are integral to the design of the building. There are no decks or planting on the roof.</p>	

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DCP Clause	Control	Proposal	Compliance
	<ul style="list-style-type: none"> - Any shading devices, privacy screens and planters do not adversely increase the visual bulk of the building. <p>(viii) The provision of landscape planting on the roof (that is, "green roof") is encouraged. Any green roof must be designed by a qualified landscape architect or designer with details shown on a landscape plan.</p>		
4.4	External wall height and ceiling height		
	(ii) Where the site is subject to a 12m building height under the LEP, a maximum external wall height of 10.5m applies.	The development has wall heights ranging from 8m to 11.91m. Complies with 12m maximum height.	Does not comply with wall height. Complies with LEP maximum height. See comments in Executive Summary.
	(iii) The minimum ceiling height is to be 2.7m for all habitable rooms.	2.7m	Complies.
4.5	Pedestrian Entry		
	(i) Separate and clearly distinguish between pedestrian pathways and vehicular access.	The pedestrian access and the vehicle access are clearly distinguished by being located on opposite sides of the site.	Complies.
	(ii) Present new development to the street in the following manner: <ul style="list-style-type: none"> - Locate building entries so that they relate to the pedestrian access network and desired lines. - Design the entry as a clearly identifiable element in the façade composition. - Integrate pedestrian access ramps into the overall building and landscape design. - For residential flat buildings, provide direct entries to the individual dwellings within a development from the street where possible. - Design mailboxes so that they are convenient to residents, do not clutter the appearance of the 	The pedestrian entry will be clearly identified by a gate, street numbering and intercom system on the gate. A pedestrian ramp is provided from the front gate to the entry lobby. Mailboxes are designed to be an integral part of the wall adjacent to the entry ramp and are located at 90 degrees to the street. They do not add clutter at the front of the property. A weather protection awning is provided for the front entry.	Complies.

DCP Clause	Control	Proposal	Compliance
	<p>development at street frontage and are preferably integrated into a wall adjacent to the primary entry (and at 90 degrees to the street rather than along the front boundary).</p> <ul style="list-style-type: none"> - Provide weather protection for building entries. <p>Postal services and mailboxes</p> <ul style="list-style-type: none"> (i) Mailboxes are provided in accordance with the delivery requirements of Australia Post. (ii) A mailbox must clearly mark the street number of the dwelling that it serves. (iii) Design mail boxes to be convenient for residents and not to clutter the appearance of the development from the street. 		
4.6	Internal circulation		
	<ul style="list-style-type: none"> (i) Enhance the amenity and safety of circulation spaces by: <ul style="list-style-type: none"> - Providing natural lighting and ventilation where possible. - Providing generous corridor widths at lobbies, foyers, lift doors and apartment entry doors. - Allowing adequate space for the movement of furniture. - Minimising corridor lengths to give short, clear sightlines. - Avoiding tight corners. - Articulating long corridors with a series of foyer areas, and/or providing windows along or at the end of the corridor. 	<p>Natural lighting is provided to common lobbies and circulation stairs. Lobbies are generously proportioned to allow the movement of furniture. No long corridors are proposed.</p>	<p>Complies.</p>
	<ul style="list-style-type: none"> (ii) Use multiple access cores to: <ul style="list-style-type: none"> - Maximise the number of pedestrian entries along a street for sites with wide frontages or corner sites. - Articulate the building façade. - Limit the number of dwelling units accessible off a single circulation core on a single level to 6 units. 	<p>The width of the site is 15.24m and does not have sufficient width to provide for multiple pedestrian access points. The vehicle and single pedestrian entry adequately articulate the building façade/street frontage.</p>	<p>Complies.</p>

DCP Clause	Control	Proposal	Compliance
	(iii) Where apartments are arranged off a double-loaded corridor, limit the number of units accessible from a single core or to 8 units.	No more than 3 units are accessed off each core.	Complies.
4.7	Apartment layout		
	(i) Maximise opportunities for natural lighting and ventilation through the following measures: <ul style="list-style-type: none"> - Providing corner, cross-over, cross-through and double-height maisonette / loft apartments. - Limiting the depth of single aspect apartments to a maximum of 6m. - Providing windows or skylights to kitchen, bathroom and laundry areas where possible. Providing at least 1 openable window (excluding skylight) opening to outdoor areas for all habitable rooms and limiting the use of borrowed light and ventilation.	All apartments have dual aspects with at least one opening window per habitable room.	Complies.
	(ii) Design apartment layouts to accommodate flexible use of rooms and a variety of furniture arrangements.	Living areas of each apartment have an open-plan design.	Complies.
	(iii) Provide private open space in the form of a balcony, terrace or courtyard for each and every apartment unit in a development.	Each apartment has either a terrace or a balcony.	Complies.
	(iv) Avoid locating the kitchen within the main circulation space of an apartment, such as hallway or entry.	Kitchens are located away from main circulation areas.	Complies.
4.8	Balconies		
	(i) Provide a primary balcony and/or private courtyard for all apartments with a minimum area of 8m ² and a minimum dimension of 2m and consider secondary balconies or terraces in larger apartments.	Balconies/terraces are all in excess of 8sqm in area.	Complies.
	(ii) Provide a primary terrace for all ground floor apartments with a minimum depth of 4m and minimum area of 12m ² . All ground floor apartments are to have direct access to	All ground level units have access to terraces with more than 12sqm in area and with a minimum depth of at least 4m.	Complies.

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DCP Clause	Control	Proposal	Compliance
	a terrace.		
4.9	Colours, materials and finishes		
	<ul style="list-style-type: none"> (i) Provide a schedule detailing the materials and finishes in the development application documentation and plans. (ii) The selection of colour and material palette must complement the character and style of the building. (iv) Use the following measures to complement façade articulation: <ul style="list-style-type: none"> - Changes of colours and surface texture - Inclusion of light weight materials to contrast with solid masonry surfaces - The use of natural stones is encouraged. (v) Avoid the following materials or treatment: <ul style="list-style-type: none"> - Reflective wall cladding, panels and tiles and roof sheeting - High reflective or mirror glass - Large expanses of glass or curtain wall that is not protected by sun shade devices - Large expanses of rendered masonry - Light colours or finishes where they may cause adverse glare or reflectivity impacts (vi) Use materials and details that are suitable for the local climatic conditions to properly withstand natural weathering, ageing and deterioration. (vii) Sandstone blocks in existing buildings or fences on the site must be recycled and re-used. 	<p>A colours and finishes schedule has been supplied with the application and is considered to be acceptable. Adequate texture is provided and materials are deemed to be suitable for the Foreshore Scenic Protection Area.</p>	<p>Complies</p>
4.12	Earthworks Excavation and backfilling		
	<ul style="list-style-type: none"> (i) Any excavation and backfilling within the building footprints must be limited to 1m at any point on the allotment, unless it is demonstrated that the site gradient is too steep to reasonably construct a building within this extent of 	<p>Excavation is to occur within the building footprint for two levels of basement parking below the front building on the site. The development generally follows the</p>	<p>Acceptable.</p>

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DCP Clause	Control	Proposal	Compliance
	<p>site modification.</p> <p>(ii) Any cut and fill outside the building footprints must take the form of terracing following the natural landform, in order to minimise the height or depth of earthworks at any point on the site.</p> <p>(iii) For sites with a significant slope, adopt a split-level design for buildings to minimise excavation and backfilling.</p>	<p>topography of the site where there is an approx 6m fall towards the rear of the property. There are areas outside the building platform where cut or fill exceeds 1m adjacent to the north-western site boundary, in the range of excavation of 1.5m below existing ground level adjacent to the rear of the front building and fill 1.3m above existing ground level adjacent to the entrance to the rear building.</p>	
	<p>Retaining walls</p> <p>(iv) Setback the outer edge of any excavation, piling or sub-surface walls a minimum of 900mm from the side and rear boundaries.</p> <p>(v) Step retaining walls in response to the natural landform to avoid creating monolithic structures visible from the neighbouring properties and the public domain.</p> <p>(vi) Where it is necessary to construct retaining walls at less than 900mm from the side or rear boundary due to site conditions, retaining walls must be stepped with each section not exceeding a maximum height of 2200mm, as measured from the ground level (existing).</p>	<p>Retaining walls are to be used on portions of the south-eastern and north-western side boundaries. These are designed to match the topography of the subject and adjacent sites.</p>	<p>Acceptable.</p>
<p>5</p>	<p>Amenity</p>		
<p>5.1</p>	<p>Solar access and overshadowing</p>		
	<p>Solar access for proposed development</p>		
	<p>(i) Dwellings must receive a minimum of 3 hours sunlight in living areas and to at least 50% of the private open space between 8am and 4pm on 21 June.</p>	<p>The development, with the two block design maximises sunlight penetration as much as possible. Units 1,3 and 5 will receive direct solar access; units 8,9 and</p>	<p>Generally complies.</p>

DCP Clause	Control	Proposal	Compliance
		10 will receive direct solar access to kitchen/dining areas with an attached balcony. Other units receive morning and afternoon sun to living areas and balconies.	
	(ii) Living areas and private open spaces for at least 70% of dwellings within a residential flat building must provide direct sunlight for at least 3 hours between 8am and 4pm on 21 June.	As above.	Generally complies.
	(iii) Limit the number of single-aspect apartments with a southerly aspect to a maximum of 10 percent of the total units within a residential flat building.	There are no single aspect apartments.	Complies.
	(iv) Any variations from the minimum standard due to site constraints and orientation must demonstrate how solar access and energy efficiency is maximised.	As above.	Complies.
Solar access for surrounding development			
	(i) Living areas of neighbouring dwellings must receive a minimum of 3 hours access to direct sunlight to a part of a window between 8am and 4pm on 21 June. (ii) At least 50% of the landscaped areas of neighbouring dwellings must receive a minimum of 3 hours of direct sunlight to a part of a window between 8am and 4pm on 21 June. (iii) Where existing development currently receives less sunlight than this requirement, the new development is not to reduce this further.	See comments in Executive Summary.	Acceptable.
5.2 Natural ventilation and energy efficiency			
	(i) Provide daylight to internalised areas within each dwelling and any poorly lit habitable rooms via measures such as ventilated skylights, clerestory windows, fanlights above doorways and highlight windows in internal	Good daylight access is provided to all units.	Adequately complies.

