



**Randwick City  
Council**  
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**PLANNING COMMITTEE MEETING**

**DEVELOPMENT APPLICATION  
COMPLIANCE REPORTS**

**TUESDAY, 10 JUNE 2014**



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# Development Application Compliance Report



<b>Folder /DA No:</b>	DA/61/2014
<b>PROPERTY:</b>	49 Earl Street, RANDWICK NSW 2031
<b>Proposal:</b>	Demolition of existing carport, ground floor alterations and first floor addition to existing dwelling, new rear gate and alterations to rear wall, landscaping and associated works (Heritage Conservation Area)
<b>Recommendation:</b>	Approval

D49/14

## Relevant Environment Planning Instruments:

### 1. SEPPs

#### State Environmental Planning Policy (Building Sustainability Index) 2004

BASIX is an assessment tool used to reduce the water and energy consumption of residential development. It is implemented under the Environmental Planning and Assessment Act 1979, and applies to all residential dwelling types and is part of the development application process in NSW. The proposed development has been assessed against the BASIX criteria and a certificate was provided with the application indicating the proposed development will satisfy the minimum water and energy targets. An updated BASIX Certificate (No. A181785\_02) was submitted with the amended plans received on 13 May 2014. The proposed development is therefore acceptable in regards to BASIX requirements.

#### State Environmental Planning Policy No. 55 – Remediation of Land

SEPP 55 requires the consent authority (Council) to consider whether the site is suitable for residential development in relation to contamination. The site has been used for residential purposes for many years. The applicant has advised that there is no evidence or record to suggest that the site is contaminated. The proposed development is therefore acceptable in regard to the requirements under SEPP 55.

### 2. Randwick LEP 2012

The subject site is zoned R2 under Randwick LEP 2012. The proposal development is classified as a dwelling house and is permissible in the zone. The R2 zoning objectives are as follows:

- *To provide for the housing needs of the community within a low density residential environment.*
- *To enable other land uses that provide 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 consistent with the relevant objectives, in that:

- the proposed first floor addition (as amended) is setback behind the existing ridgeline

- to minimize the impact on the original roof form when viewed from Earl Street;
- there will be no significant adverse impacts to adjoining properties in terms of overshadowing, visual privacy or visual bulk (refer to discussion in the Key Issues section of this report).

The following Clauses of RLEP 2012 apply to the proposal:

Description	Council Standard	Proposed	Compliance (Yes/No/NA)
Floor Space Ratio (Maximum)	Merit assessment	0.79:1	Refer to the discussion in the Key Issues section of the report
Height of Building (Maximum)	9.5 m	6.5 m	Yes
Lot Size (Minimum)	400 sqm	196.2 sqm	N/A - no change to existing situation

### 3. Randwick Comprehensive DCP 2013

#### 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
	<b>Classification</b>	Zoning = R2	Yes
<b>2</b>	<b>Site planning</b>		
<b>2.1</b>	<b>Minimum lot size and frontage</b>		
	Minimum lot size (RLEP): <ul style="list-style-type: none"> <li>R2 = 400sqm</li> <li>R3 = 325sqm</li> </ul>	196.2 sqm  There is no change to the existing situation.	No
	<b>Minimum frontage</b>		
	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	Min = 6.3 sqm Existing = 6.3 sqm  There is no change to the existing situation.	No
<b>2.3</b>	<b>Site coverage</b>		
	Up to 300 sqm = 60% 301 to 450 sqm = 55% 451 to 600 sqm = 50% 601 sqm or above = 45%	Site = 196.2 sqm Existing = 117 sqm or 59% Proposed = 120.5 sqm or 61% The non-compliance is	No