DCP Clause	Control	Proposal	Compliance
	partition walls.		
	(ii) Sun shading devices appropriate to the orientation should be provided for the windows and glazed doors of the building.	Sunshading devices, screens and balcony overhangs are provided where required.	Complies.
	(iii) All habitable rooms must incorporate windows opening to outdoor areas. The sole reliance on skylight or clerestory windows for natural lighting and ventilation is not acceptable.	All habitable rooms have exterior door or window access.	Complies.
	(iv) All new residential units must be designed to provide natural ventilation to all habitable rooms. Mechanical ventilation must not be the sole means of ventilation to habitable rooms.	All units are dual aspect and have good ventilation.	Complies.
	(v) A minimum of 90% of residential units should be naturally cross ventilated. In cases where residential units are not naturally cross ventilated, such as single aspect apartments, the installation of ceiling fans may be required.	As above.	Complies.
	(vi) A minimum of 25% of kitchens within a development should have access to natural ventilation and be adjacent to openable windows.	All kitchens are adjacent to an opening, either a door or window.	Complies.
	(vii) Developments, which seek to vary from the minimum standards, must demonstrate how natural ventilation can be satisfactorily achieved, particularly in relation to habitable rooms.	The development has adequate ventilation, as detailed above.	Complies.
5.3	Visual privacy		
	(i) Locate windows and balconies of habitable rooms to minimise overlooking of windows or glassed doors in adjoining dwellings. (ii) Orient balconies to front and rear boundaries or courtyards as much as possible. Avoid orienting balconies to any habitable room windows on the side elevations of the adjoining residences. (iii) Orient buildings on narrow sites to the front and rear of the lot, utilising the street width and rear garden depth to increase	See comments in Executive Summary.	Acceptable subject to proposed conditions of consent.

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DCP Clause	Control	Proposal	Compliance
	<p>the separation distance.</p> <p>(iv) Locate and design areas of private open space to ensure a high level of user privacy. Landscaping, screen planting, fences, shading devices and screens are used to prevent overlooking and improve privacy.</p> <p>(v) Incorporate materials and design of privacy screens including:</p> <ul style="list-style-type: none"> - Translucent glazing - Fixed timber or metal slats - Fixed vertical louvres with the individual blades oriented away from the private open space or windows of the adjacent dwellings - Screen planting and planter boxes as a supplementary device for reinforcing privacy protection 		
5.4	Acoustic privacy		
	<p>(i) Design the building and layout to minimise transmission of noise between buildings and dwellings.</p> <p>(ii) Separate "quiet areas" such as bedrooms from common recreation areas, parking areas, vehicle access ways and other noise generating activities.</p> <p>(iii) Utilise appropriate measures to maximise acoustic privacy such as:</p> <ul style="list-style-type: none"> - Double glazing - Operable screened balconies - Walls to courtyards - Sealing of entry doors 	<p>The design of the development is such that acoustic impacts on units within the development are minimized. Adequate setbacks to adjacent sites will also ensure the noise impacts on surrounding development is maintained to an acceptable level.</p>	<p>Acceptable.</p>
5.5	View sharing		
	<p>(i) The location and design of buildings must reasonably maintain existing view corridors and vistas to significant elements from the streets, public open spaces and neighbouring dwellings.</p> <p>(ii) In assessing potential view loss impacts on the neighbouring dwellings, retaining existing views from</p>	<p>See comments in Executive Summary.</p>	<p>Acceptable.</p>

DCP Clause	Control	Proposal	Compliance
	<p>the living areas should be given a priority over those obtained from the bedrooms and non-habitable rooms.</p> <p>(iii) Where a design causes conflicts between retaining views for the public domain and private properties, priority must be given to view retention for the public domain.</p> <p>(iv) The design of fences and selection of plant species must minimise obstruction of views from the neighbouring residences and the public domain.</p> <p>(v) Adopt a balanced approach to privacy protection and view sharing, and avoid the creation of long and massive blade walls or screens that obstruct views from the neighbouring dwellings and the public domain.</p> <p>(vi) Clearly demonstrate any steps or measures adopted to mitigate potential view loss impacts in the development application.</p>		
5.6	Safety and security		
	(i) Design buildings and spaces for safe and secure access to and within the development.	The entry to the site is clearly identified, will be well-lit and has good sight-lines from the street.	Complies.
	(iii) For residential flat buildings, provide direct, secure access between the parking levels and the main lobby on the ground floor.	Lift and stair access from the parking area are provided to the lobby area for the front building and stairs are provided adjacent to the north-western boundary from the basement area providing access for the units at the rear of the site.	Complies.
	(iv) Design window and door placement and operation to enable ventilation throughout the day and night without compromising security. The provision of natural ventilation to the interior space via balcony doors only, is deemed	A range of door and window types are provided which will allow for their use while maintaining security.	Complies.

DCP Clause	Control	Proposal	Compliance
	insufficient.		
	(v) Avoid high walls and parking structures around buildings and open space areas which obstruct views into the development.	High walls have been minimised around the development.	Complies.
	(vi) Resident car parking areas must be equipped with security grilles or doors.	A roller door and security intercom is proposed for the parking area.	Complies.
	(vii) Control visitor entry to all units and internal common areas by intercom and remote locking systems.	A security intercom system is proposed.	Complies.
	(viii) Provide adequate lighting for personal safety in common and access areas of the development.	The development proposes external lighting around the site.	Complies.
	(ix) Improve opportunities for casual surveillance without compromising dwelling privacy by designing living areas with views over public spaces and communal areas, using bay windows which provide oblique views and casual views of common areas, lobbies / foyers, hallways, open space and car parks.	Living areas for units at the front of the development have views over the public domain and living areas for units within the development have views over open space located within the site.	Complies.
	(x) External lighting must be neither intrusive nor create a nuisance for nearby residents.	Proposed conditions to be placed on any approval require impacts of external lighting to be minimized.	Acceptable, subject to conditions.
	(xi) Provide illumination for all building entries, pedestrian paths and communal open space within the development.	As above.	Complies.
6.1	Location		
	(i) Car parking facilities must be accessed off rear lanes or secondary street frontages where available.	Access is provided from Severn Street, which is the only frontage of the property.	Complies.
	(ii) The location of car parking and access facilities must minimise the length of driveways and extent of impermeable surfaces within the site.	The driveway is as short as possible while also accommodating the necessary gradients. The development meets landscaping requirements and minimises the extent of impermeable surfaces.	Complies.

DCP Clause	Control	Proposal	Compliance
	(iii) Setback driveways a minimum of 1m from the side boundary. Provide landscape planting within the setback areas.	The driveway is only setback 0.5m from the common boundary with No. 5 Severn Street, however as the adjoining wall is only 600mm high excellent sightlines are provided for vehicles exiting the site.	Acceptable.
	(iv) Entry to parking facilities off the rear lane must be setback a minimum of 1m from the lane boundary.		Not applicable.
	(v) For residential flat buildings, comply with the following: (a) Car parking must be provided underground in a basement or semi-basement for new development. (b) On grade car park may be considered for sites potentially affected by flooding. In this scenario, the car park must be located on the side or rear of the allotment away from the primary street frontage. (c) Where rear lane or secondary street access is not available, the car park entry must be recessed behind the front façade alignment. In addition, the entry and driveway must be located towards the side and not centrally positioned across the street frontage.	Parking is to be provided in basement car parking.	Complies.
6.2	Configuration		
	(i) With the exception of hardstand car spaces and garages, all car parks must be designed to allow vehicles to enter and exit in a forward direction.	The design of the car park area allows for vehicles to enter and exit the site in a forward direction.	Complies.
	(ii) For residential flat buildings, the maximum width of driveway is 6m. In addition, the width of driveway must be tapered towards the street boundary as much as possible.	The maximum width of the driveway is 4.1m with the aisle width being 3.6m.	Complies.
	(iv) Provide basement or semi-	The car park area is	Complies.

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DCP Clause	Control	Proposal	Compliance
	<p>basement car parking consistent with the following requirements:</p> <ul style="list-style-type: none"> (a) Provide natural ventilation. (b) Integrate ventilation grills into the façade composition and landscape design. (c) The external enclosing walls of car park must not protrude above ground level (existing) by more than 1.2m. This control does not apply to sites affected by potential flooding. (d) Use landscaping to soften or screen any car park enclosing walls. (e) Provide safe and secure access for building users, including direct access to dwellings where possible. (f) Improve the appearance of car park entries and avoid a 'back-of-house' appearance by measures such as: <ul style="list-style-type: none"> - Installing security doors to avoid 'black holes' in the facades. - Returning the façade finishing materials into the car park entry recess to the extent visible from the street as a minimum. - Concealing service pipes and ducts within those areas of the car park that are visible from the public domain. 	<p>below ground apart from an area to the rear, which protrudes up to 2.13m because of the slope of the site from the street frontage to the rear. This portion of the car park area is to be screened with planting and is therefore deemed to be acceptable. Access is either from the lobby area in the front building or via stair for the building at the rear. These areas are secure and well-lit. The design of the driveway is integrated into the façade of the building and will not present as a 'black hole' in the façade.</p>	
7	Fencing and Ancillary Development		
7.1	Fencing		
	<ul style="list-style-type: none"> (i) Fences are constructed with durable materials that are suitable for their purpose and can properly withstand wear and tear and natural weathering. (ii) Sandstone fencing must not be rendered and painted. (iii) The following materials must not be used in fences: 	<p>The application indicates that 1.8m high light-weight fencing is to be provided for the bulk of the side boundary length on both north-west and south-eastern sides, apart</p>	<p>Generally complies. A proposed condition of consent requires front fencing to be a maximum of 1200mm.</p>

DCP Clause	Control	Proposal	Compliance
	<ul style="list-style-type: none"> - Steel post and chain wire - Barbed wire or other dangerous materials (iii) Expansive surfaces of blank rendered masonry to street frontages must be avoided.	from a portion of the north-western boundary where existing masonry fencing is to be retained. Low level 1.5m high masonry fencing is to be provide on the front and part side boundaries.	
7.2	Front Fencing		
	(i) The fence must align with the front property boundary or the predominant fence setback line along the street.	As above, the front fence is to be reduced to 1200mm in height by proposed condition.	Able to comply.
	(ii) The maximum height of front fencing is limited to 1200mm, as measured from the footpath level, with the solid portion not exceeding 600mm, except for piers. The maximum height of front fencing may be increased to 1800mm, provided the upper two-thirds are partially open, except for piers.		
	(iii) Construct the non-solid portion of the fence with light weight materials that are at least 30% open and evenly distributed along the full length of the fence.		
	(iv) Solid front fence of up to 1800mm in height may be permitted in the following scenarios: <ul style="list-style-type: none"> - Front fence for sites facing arterial roads. - Fence on the secondary street frontage of corner allotments, which is behind the alignment of the primary street façade. Such solid fences must be articulated through a combination of materials, finishes and details, and/or incorporate landscaping, so as to avoid continuous blank walls.		
	(v) The fence must incorporate stepping to follow any change in level along the street boundary. The height of the fence may exceed the aforementioned numerical requirement by a maximum of 150mm adjacent to		

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DCP Clause	Control	Proposal	Compliance
	any stepping.		
	(vi) The preferred materials for front fences are natural stone, face bricks and timber.		
	(vii) Gates must not open over public land.		
	(viii) The fence adjacent to the driveway may be required to be splayed to ensure adequate sightlines for drivers and pedestrians.		
7.3	Side and Rear Fencing		
	(i) The maximum height of side, rear or common boundary fences is limited to 1800mm, as measured from the ground level (existing). For sloping sites, the fence must be stepped to follow the topography of the land, with each step not exceeding 2200mm above ground level (existing). (ii) In the scenario where there is significant level difference between the subject and adjoining allotments, the fencing height will be considered on merits. (iii) The side fence must be tapered down to match the height of the front fence once pasts the front façade alignment. (iv) Side or common boundary fences must be finished or treated on both sides.	See above.	Complies.
7.6	Storage		
	(i) The design of development must provide for readily accessible and separately contained storage areas for each dwelling. (ii) Storage facilities may be provided in basement or sub floor areas, or attached to garages. Where basement storage is provided, it should not compromise any natural ventilation in the car park, reduce sight lines or obstruct pedestrian access to the parked vehicles. (iii) In addition to kitchen cupboards and bedroom	Generous basement storage areas are provided for each unit and also within each apartment in excess of DCP requirements.	Complies.

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DCP Clause	Control	Proposal	Compliance
	wardrobes, provide accessible storage facilities at the following rates: (a) Studio apartments – 6m ³ (b) 1-bedroom apartments – 6m ³ (c) 2-bedroom apartments – 8m ³ (d) 3 plus bedroom apartments – 10m ³		
7.7	Laundry facilities		
	(i) Provide a retractable or demountable clothes line in the courtyard of each dwelling unit.	A common out door drying area is provided at the rear of the site near the common outdoor area.	Complies.
	(ii) Provide internal laundry for each dwelling unit.	Laundry facilities are provided within each apartment.	Complies.
	(iii) Provide a separate service balcony for clothes drying for dwelling units where possible. Where this is not feasible, reserve a space for clothes drying within the sole balcony and use suitable balustrades to screen it to avoid visual clutter.		
7.8	Air conditioning units:		
	<ul style="list-style-type: none"> Avoid installing within window frames. If installed in balconies, screen by suitable balustrades. Air conditioning units must not be installed within window frames. 	Central airconditioning is to be provided.	Complies.

4. 79C Matters for consideration

Section 79C 'Matters for Consideration'	Comments
Environmental Planning Instruments	
Section 79C(1)(a)(i) – Provisions of any environmental planning instrument	The proposal has been assessed against the requirements of relevant State Environmental Planning Policies and RLEP, as detailed above.
Section 79C(1)(a)(ii) – Provisions of any draft environmental planning instrument	There are no applicable draft environmental planning policies.
Section 79C(1)(a)(iii) – Provisions of any development control plan	The proposal has been assessed against the provisions of Randwick Development Control Plan 2013, as detailed above.
Section 79C(1)(a)(iiia) –	None are applicable.

Section 79C 'Matters for Consideration'	Comments
Environmental Planning Instruments	
Provisions of any Planning Agreement or draft Planning Agreement	
Section 79C(1)(a)(iv) – Provisions of the regulations	The relevant clauses of the Regulations have been satisfied.
Section 79C(1)(b) – The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality	<p>The environmental impacts of the proposed development on the natural and built environment, which are otherwise not addressed in this report, are discussed in the paragraphs below.</p> <p>The proposed development is consistent with the dominant residential character in the locality. The proposal would not considered result in detrimental social or economic impacts on the locality.</p>
Section 79C(1)(c) – The suitability of the site for the development	The site is located in close proximity to local services and public transport. The site has sufficient area to accommodate the proposed land use and associated structures. Therefore, the site is considered suitable for the proposed development.
Section 79C(1)(d) – Any submissions made in accordance with the EP&A Act or EP&A Regulation	The issues raised in the submissions have been addressed in this report.
Section 79C(1)(e) – The public interest	The proposal promotes the objectives of the zone and will not result in any significant adverse environmental, social or economic impacts on the locality. Accordingly, the proposal is considered to be in the public interest.

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5. Referral Comments

Development Engineer:

An amended application has been received for the demolition of existing dwelling, removal of Norfolk Island Pine tree, construction of part 3/part 4 storey residential flat building in two building forms containing 10 units, basement parking for 14 vehicles, strata subdivision and associated works (variation to floor space ratio control) at the above site.

This report is based on the following plans and documentation:

- Architectural Plans by APA Architects dated July 2013;
- Amended Statement of Environmental Effects by Genevieve Slattery dated 27th November 2013;
- Geotechnical Report by Asset Geotechnical dated January 2010;
- Detail & Level Survey by ED Palaitis dated 24th August 2009;
- Draft Strata Plans by Alec Pappas dated July 2013;
- Landscape Plan by Michael Siu Landscape Architects, dwg L01/1-K18306, dated 26 July 2013 and stamped 28 August 2013;
- Tree Report by Treescan dated December 2011 and stamped 28 August 2013.

Drainage Comments

The Planning Officer is advised that the submitted drainage plans should not be approved in conjunction with the DA, rather, the Development Engineer has included a number of conditions in this memo that relate to drainage design requirements. The applicant is required

to submit detailed drainage plans to the certifying authority for approval prior to the issuing of a construction certificate.

Geotechnical Comments

The geo-technical report indicates sandstone rock close to the surface with some outcrops also present. Seepage flows across the surface of the bedrock are likely to be present and were indeed observed in the geotechnical report. Infiltration as the main means of stormwater disposal will therefore not be appropriate in this instance.

Conditions relating to the management of seepage flows and the waterproofing and tanking of the basement have also been included in this report.

Parking Comments

Parking Requirements for the development have been assessed as per the rates specified in Randwick Council's Development Control Plan 2013 Part B7.

Vehicle Parking

Vehicle Parking for multi-unit housing is to be provided at the following rates provided in Part B7 of Council's DCP 2013;

1 space per 1 bedroom unit (over 40m²)

1.2 spaces per 2 bedroom unit

1.5 spaces per 3 bedroom unit

1 visitor space per 4 units (but none where development is less than 4 dwellings)

The amended development consists of 1 x 1 bedroom plus 9 x 2 bedroom units.

Parking Required = 1 x 1 + 9 x 1.2 + 10/4(visitor)
= 14.3
= say 14 spaces

Parking Provided = 14 spaces (complies)

The parking provision is satisfactory however the carspaces have not been allocated and no visitor parking has been indicated. Parking allocation has therefore been conditioned in this report.

Motorbike Parking

Motorbike Parking is to be provided at 5% of the vehicle parking requirement resulting in less than 1 space. Not required

Bicycle Parking

For Flats/multi dwelling bicycle parking to be provided at 1 space per 2 units plus 1 visitor space per 10 units.

For subject development this will require the provision of 6 spaces. Five have been provided.

Carpark Layout

The vehicular access driveways, internal circulation ramps and the carpark areas, (including, but not limited to, the ramp grades, carpark layout and height clearances) are to be in accordance with the requirements of Australian Standard 2890.1:2004.

Service Authority Comments

At the Health, Building and Planning Committee meeting on 8 November 2005, it was resolved on the motion of Councillors Nash and Belelli that:

- (a) *the applicants of development applications be required to meet all costs associated with replacing overhead wires with underground cables in the vicinity of the development site when the cost of works on the site exceeds \$2 million;*
- (b) *the applicants of development applications be required to meet all costs associated with replacing overhead wires with Aerial Bundled Cables in the vicinity of the development site, when the cost of works on the site exceeds \$1 million up to \$2 million; and*
- (c) *the Director, City Planning investigate the feasibility of funding the undergrounding of existing overhead cables for new development under the new options provided for in the Environmental Planning & Assessment Act (Developer Contributions) Act 2005.*

Given that the proposed works are in excess of \$2 million the applicant would generally be required to meet all costs associated with replacing the overhead wires with underground cables in the vicinity of the development site. There are no power lines located along the site's frontage which are generally located on the opposite side of the road. It is considered undergrounding these power poles are beyond the scope of the DA and no nexus can be established. Hence this condition has not been included in this report.

Landscape Comments

The 6m tall *Archontophoenix cunninghamiana* (Bangalow Palm) and *Schefflera actinophylla* (Umbrella Tree) growing within the eastern side setback, around the southwest corner of the existing house can both be removed in order to accommodate the proposed works and associated perimeter landscaping that is shown for this same area, as can the *Howea fosteriana* (Kentia Palm) around the southwest corner of the existing house, and the shrub in the front setback, in the northwest corner.

The re-inspection of 6 February 2014 confirmed that the only vegetation of any significance at this site is the mature *Araucaria heterophylla* (Norfolk Island Pine), of approximately 14 metres in height, located centrally in the rear yard, with a canopy spread of around 10 metres across.

It appeared in good health and good condition, is covered by clause 5.9 of Council's LEP 2013 & clause B5 of Council's DCP 2013 – Preservation of trees or vegetation; and can be seen from the street frontage as well as several neighbouring properties, so is a prominent tree and site feature in the local landscape.

Due to their large dimensions at maturity and tolerance of coastal conditions, they are an iconic and highly recognisable species along the east coast, with this specimen growing in a turfed area off the rear of the existing dwelling that has been raised up with fill above the natural ground level, and as the bedrock drops steeply down to the south, from AHD17.18 to 15.58 (difference of 1.6m), a brick retaining wall has been built to the southwest and southeast of its trunk.

This species requires a free draining sandy soil, with both the walls and bedrock being an inferior medium as they have acted as physical barriers to prevent/restrict its normal root spread, which is critical for stability given its height at maturity, with its entire root plate to be contained solely on its western and northern aspects, which leaves it susceptible to wind-throw from strong southerly directed winds, whether the walls are left in place or are removed as part of the works.

In accordance with previous advice from Council, the applicant previously investigated options for its retention within a centralised area of deep soil; however, due to the factors described above, it will not be possible to safely retain this tree due to concerns over the safety of person

and property, as also detailed in the Treescan Tree Report stamped 28 August 2013, **and consistent with past advice, Council has consented to its removal.**

This approval is on the basis that suitable coastal plantings are provided throughout the site as part of a comprehensive landscape scheme that will compensate for the removal of such an established tree, and will also assist with presentation of the development to the streetscape, cater to the amenity needs of future occupants, and minimise any impact on adjoining properties, and as the submitted plan meets these objectives, conditions in this report require that it be implemented as part of any approval.

Beyond the southwest corner of the site, growing wholly on the adjoining property at no.1 Severn Street, there is a grove of about six similarly sized Norfolk Island Pines, three of which are close to the common boundary, in a north-south arrangement, which would not be affected by excavations associated with changes in level for the southern building as the existing masonry wall/dividing fence in this section is shown as being retained (dwg FP-01), which will protect their roots systems; however, conditions do allow minor pruning of overhanging branches where necessary for clearance reasons.

6. DEVELOPMENT CONSENT CONDITIONS

GENERAL CONDITIONS

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

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

Approved Plans & Supporting Documentation

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

<i>Plan</i>	<i>Drawn by</i>	<i>Dated</i>	<i>Received by Council</i>
A01-A	Alec Pappas Architects	Nov 2013	27/11/13
A02-A	Alec Pappas Architects	Nov 2013	27/11/13
A03-A	Alec Pappas Architects	Nov 2013	27/11/13
A04-A	Alec Pappas Architects	Nov 2013	27/11/13
A05-A	Alec Pappas Architects	Nov 2013	27/11/13
A06-A	Alec Pappas Architects	Nov 2013	27/11/13
A07-A	Alec Pappas Architects	Nov 2013	27/11/13
A08-A	Alec Pappas Architects	Nov 2013	27/11/13

<i>BASIX Certificate No.</i>	<i>Dated</i>	<i>Received by Council</i>
497445M	28/8/13	28/8/13

Amended Plans and Documentation

2. **The approved plans must be amended in accordance with the following requirements**
 - a. A privacy screen having a height of 1.6m above floor level must be provided to south-western face of balconies for units 3, 4, 5, 6, 9 and 10. The privacy screen must be constructed of metal or timber and the total area of any openings within the privacy screen must not exceed 25% of the area of the screen. Alternatively, the privacy screen may be constructed with translucent, obscured, frosted or sandblasted glazing in a suitable frame.

- b. The following windows 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 or exterior privacy screens can be added with openings not to exceed 25% of the area of the screen:
- Kitchen windows of units 4 and 6
 - Dining room windows for units 8, 9 and 10
- c. The *Banksia intergrifolia* located in the front yard is to be deleted from the landscape plan L01/1-K18306 and replaced with a native species capable of attaining no more than 2m in height when mature.
- d. The front fence is not to exceed 1200mm in height.

Details to be submitted to Council's Manager Development Assessment for approval prior to issuing of the construction certificate.

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.

4. External Colours, Materials & Finishes

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

Section 94A Development Contributions

5. In accordance with Council's Section 94A Development Contributions Plan effective from 12 July 2012, based on the development cost of \$2,986,548.00, the following applicable monetary levy must be paid to Council: \$29,865.48.

The levy must be paid in cash, bank cheque or by credit card prior to a construction certificate [or subdivision 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.

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

Long Service Levy Payments

CP4/14

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

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

Security Deposits

7. The following security deposits requirement must be complied with prior to a construction certificate being issued for the development, as security for making good any damage caused to Council's assets and infrastructure; and as security for completing any public work; and for remedying any defect on such public works, in accordance with section 80A(6) of the *Environmental Planning and Assessment Act 1979*:

- \$3,000.00 - Damage / Civil Works Security Deposit

Security deposits may be provided by way of a cash, cheque or credit card payment and is refundable upon a satisfactory inspection by Council upon the completion of the civil works which confirms that there has been no damage to Council's infrastructure.

The owner/builder is also requested to advise Council in writing and/or photographs of any signs of existing damage to the Council roadway, footway, or verge prior to the commencement of any building/demolition works.

To obtain a refund of relevant deposits, a *Security Deposit Refund Form* is to be forwarded to Council's Director of City Services upon issuing of an occupation certificate or completion of the civil works.

Sydney Water

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

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

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

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

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

REQUIREMENTS TO BE INCLUDED IN THE CONSTRUCTION CERTIFICATE

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

These conditions have been applied to satisfy the relevant requirements of the *Environmental Planning & Assessment Act 1979*, *Environmental Planning & Assessment Regulation 2000*,

Councils development consent conditions and to achieve reasonable levels of environmental amenity.

Compliance with the Building Code of Australia

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

Traffic conditions

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

Parking conditions

12. Plans submitted for the construction certificate shall demonstrate compliance with the following requirements in relation to vehicle parking;
- Each unit must be allocated a minimum of 1 carspace
 - Two carspaces shall be allocated as visitor parking.

Design Alignment levels

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

Driveway

- RL 18.50 Western edge of driveway
- RL 18.35 Eastern edge of driveway
- Straight grade between these two points.

Pedestrian entrance

- 30mm above the back of the existing footpath opposite

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

Any enquiries regarding this matter should be directed to Council's Development Engineer on 9399 0881.

14. The design alignment levels (concrete/paved/tiled level) issued by Council and their relationship to the roadway/kerb/footpath must be indicated on the building plans for the construction certificate. The design alignment level at the street boundary, as issued by the Council, must be strictly adhered to.
15. The above alignment levels and the site inspection by Council's Development Engineering Section have been issued at a prescribed fee of \$762 calculated at \$50.00 (inclusive of GST) per metre of site frontage. This amount is to be paid prior to a construction certificate being issued for the development.

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16. The gradient of the internal access driveway must be designed and constructed in accordance with AS 2890.1 (2004) – Off Street Car Parking and the levels of the driveway must match the alignment levels at the property boundary (as specified by Council). Details of compliance are to be included in the construction certificate.

The height of the building must not be increased to satisfy the required driveway gradients.

Stormwater Drainage & Flood Management

17. Stormwater drainage plans have not been approved as part of this development consent. Engineering calculations and plans with levels reduced to Australian Height Datum in relation to site drainage shall be prepared by a suitably qualified Hydraulic Engineer and submitted to and approved by the certifying authority prior to a construction certificate being issued for the development. A copy of the engineering calculations and plans are to be forwarded to Council, prior to a construction certificate being issued, if the Council is not the certifying authority. The drawings and details shall include the following information:

- a) A detailed drainage design supported by a catchment area plan, at a scale of 1:100 or as considered acceptable to the Council or an accredited certifier, and drainage calculations prepared in accordance with the Institution of Engineers publication, Australian Rainfall and Run-off, 1987 edition.
- b) A layout of the proposed drainage system including pipe sizes, type, grade, length, invert levels, etc., dimensions and types of all drainage pipes and the connection into Council's stormwater system.
- c) The separate catchment areas within the site, draining to each collection point or surface pit are to be classified into the following categories:
 - i. Roof areas
 - ii. Paved areas
 - iii. Grassed areas
 - iv. Garden areas
- e) Where buildings abut higher buildings and their roofs are "flushed in" to the higher wall, the area contributing must be taken as: the projected roof area of the lower building, plus one half of the area of the vertical wall abutting, for the purpose of determining the discharge from the lower roof.
- f) Proposed finished surface levels and grades of car parks, internal driveways and access aisles which are to be related to Council's design alignment levels.
- g) The details of any special features that will affect the drainage design eg. the nature of the soil in the site and/or the presence of rock etc.

18. The site stormwater drainage system is to be provided in accordance with the following requirements;

- a) The stormwater drainage system must be provided in accordance with the relevant requirements of Building Code of Australia and the conditions of this consent, to the satisfaction of the *Certifying Authority* and details are to be included in the construction certificate.
- b) The stormwater must be discharged (by gravity) either:
 - i. Directly to the kerb and gutter at the front of the subject site in Severn St; or;

- ii. Directly into Council's underground drainage system or gutter located in McKeon street via a new private drainage easement via a new or existing kerb inlet pit; or

If the owner/applicant is able to demonstrate to Council that he/she has been unable to procure a private drainage easement through adjoining premises and as the ground conditions preclude the use of an infiltration system, a pump-out system may be permitted.

Pump-out systems must be provided with two pumps connected in parallel (with each pump being capable of discharging at the required discharge rate) and connected to a control board so that each pump will operate alternatively. The pump wet well is required to be sized for the 1 in 100 year, 2 hour storm assuming both pumps are not working. All pump-out water must pass through a stilling pit prior to being discharged by gravity to the kerb and gutter

Pump-out systems must be designed by a suitably qualified and experienced hydraulic consultant/engineer and the pump-out system designed and constructed generally in accordance with Council's Stormwater Code.

- c) Should stormwater be discharged to Council's street drainage system, an on-site stormwater detention system must be provided to ensure that the maximum discharge from the site does not exceed that which would occur during a **1 in 10** year storm of one hour duration for existing site conditions. All other stormwater run-off from the site for all storms up to the 1 in 20 year storm is to be retained on the site for gradual release to the street drainage system, to the satisfaction of the certifying authority.

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

- d) Determination of the required cumulative storage (in the on-site detention system) must be calculated by the mass curve technique as detailed in Technical Note 1, Chapter 14 of the Australian Rainfall and Run-off Volume 1, 1987 Edition.

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

- e) Any new kerb inlet pits (constructed within Council's road reserve) are to be constructed generally in accordance with Council's standard detail for the design of kerb inlet pits (drawing number SD6 which is available from Council).
- f) Generally all internal pipelines must be capable of discharging a 1 in 20 year storm flow. However the minimum pipe size for pipes that accept stormwater from a surface inlet pit must be 150mm diameter. The site must be graded to direct any surplus run-off (i.e. above the 1 in 20 year storm) to the proposed drainage (detention/infiltration) system.
- g) A sediment/silt arrestor pit must be provided within the site near the street boundary prior to discharge of the stormwater to Council's drainage system and prior to discharging the stormwater to any absorption/infiltration system.

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

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

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

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

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

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

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

- j) A childproof and corrosion resistant fastening system shall be installed on access grates over pits/trenches where water is permitted to be temporarily stored.

- k) A 'V' drain (or equally effective provisions) are to be provided to the perimeter of the property, where necessary, to direct all stormwater to the detention/infiltration area.
- l) Mulch or bark is not to be used in on-site detention areas.
- m) Site discharge pipelines shall cross the verge at an angle no less than 45 degrees to the kerb line.
- n) Any onsite detention/infiltration systems shall be located in areas to be dedicated as areas accessible by residents of all units.
- o) Should a charged system be required to drain any portion of the site, the charged system must be designed with suitable clear-outs/inspection points at pipe bends and junctions.

Site seepage & Dewatering

19. Site seepage and sub-soil drainage (from planter boxes etc) must comply with the following requirements:

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

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

Details must include the following information:

- Site plan
- Hydraulic engineering details of the proposed disposal/connection of groundwater or site stormwater to Council/s drainage system
- Volume of water to be discharged
- Location and size of drainage pipes
- Duration, dates and time/s for the proposed works and disposal
- Details of water quality and compliance with the requirements of the *Protection of the Environment Act 1997*

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

Waste Management

21. A Waste Management Plan detailing the waste and recycling storage and removal strategy for all of the development, is required to be submitted to and approved by Council's Director of City Planning.

The Waste Management plan is required to be prepared in accordance with Council's Waste Management Guidelines for Proposed Development and must include the following details (as applicable):

- The use of the premises and the number and size of occupancies.
- The type and quantity of waste to be generated by the development.
- Demolition and construction waste, including materials to be re-used or recycled.
- Details of the proposed recycling and waste disposal contractors.
- Waste storage facilities and equipment.
- Access and traffic arrangements.
- The procedures and arrangements for on-going waste management including collection, storage and removal of waste and recycling of materials.

Further details of Council's requirements and guidelines, including pro-forma Waste Management plan forms can be obtained from Council's Customer Service Centre.

22. The waste storage areas are to be provided with a tap and hose and the floor is to be graded and drained to the sewer to the requirements of Sydney Water.

Tree Protection Measures

23. In order to ensure retention of the group of *Araucaria heterophylla* (Norfolk Island Pines) located beyond the southwest corner of the site, wholly in the rear yard of the neighbouring property at 1 Severn Street, close to the common boundary in good health, the following measures are to be undertaken:
- a. All documentation submitted for the Construction Certificate application must show their retention, with the position of their trunks and canopies to be clearly and accurately shown in relation to the common boundary and approved works.
 - b. As is shown on dwg FP-01, all plans must include a construction note stating that the existing masonry fence on the common boundary between the two properties, adjacent the trees, must be retained in-situ.

BASIX Requirements

24. 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.

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

25. Prior to the commencement of any building works, the following requirements must be complied with:

- a) A *Construction Certificate* must be obtained from the Council or an accredited certifier, in accordance with the provisions of the *Environmental Planning & Assessment Act 1979*.

A copy of the construction certificate, the approved development consent plans and consent conditions must be kept on the site at all times and be made available to the Council officers and all building contractors for assessment.

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

In relation to residential building work, the principal contractor must be the holder of a contractor licence, in accordance with the provisions of the Home Building Act 1989.

Home Building Act 1989

26. 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

27. A dilapidation report prepared by a professional engineer, building surveyor or other suitably qualified independent person must be submitted to the satisfaction of the Principal Certifying Authority prior to commencement of any demolition, excavation or building works, in the following cases:

- excavations for new dwellings, additions to dwellings, swimming pools or the like which are proposed to be located within the *zone of influence* of the footings of

- any dwelling, associated garage or other substantial structure located upon an adjoining premises,
- new dwellings or additions to dwellings sited up to shared property boundaries (e.g. additions to a semi-detached dwelling or terraced dwellings),
- excavations for new dwellings, additions to dwellings, swimming pools or the like which are within rock and may result in vibration and or potential damage to any dwelling, associated garage or other substantial structure located upon an adjoining premises,
- as otherwise may be required by the Principal Certifying Authority.

The report (including photographs) are required to detail the current condition and status of any dwelling, associated garage or other substantial structure located upon the adjoining premises, which may be affected by the subject works. A copy of the dilapidation report is to be given to the owners of the premises encompassed in the report/s before commencing any works.

Construction Noise & Vibration Management Plan

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

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

A *Construction Noise Management Plan*, prepared in accordance with the NSW EPA Construction Noise Guideline by a suitably qualified person, is to be implemented throughout the works. A copy of the strategy must be provided to the Principal Certifying Authority and Council prior to the commencement of works on site.

Construction Site Management Plan

29. A *Construction Site Management Plan* must be developed and implemented prior to the commencement of any works. The construction site management plan must include the following measures, as applicable to the type of development:

- location and construction of protective fencing / hoardings to the perimeter of the site;
- location of site storage areas/sheds/equipment;
- location of building materials for construction;
- provisions for public safety;
- dust control measures;
- site access location and construction
- details of methods of disposal of demolition materials;
- protective measures for tree preservation;
- provisions for temporary sanitary facilities;
- location and size of waste containers/bulk bins;
- details of proposed sediment and erosion control measures;
- provisions for temporary stormwater drainage;
- construction noise and vibration management;
- construction traffic management details.

The site management measures must be implemented prior to the commencement of any site works and be maintained throughout the works, to the satisfaction of Council.

A copy of the Construction Site Management Plan must be provided to the Principal Certifying Authority and Council prior to commencing site works. A copy must also be maintained on site and be made available to Council officers upon request.

Demolition Work Plan

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

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

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

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

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

Notes

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

Construction Traffic Management

31. An application for a 'Works Zone' and Construction Traffic Management Plan must be submitted to Councils Integrated Transport Department, and approved by the Randwick Traffic Committee, for a 'Works Zone' to be provided in Severn Street for the duration of the demolition & construction works.

The 'Works Zone' must have a minimum length of 12m and extend for a minimum duration of three months. The suitability of the proposed length and duration is to be demonstrated in the application for the Works Zone. The application for the Works Zone must be submitted to Council at least six (6) weeks prior to the commencement of work on the site to allow for assessment and tabling of agenda for the Randwick Traffic Committee.

The requirement for a Works Zone may be varied or waived only if it can be demonstrated in the Construction Traffic Management Plan (to the satisfaction of Council's Traffic Engineers) that all construction related activities (including all loading and unloading operations) can and will be undertaken wholly within the site. The written approval of Council must be obtained to provide a Works Zone or to waive the requirement to provide a Works Zone prior to the commencement of any site work.

32. A detailed *Construction Site Traffic Management Plan* must be submitted to and approved by Council, prior to: commencement of any site work.
The Construction Site Traffic Management Plan must be prepared by a suitably qualified person and must include the following details, to the satisfaction of Council:

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

Public Utilities

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

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

Landscaping & Environmental amenity:

36. 35. Landscaping at this site must be installed substantially in accordance with the Landscape Plan by Michael Siu Landscape Architects, dwg L01/1-K18306, dated 26 July 2013 and stamped 28 August 2013, subject to the following additional details being included on an amended plan, which must be submitted to, and be approved by, the Certifier/PCA:
- a. All planter boxes and garden beds constructed on slab must have a minimum soil depth of 600mm and all lawn areas must have a minimum soil depth of 300mm, with construction details confirming compliance to be provided.
 - b. The Banksia intergrifolia located in the front yard is to be deleted from the landscape plan L01/1- K18306 and replaced with a native species capable of attaining no more than 2m in height when mature.

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

37. 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

38. 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

39. 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

40. The demolition of buildings and the removal, storage, handling and disposal of building materials must be carried out in accordance with the relevant requirements of

WorkCover NSW, the NSW Department of Environment, Climate Change & Water and Randwick City Council policies, including:

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

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

Removal of Asbestos Materials

41. 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

42. Sediment and erosion control measures, must be implemented throughout the site works in accordance with the manual for Managing Urban Stormwater – Soils and Construction, published by Landcom, to Council's satisfaction. Details are to be included in the *Construction Site Management Plan*.

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Public Safety & Site Management

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

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

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

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

Support of Adjoining Land, Excavations & Retaining Walls

44. In accordance with section 80 A (11) of the *Environmental Planning & Assessment Act 1979* and clause 98 E of the *Environmental Planning & Assessment Regulation 2000*, it is a prescribed condition that the adjoining land and buildings located upon the adjoining land must be adequately supported at all times.

45. All excavations and backfilling associated with the erection or demolition of a building must be executed safely in accordance with appropriate professional standards and excavations must be properly guarded and supported to prevent them from being dangerous to life, property or buildings.

Retaining walls, shoring or piling must be provided to support land which is excavated

in association with the erection or demolition of a building, to prevent the movement of soil and to support the adjacent land and buildings, if the soil conditions require it. Adequate provisions are also to be made for drainage.

Details of proposed retaining walls, shoring, piling or other measures are to be submitted to and approved by the Principal Certifying Authority.

Building Encroachments

46. 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

47. 45. Any openings within or upon the road, footpath, nature strip or in any public place (i.e. for proposed drainage works or installation of services), must be carried out in accordance with the following requirements, to the satisfaction of Council:

- a) A *Road / Asset Opening Permit* must be obtained from Council prior to carrying out any works within or upon a road, footpath, nature strip or in any public place, in accordance with section 138 of the *Roads Act 1993* and all of the conditions and requirements contained in the *Road / Asset Opening Permit* must be complied with.
- b) Council's Road / Asset Opening Officer must be notified at least 48 hours in advance of commencing any excavation works and also immediately upon completing the works (on 9399 0691 or 0409 033 921 during business hours), to enable any necessary inspections or works to be carried out.
- c) Relevant *Road / Asset Opening Permit* fees, construction fees, inspection fees and security deposits, must be paid to Council prior to commencing any works within or upon the road, footpath, nature strip or other public place,
- d) The owner/developer must ensure that all works within or upon the road reserve, footpath, nature strip or other public place are completed to the satisfaction of Council, prior to the issuing of a *final occupation certificate* or occupation of the development (whichever is sooner).
- e) Excavations and trenches must be back-filled and compacted in accordance with AUSPEC standards 306U.
- f) Excavations or trenches located upon a road or footpath are required to be provided with 50mm depth of cold-mix bitumen finish, level with the existing road/ground surface, to enable Council to readily complete the finishing works at a future date.
- g) Excavations or trenches located upon turfed areas are required to be back-filled, compacted, top-soiled and re-turfed with Kikuyu turf.
- h) The work and area must be maintained in a clean, safe and tidy condition at all times and the area must be thoroughly cleaned at the end of each days activities and upon completion.
- i) The work can only be carried out in accordance with approved hours of building work as specified in the development consent, unless the express written approval of Council has been obtained beforehand.
- j) Sediment control measures must be implemented in accordance with the conditions of development consent and soil, sand or any other material must not be allowed to enter the stormwater drainage system or cause a pollution incident.

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

Roadway

48. If it is necessary to excavate below the level of the base of the footings of the adjoining roadways, the person acting on the consent shall ensure that the owner/s of the roadway is/are given at least seven (7) days notice of the intention to excavate below the base of the footings. The notice is to include complete details of the work.

Traffic Management

49. 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.
50. All work, including the provision of barricades, fencing, lighting, signage and traffic control, must be carried out in accordance with the NSW Roads and Traffic Authority publication - 'Traffic Control at Work Sites' and Australian Standard AS 1742.3 - Traffic Control Devices for Works on Roads, at all times.

Stormwater Drainage

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

The prior written approval of Council must be obtained to connect or discharge site stormwater to Council's stormwater drainage system or street gutter.

Pruning of neighbours trees

52. Permission is granted for the minimal and selective pruning of only those lower growing branches from the southeast aspects of the three *Araucaria heterophylla* (Norfolk Island Pines), which are located beyond the northwest site boundary, wholly in the rear yard of the adjoining property at 1 Severn Street, only where they overhang the common boundary into the site, and need to be pruned in order to avoid damage to the trees; or; interference with the works.
53. This approval does not imply any right of entry onto a neighbouring property nor does it allow pruning beyond a common boundary; however, where such measures are desirable in the best interests of correct pruning procedures, and ultimately, the ongoing health of the trees, the applicant must negotiate with the neighbour/tree owner for access to perform this work.
54. All pruning must be undertaken by an Arborist who holds a minimum of AQF Level III in Arboriculture, and to the requirements of Australian Standard AS 4373-2007 'Pruning of Amenity Trees,' and NSW Work Cover Code of Practice for the Amenity Tree Industry (1998).

Tree Removal

55. Approval is granted for removal of the following:
- a) The *Archontophoenix cunninghamiana* (Bangalow Palm) and *Schefflera actinophylla* (Umbrella Tree) growing within the eastern side setback, around the southwest corner of the existing house, as well as the *Howea fosteriana* (Kentia Palm) around the southwest corner of the existing house, and the shrub in the front setback, in the northwest corner, so as to accommodate the proposed works and associated landscaping that is shown for these same areas;

- b) The mature *Araucaria heterophylla* (Norfolk Island Pine) located centrally in the rear yard as it would not be possible to safely retain this tree as the existing retaining walls have restricted its normal root growth.

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

56. 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

57. 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

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

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

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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

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

Street Numbering

60. Street numbering must be provided to the front of the premises in a prominent position, in accordance with the Australia Post guidelines and AS/NZS 4819 (2003) to the satisfaction of Council, prior to an occupation certificate being issued for the development.

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

Plant & Equipment

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

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

Air Conditioners

62. Air conditioning plant and equipment shall not be operated during the following hours if the noise emitted can be heard within a habitable room in any other residential premises, or, as otherwise specified in relevant Noise Control Regulations:

- before 8.00am or after 10.00pm on any Saturday, Sunday or public holiday; or
- before 7.00am or after 10.00pm on any other day.

Rainwater Tanks

63. 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 \$1,500) for each offence. Council may also issue notices and orders to demolish unauthorised or non-complying building work, or to comply with the requirements of Council's development consent.

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

- A3 Demolition, building or excavation work must not be commenced until;

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

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

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

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

For further information please contact Council on 9399 0944.

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

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

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

- the consent of the owners of such adjoining or supported land to trespass or encroach, or
- an access order under the *Access to Neighbouring Land Act 2000*, or
- an easement under section 88K of the *Conveyancing Act 1919*, or

- an easement under section 40 of the *Land & Environment Court Act 1979*, as appropriate.

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

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

A10 Demolition work and removal of asbestos materials:

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

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

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

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

Development Application Compliance Report



Folder /DA No:	DA/703/2013
PROPERTY:	3 Kyogle Street, MAROUBRA NSW 2035
Proposal:	Ground and first floor alterations and additions to the existing dwelling
Recommendation:	Approval

Relevant Environment Planning Instruments:

1. Randwick LEP 2012

The subject site is zoned R2 Low Density Residential under Randwick LEP 2012. The proposal development is classified as a Class 1 development and is permissible in the zone. The zoning objectives are addressed as follows:

- To provide for the housing needs of the community within a low density residential environment.

The proposed development is a conventional two storey addition to a semi detached dwelling.

- To recognise the desirable elements of the existing streetscape and built form or, in precincts undergoing transition, that contribute to the desired future character of the area.

The proposed development is sought to be located behind the roofs main ridge line in order to respect the symmetry shared with the adjoining semi detached dwelling and located on an irregular shaped allotment, a characteristic shared with neighbouring sites.

- To protect the amenity of residents.

The proposal has been amended to reduce the impact on neighbouring properties to acceptable levels. See Key issues section of assessment report.

Randwick Local Environmental Plan 2012 is a matter for consideration in the assessment of the subject development application under Section 79C of the Environmental Planning and Assessment Act 1979 (as amended).

The following table considers the proposed development having regard to the zoning provisions and development standards contained in LEP that are of relevance to the subject development application:

Description	Council Standard	Proposed	Compliance (Yes/No/NA)
Zoning: (Please insert)	R2	Alterations and additions	Permissible
Is development permitted under zoning?			
Floor Space Ratio (Maximum)	Merit assessment as site measures	0.57:1	Yes

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	less than 300sqm		
Height of Building (Maximum)	9.5m	6.8m	Yes
Lot Size (Minimum)	300sqm	No change	n/a
Heritage: <ul style="list-style-type: none"> • Heritage Item • Heritage Conservation Area • In vicinity of item or area 	None	No change	n/a

2. Randwick Comprehensive DCP

3.1 C1 Table: Low Density Residential

Randwick Development Control Plan

The DCP provisions are structured into two components, Objectives and Controls. The Objectives provide the framework for assessment under each requirement and outline key outcomes that a development is expected to achieve. The controls contain both numerical standards and qualitative provisions. Any proposed variations from the controls may be considered only where the applicant successfully demonstrates that an alternative solution could result in a more desirable planning and urban design outcome.

The relevant provisions of the DCP are addressed in the table below. (Note: a number of control provisions that are not related to the proposal have been deliberately omitted.)

DCP Clause	Controls	Proposal	Compliance
	Classification	Zoning = R2	Permissible
2	Site planning		
2.1	Minimum lot size and frontage		
	Minimum lot size (RLEP): <ul style="list-style-type: none"> • R2 = 400sqm • R3 = 325sqm 	272sqm	
	Minimum frontage		
	i) Min frontage R2 = 12m ii) Min frontage R3 = 9m iii) No battle-axe or hatchet in R2 or R3 iv) Minimum frontage for attached dual occupancy in R2 = 15m v) Minimum frontage for detached dual occupancy in R2 = 18m	14.22m	N/A
2.3	Site coverage		
	Up to 300 sqm = 60% 301 to 450 sqm = 55% 451 to 600 sqm = 50% 601 sqm or above = 45%	Site = 272sqm No change = 33%	Yes
2.4	Landscaping and permeable surfaces		
	i) Up to 300 sqm = 20% ii) 301 to 450 sqm = 25% iii) 451 to 600 sqm = 30% iv) 601 sqm or above = 35% v) Deep soil minimum width 900mm. vi) Maximise permeable surfaces to front vii) Retain existing or replace mature	Site = 272sqm No change = 120sqm (44%)	Yes

DCP Clause	Controls	Proposal	Compliance
	native trees viii) Minimum 1 canopy tree (8m mature). Smaller (4m mature) If site restrictions apply. ix) Locating paved areas, underground services away from root zones.		
2.5	Private open space (POS)		
	Dwelling & Semi-Detached POS		
	Up to 300 sqm = 5m x 5m 301 to 450 sqm = 6m x 6m 451 to 600 sqm = 7m x 7m 601 sqm or above = 8m x 8m	No Change	Yes
	Dual Occupancies (Attached and Detached) POS		
	451 to 600 sqm = 5m x 5m each 601sqm or above = 6m x 6m each ii) POS satisfy the following criteria: <ul style="list-style-type: none"> • Situated at ground level (except for duplex) • No open space on podiums or roofs • Adjacent to the living room • Oriented to maximise solar access • Located to the rear behind dwelling • Has minimal change in gradient 	Site = 272sqm Maintained	Yes
3	Building envelope		
3.1	Floor space ratio LEP 2012 =	Site area = 272sqm (Merit) Proposed FSR = (0.57:1)	Yes
3.2	Building height		
	Maximum overall height LEP 2012 =	7m	Yes
	i) Maximum external wall height = 7m (Minimum floor to ceiling height = 2.7m) ii) Sloping sites = 8m iii) Merit assessment if exceeded	7m, sloping site allows for 8m	Yes
3.3	Setbacks		
3.3.1	Front setbacks	Dwelling	Yes
	i) Average setbacks of adjoining (if none then no less than 6m) Transition area then merit assessment. ii) Corner allotments: Secondary street frontage: <ul style="list-style-type: none"> - 900mm for allotments with primary frontage width of less than 7m - 1500mm for all other sites iii) do not locate swimming pools, above-ground rainwater tanks and outbuildings in front	The proposal sits behind the main ridge shared with the adjoining semi at No. 5 Kyogle	
3.3.2	Side setbacks:	Site frontage of 14.22m therefore a side setback of	Yes, except for the nil setback from the
	Semi-Detached Dwellings: <ul style="list-style-type: none"> • Frontage less than 6m = merit 		

DCP Clause	Controls	Proposal	Compliance
	<ul style="list-style-type: none"> • Frontage b/w 6m and 8m = 900mm for all levels <p>Dwellings:</p> <ul style="list-style-type: none"> • Frontage less than 9m = 900mm • Frontage b/w 9m and 12m = 900mm (Gnd & 1st floor) 1500mm above • Frontage over 12m = 1200mm (Gnd & 1st floor), 1500mm above. <p>Refer to 6.3 and 7.4 for parking facilities and outbuildings</p>	<p>1200mm applies. Northern side setback between 3.7m and 5.3m.</p> <p>Southern side: on the common side boundary shared with adjoining semi.</p>	<p>common southern side boundary.</p> <p>The RDCP 2013 makes allowances for extending along a common side boundary however, council must be satisfied that there are no obtrusive impacts on the neighbouring property. See key issues section of report</p>
<p>3.3.3</p>	<p>Rear setbacks</p> <ul style="list-style-type: none"> i) Minimum 25% of allotment depth or 8m, whichever lesser. Note: control does not apply to corner allotments. ii) Provide greater than aforementioned or demonstrate not required, having regard to: <ul style="list-style-type: none"> - Existing predominant rear setback line - reasonable view sharing (public and private) - protect the privacy and solar access iii) Garages, carports, outbuildings, swimming or spa pools, above-ground water tanks, and unroofed decks and terraces attached to the dwelling may encroach upon the required rear setback, in so far as they comply with other relevant provisions of this DCP. iv) For irregularly shaped lots = merit assessment on basis of:- <ul style="list-style-type: none"> - Compatibility - POS dimensions comply - minimise solar access, privacy and view sharing impacts <p>Refer to 6.3 and 7.4 for parking facilities and outbuildings</p>	<p>Merit assessment is required as the site is an irregular shaped allotment.</p>	<p>No see key issues section of report</p>
<p>4</p>	<p>Building design</p>		
<p>4.1</p>	<p>General</p>		
	<p>Respond specifically to the site characteristics and the surrounding natural and built context -</p>	<p>The proposed development responds well to the site and</p>	<p>Yes</p>

DCP Clause	Controls	Proposal	Compliance
	<ul style="list-style-type: none"> • articulated to enhance streetscape • stepping building on sloping site, • no side elevation greater than 12m • encourage innovative design 	surrounding area and introduces a modern innovative design.	
4.2	Additional Provisions for symmetrical semi-detached dwellings		
	i) Enhance the pair as coherent entity: <ul style="list-style-type: none"> • behind apex of roof; low profile or consistent with existing roof • new character that is first floor at front after analysis streetscape outcome ii) Constructed to common boundary of adjoining semi iii & iv) avoid exposure of blank party walls to adjoining semi and public domain	Behind the main roof ridge line	Yes
4.5	Colours, Materials and Finishes		
	i) Schedule of materials and finishes ii) Finishing is durable and non-reflective. iii) Minimise expanses of rendered masonry at street frontages (except due to heritage consideration) iv) Articulate and create visual interest by using combination of materials and finishes. v) Suitable for the local climatic to withstand natural weathering, ageing and deterioration. vi) recycled and re-use sandstone (See also section 8.3 foreshore area.)	Conditioned to be submitted prior to CC being issued	Conditioned
4.6	Earthworks		
	i) excavation and backfilling limited to 1m, unless gradient too steep ii) minimum 900mm side and rear setback iii) Step retaining walls iv) site conditions allow for side or rear setback less than 900mm (max 2.2m) v) sloping sites down to street level must minimise blank retaining walls (use combination of materials, and landscaping) vi) cut and fill for POS is terraced where site has significant slope: vii) adopt a split-level design viii) Minimise height and extent of any exposed under-croft areas.	No significant excavation	Yes
5	Amenity		
5.1	Solar access and overshadowing		
	Solar access to proposed		

DCP Clause	Controls	Proposal	Compliance
	development:		
	i) Portion of north-facing living room windows must receive a minimum of 3 hrs direct sunlight between 8am and 4pm on 21 June ii) POS (passive recreational activities) receive a minimum of 3 hrs of direct sunlight between 8am and 4pm on 21 June.		Yes
	Solar access to neighbouring development:		
	i) Portion of the north-facing living room windows must receive a minimum of 3 hours of direct sunlight between 8am and 4pm on 21 June. iv) POS (passive recreational activities) receive a minimum of 3 hrs of direct sunlight between 8am and 4pm on 21 June. v) solar panels on neighbouring dwellings, which are situated not less than 6m above ground level (existing), must retain a minimum of 3 hours of direct sunlight between 8am and 4pm on 21 June. If no panels, direct sunlight must be retained to the northern, eastern and/or western roof planes (not <6m above ground) of neighbouring dwellings. vi) Variations may acceptable be subject to: <ul style="list-style-type: none"> • Degree of meeting the FSR, height, setbacks and site coverage controls. • Orientation of the subject and adjoining allotments and subdivision pattern of the urban block. • Topography of the subject and adjoining allotments. • Location and level of the windows in question. • Shadows cast by existing buildings on the neighbouring allotments. 	Satisfies the relevant objectives associated with retaining solar access to neighbouring sites. Note: neighbouring development to the south has structures located less than 6m. At least three hours of solar access is retained to the rear yards of neighbouring sites.	Yes
5.2	Energy Efficiency and Natural Ventilation		
	i) Provide day light to internalised areas within the dwelling (for example, hallway, stairwell, walk-in-wardrobe and the like) and any poorly lit habitable rooms via measures such as: <ul style="list-style-type: none"> • Skylights (ventilated) • Clerestory windows • Fanlights above doorways 	The dwelling has been designed to maximise natural light.	Yes

DCP Clause	Controls	Proposal	Compliance
	<ul style="list-style-type: none"> • Highlight windows in internal partition walls • living rooms contain windows and doors opening to outdoor areas <p><i>Note:</i> The sole reliance on skylight or clerestory window for natural lighting and ventilation is not acceptable</p>		
5.3	Visual Privacy		
	Windows		
	<p>i) minimise any direct viewing habitable of proposed and neighbours habitable room windows by one or more of the following measures:</p> <ul style="list-style-type: none"> - windows are offset or staggered - minimum 1600mm window sills - Install fixed and translucent glazing up 1600mm minimum effective sill. - Install fixed privacy screens to windows. - Creating a recessed courtyard (minimum 3m x 2m). <p>ii) orientate living and dining windows away from similar opposite (that is front or rear or side courtyard</p>	<p>Privacy impacts associated with the proposed window sizes or location are required to be addressed</p>	<p>See key issues section of report.</p>
5.4	Acoustic Privacy		
	<p>i) noise sources not located adjacent to adjoining dwellings bedroom windows Attached dual occupancies</p> <p>ii) Reduce noise transmission between dwellings by:</p> <ul style="list-style-type: none"> - Locate noise-generating areas and quiet areas adjacent to each other. - Locate less sensitive areas adjacent to the party wall to serve as noise buffer. 	<p>The proposed development is considered to be suitably configured that it will not result in any inappropriate noise impact on neighbouring properties. It is noted that the sitting room upstairs is adjacent to a bedroom and the reduced rear setback will minimise the non complying rear setback.</p>	<p>Yes</p>
5.5	Safety and Security		
	<p>i) dwellings main entry on front elevation (unless narrow site)</p> <p>ii) Street numbering at front near entry.</p> <p>iii) 1 habitable room window (glazed area min 2 square metres) overlooking the street or a public place.</p> <p>iv) Front fences, parking facilities and landscaping does not to obstruct casual surveillance (maintain safe access)</p>	<p>No change</p>	<p>N/A</p>

DCP Clause	Controls	Proposal	Compliance
5.6	View Sharing		
	i) Reasonably maintain existing view corridors or vistas from the neighbouring dwellings, streets and public open space areas. ii) retaining existing views from the living areas are a priority over low use rooms iii) retaining views for the public domain takes priority over views for the private properties iv) fence design and plant selection must minimise obstruction of views v) Adopt a balanced approach to privacy protection and view sharing vi) Demonstrate any steps or measures adopted to mitigate potential view loss impacts in the DA. (certified height poles used)	No significant impact on any high quality views. See further comments throughout report pertaining to the reasonableness of the proposal	Yes

3. 79C Matters for consideration

Section 79C 'Matters for Consideration'	Comments
Environmental Planning Instruments	
Section 79C(1)(a)(i) – Provisions of any environmental planning instrument	<p>Randwick Local Environmental Plan 2012</p> <p>The site is zoned Low Density Residential R2 under Randwick Local Environmental Plan 2012 and the proposal is permissible with Council's consent.</p> <p>The proposal is consistent with the aims of RLEP 2012 and the specific objectives of the zone in that the proposed activity and built form will enhance and compliment the aesthetic character, environmental qualities and social amenity of the locality.</p>
Section 79C(1)(a)(ii) – Provisions of any draft environmental planning instrument	N/A
Section 79C(1)(a)(iii) – Provisions of any development control plan	The proposal generally satisfies the preferred solutions in the RDCP 2013, except where discussed in the key issues section of this report.
Section 79C(1)(a)(iiia) – Provisions of any Planning Agreement or draft Planning Agreement	N/A
Section 79C(1)(a)(iv) – Provisions of the regulations	The relevant clauses of the Regulations have been satisfied.
Section 79C(1)(b) – The likely impacts of the development, including environmental impacts on the natural and built environment and social	<p>The environmental impacts of the proposed development on the natural and built environment, which are otherwise not addressed in this report, are discussed in the paragraphs below.</p> <p>The proposed development is consistent with the dominant</p>

Section 79C 'Matters for Consideration'	Comments
Environmental Planning Instruments	
and economic impacts in the locality	residential character in the locality. The proposal would not considered result in detrimental social or economic impacts on the locality.
Section 79C(1)(c) – The suitability of the site for the development	The site is located in close proximity to local services and public transport. The site has sufficient area to accommodate the proposed land use and associated structures. Therefore, the site is considered suitable for the proposed development.
Section 79C(1)(d) – Any submissions made in accordance with the EP&A Act or EP&A Regulation	The issues raised in the submissions have been addressed in this report.
Section 79C(1)(e) – The public interest	The proposal promotes the objectives of the zone and will not result in any significant adverse environmental, social or economic impacts on the locality. Accordingly, the proposal is considered to be in the public interest.

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Randwick Local Environmental Plan 2012 (LEP)

Randwick Local Environmental Plan 2012 is a matter for consideration in the assessment of the subject development application under Section 79C of the Environmental Planning and Assessment Act 1979 (as amended).

The following table considers the proposed development having regard to the zoning provisions and development standards contained in LEP that are of relevance to the subject development application:

Description	Council Standard	Proposed	Compliance (Yes/No/NA)
Zoning: (Please insert)	R2	Alterations and additions	Permissible
Is development permitted under zoning?			
Floor Space Ratio (Maximum)	Merit assessment as site measures less than 300sqm	0.57:1	Yes
Height of Building (Maximum)	9.5m	6.8m	Yes
Lot Size (Minimum)	300sqm	No change	n/a
Heritage: <ul style="list-style-type: none"> • Heritage Item • Heritage Conservation Area • In vicinity of item or area 	None	No change	n/a

4. Referral Comments

Landscape Officer Comments:

An application has been received for alterations and additions at the above site.

This report is based on the following plans and documentation:

- Architectural Plans by Chris Elliot Architects, dwg DA-01-A, issue A, dated 23-10-13;
- Statement of Environmental Effects by Chris Elliot Architects stamped 25 October 2013.

Landscape Comments

The inspection of 12 February 2014 revealed a 4m x 4m *Eucalyptus nicholii* (Willow Leafed Peppermint) on the public verge, to the south of the existing crossing, near the southern site boundary, which is in good health and condition and is also covered clause 5.9 of Council's LEP 2013 & clause B5 of Council's DCP 2013 – Preservation of trees or vegetation.

Despite there being no external works, with internal access able to be easily gained over the existing crossing, minor conditions have still been included to ensure it is protected during construction, with the two Cypress Pines further to its south, in front of no.5, not to be affected.

In the front setback, in the southwest corner, there is a 6-8m tall Cocos Palm (P7) which is exempt from Council's LEP & DCP due to its low landscape value, so can be removed, even if not affected by the works.

To its north, along the northern site boundary, there are two, 4-5m tall *Olea europaea subsp. Africana* (Wild Olives, Trees 2-3), which are recognized as environmental weeds, and then to their east, a 3-4m tall Citrus (Tree 1), which while as a group they may assist with screening and privacy between this site and the adjoining property to the north, they are exempt from Council's LEP & DCP due to their small size and being weeds, and as they are sited well away from all works, will not be affected, with conditions not required.

About halfway along the length of the northern edge of the existing house, there is a group of two *Archontophoenix cunninghamiana* (Bangalow Palms) and one Cocos Palm (P4-P6), all of around 6-7m in height, which despite being established site features that are shown for retention, they are exempt from Council's LEP & DCP due to their close proximity to the existing/proposed works, with conditions allowing their removal if necessary.

There is another group further to the east, around the northeast corner of the dwelling, comprising three, multi-trunk *Archontophoenix cunninghamiana* (Bangalow Palms, P1-3), of 4-6m in height, which again, despite being shown for retention on the plans, which may assist with softening the visual impact of the first floor on neighbours to the east upon completion, their trunks and crowns will finish virtually hard up against the northeast corner of the proposed first floor.

Section B5, Part 2, clause iii of Council's DCP 2013 states that consent is not required to remove trees/palms growing within 2 metres of a dwelling due to the inherent maintenance and safety issues associated with them growing so close to buildings, and as these palms are not significant in anyway, a re-design to place them outside this 2m zone is not warranted given the impact this would have on the viability of the project, and on this basis, consent has been given for their removal, should the applicant wish.

5. DEVELOPMENT CONSENT CONDITIONS

GENERAL CONDITIONS

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

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

Approved Plans & Supporting Documentation

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

<i>Plan</i>	<i>Drawn by</i>	<i>Dated</i>	<i>Received by Council</i>
DA-01-C Rev C	Chris Elliot Architects	24-01-14	29 January 2013

<i>BASIX Certificate No.</i>	<i>Dated</i>	<i>Received by Council</i>
A168475_03	5 February 2014	5 February 2014

Amendment of Plans & Documentation

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

- a. External privacy screens attached to the north facing sitting room windows (N5 & N6), north-easterly facing sitting room window (E9) and east facing bedroom window (E8) at first floor level shall have a height of 1600mm above the internal floor level. The external screens shall be fixed at an angle to avoid overlooking into the rear yard and habitable living areas of No. 95 and 97 Mons Avenue and No. 5 Kyogle Street. Details of compliance are to be submitted to and approved by Councils Manager Development Assessment prior to the issue of Construction certificate.

Note: The privacy screens must be installed prior to the issue of any occupation certificate.

- b. The Architectural plans referred in Condition No. 1 shall be amended with the correct dimensions that correspond with the first floor addition not extending beyond the existing rear ground level gutter of the subject dwelling and the north eastern splay not extending beyond the existing north eastern corner of the subject dwelling at ground level.

Details to be submitted to Council’s Manager Development Assessment for approval prior to issuing of a construction certificate.

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.

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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. Colourbond) 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 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 12 July 2012, based on the development cost of \$250,000 the following applicable monetary levy must be paid to Council: \$2,500.00.

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.

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

Long Service Levy Payments

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

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

Sydney Water

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

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

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

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

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

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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.

Structural Adequacy

9. Certificate of Adequacy supplied by a *professional engineer* shall be submitted to the certifying authority (*and the Council, if the Council is not the certifying authority*), certifying the structural adequacy of the existing structure to support the additional storey/upper floor addition.

BASIX Requirements

10. 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.

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.

In relation to residential building work, the principal contractor must be the holder of a contractor licence, in accordance with the provisions of the Home Building Act 1989.

Home Building Act 1989

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, which may be affected by the subject works. A copy of the dilapidation report is to be given to the owners of the premises encompassed in the report/s before commencing any works.

Construction Noise & Vibration Management Plan

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.

A *Construction Noise Management Plan*, prepared in accordance with the NSW EPA Construction Noise Guideline by a suitably qualified person, is to be implemented throughout the works. A copy of the strategy must be provided to the Principal Certifying Authority and Council prior to the commencement of works on site.

Construction Site Management Plan

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.

Demolition Work Plan

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

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

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

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

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

Notes

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

Public Utilities

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

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

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

Removal of Asbestos Materials

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.

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- 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 are to be included in the *Construction Site Management Plan*.

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) 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*.

Building Encroachments

28. 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

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

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

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Protection of Street Tree

30. The applicant must ensure retention of the *Eucalyptus nicholii* (Willow Leafed Peppermint) located on Council's Kyogle Street nature strip, near the southern site boundary, and must ensure that:
- Any new services, pipes, stormwater systems or similar that need to be installed over public property along this frontage, will be done so against the northern site boundary or hard up against either edge of the existing vehicle crossing; and
 - It is to be physically protected by installing evenly spaced star pickets at a setback of 1.5 metres, on all four sides (measured off the outside edge of its trunk at ground level), to which, safety tape/para-webbing/shade cloth or similar shall be permanently attached so as to completely enclose each tree for the duration of works.
 - This fencing shall be installed prior to the commencement of demolition and construction works and shall remain in place until all works are completed.
 - There shall be no storage of materials or machinery or site office/sheds, nor is cement to be mixed or chemicals spilt/disposed of and no stockpiling of soil or rubble within the zone described in point 'b' above.

Tree Management

31. Approval is granted for removal of the following:
- Any Cocos Palms within the site, being P7 in the southwest corner, or the one in the group P4-P6, halfway along the northern edge of the dwelling, even if not affected by the works as this species is exempt from the provisions of Council's LEP & DCP due to its low landscape and amenity value;
 - Despite being shown for retention on the plans, any of those palms in the group P1-P3, along the rear (eastern) boundary, should the applicant wish, as they will finish virtually hard up against the northeast corner of the cantilevered first floor, therefore making them exempt from Section B5, Part 2, clause iii of Council's DCP 2013 for the management of vegetation.

Replacement Planting/Landscaping

32. The approvals given above are subject to a high quality selection and arrangement of decorative species that are not reliant on high quantities of moisture and fertilizer for survival being provided throughout the site so as to assist with presentation of the development to the streetscape, as well as to minimize any impacts on adjoining private properties, and must be completed as part of the works.
33. Where existing trees/palms are removed, any replacement planting must achieve similar form, function and size at maturity so as to maintain reasonable levels of environmental amenity.

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

34. 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

35. 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

36. The applicant must meet the full cost for Council or a Council approved contractor to repair/replace any damaged sections of Council's footpath, kerb & gutter, nature strip etc which are due to building works being carried out at the above site. This includes the removal of cement slurry from Council's footpath and roadway.
37. All external civil work to be carried out on Council property (including the installation and repair of roads, footpaths, vehicular crossings, kerb and guttering and drainage works), must be carried out in accordance with Council's Policy for "Vehicular Access and Road and Drainage Works" and the following requirements:
- a) All work on Council land must be carried out by Council, unless specific written approval has been obtained from Council to use non-Council contractors.
 - b) Details of the proposed civil works to be carried out on Council land must be submitted to Council in a Pre-paid Works Application Form, prior to an occupation certificate being issued for the development, together with payment of the relevant fees.
 - c) If it is proposed to use non-Council contractors to carry out the civil works on Council land, the work must not commence until the written approval has been obtained from Council and the work must be carried out in accordance with the conditions of consent, Council's design details and payment of a Council design and supervision fee.
 - d) The civil works must be completed in accordance with Council's conditions of consent and approved design and construction documentation, prior to occupation of the development, or as otherwise approved by Council in writing.

Landscaping

38. The PCA must ensure that the landscaping is installed in accordance with the relevant conditions of consent, prior to the issue of any type of Occupation Certificate, with the owner to maintain it in a healthy and vigorous state until maturity.
39. That part of the nature-strip upon Council's footway which is damaged during the construction of the proposed works shall be excavated to a depth of 150mm, backfilled with topsoil equivalent with 'Organic Garden Mix' as supplied by Australian Native

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Landscapes, and re-turfed with Kikuyu turf or similar. Such works shall be completed at the applicant's expense.

OPERATIONAL CONDITIONS

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

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

Use of premises

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

External Lighting

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

Plant & Equipment

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

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

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 \$1,500) for each offence. Council may also issue notices and orders to demolish unauthorised or non-complying building work, or to comply with the requirements of Council's development consent.

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

- A3 Demolition, building or excavation work must not be commenced until;

- A *Construction Certificate* has been obtained from Council or an Accredited Certifier

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

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

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

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

For further information please contact Council on 9399 0944.

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

A7 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 Smoke alarms are required to be installed in all residential dwellings, in accordance with the relevant provisions of the *Environmental Planning & Assessment Act 1979* and the Building Code of Australia. Details should be included in the construction certificate application.

A9 Demolition work and removal of asbestos materials:

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

A10 Any external lighting to the premises should be designed and located so as to minimise light-spill beyond the property boundary or cause a public nuisance.

- A11 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.

- A12 Prior to commencing any works, the owner/builder should contact Dial Before You Dig on 1100 or www.dialbeforeyoudig.com.au and relevant Service Authorities, for information on potential underground pipes and cables within the vicinity of the development site.
- A13 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.
- A14 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.