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DCP Clause	Controls	Proposal	Compliance
		acceptable given the proposal will provide adequate unbuilt upon area resulting in more useable private open space and improved soft landscape for the occupants of the dwelling house. In any event the departure equates to 1% and is considered to be minor.	
<b>2.4</b>	<b>Landscaping and permeable surfaces</b>		
	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 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.	Site = 196.2 sqm Existing = Nil Proposed = 42 sqm or 21%  The proposed car space in the rear yard is included in the calculation of the deep soil permeable surface because it will contain grass cells which permit natural filtration of rainwater into the subsoil. Furthermore, a new permeable area will be provided in the front yard for feature planting.	Yes
<b>2.5</b>	<b>Private open space (POS)</b>		
	<b>Dwelling &amp; Semi-Detached POS</b>		
	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	Site = 196.2 sqm Existing = 2m x 6m Proposed = 2.6m x 6m  The rear yard includes a single car space which reduces the amount of useable private open space resulting in a non-compliance with the minimum area requirement. However, the proposal will form an extension to the internal living area and provide	No

DCP Clause	Controls	Proposal	Compliance
		better amenity and sufficient space for passive recreation. It is also noted that the amount of private open space is generally consistent with dwellings in the street.	
<b>3</b>	<b>Building envelope</b>		
<b>3.1</b>	<b>Floor space ratio LEP 2012 = merit assessment</b>	Site area = 196.2 sqm Existing FSR = 0.46:1 Proposed FSR = 0.79:1	A merit assessment applies. Refer to the Key Issues section of the report.
<b>3.2</b>	<b>Building height</b>		
	<b>Maximum overall height LEP 2012 = 9.5m</b>	Existing = 6.9m Proposed = 6m	Yes
	i) Maximum external wall height = 7m (Minimum floor to ceiling height = 2.7m) ii) Sloping sites = 8m iii) Merit assessment if exceeded	Existing = 3m Proposed = 6.5m	Yes
<b>3.3</b>	<b>Setbacks</b>		
<b>3.3.1</b>	<b>Front setbacks</b> i) Average setbacks of adjoining (if none then no less than 6m) Transition area then merit assessment. ii) Corner allotments: Secondary street frontage: - 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 existing dwelling house has a front setback consistent with the adjoining dwelling at No. 47 Earl Street. There is no change to the existing situation.	Yes
<b>3.3.2</b>	<b>Side setbacks:</b> Semi-Detached Dwellings: • Frontage less than 6m = merit • Frontage b/w 6m and 8m = 900mm for all levels Dwellings: • Frontage less than 9m = 900mm • Frontage b/w 9m and 12m = 900mm (Gnd & 1 <sup>st</sup> floor) 1500mm above • Frontage over 12m = 1200mm (Gnd & 1 <sup>st</sup> floor), 1500mm above.  Refer to 6.3 and 7.4 for parking facilities and outbuildings	Frontage width = 6.29m Ground = Nil First Floor = 1.35m to the south and nil setback to the north.	No  Refer to the Key Issues section of the report.
<b>3.3.3</b>	<b>Rear setbacks</b> i) Minimum 25% of allotment depth or	Minimum = 25% allotment depth = 8m	No

DCP Clause	Controls	Proposal	Compliance
	<p>8m, whichever lesser. Note: control does not apply to corner allotments.</p> <p>ii) Provide greater than aforementioned or demonstrate not required, having regard to:</p> <ul style="list-style-type: none"> <li>- Existing predominant rear setback line - reasonable view sharing (public and private)</li> <li>- protect the privacy and solar access</li> </ul> <p>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.</p> <p>iv) For irregularly shaped lots = merit assessment on basis of: -</p> <ul style="list-style-type: none"> <li>- Compatibility</li> <li>- POS dimensions comply</li> <li>- minimise solar access, privacy and view sharing impacts</li> </ul> <p>Refer to 6.3 and 7.4 for parking facilities and outbuildings</p>	<p>Existing = 6.485m Ground Floor = 6.485m First Floor = 7.475m</p> <p>The non-compliance is acceptable given the ground level setback does not change compared to the existing situation and the first floor setback is generally consistent with other dwellings with frontage to Castle Street.</p>	
<b>4</b>	<b>Building design</b>		
<b>4.1</b>	<b>General</b>		
	<p>Respond specifically to the site characteristics and the surrounding natural and built context -</p> <ul style="list-style-type: none"> <li>• articulated to enhance streetscape</li> <li>• stepping building on sloping site,</li> <li>• no side elevation greater than 12m</li> <li>• encourage innovative design</li> </ul>	<p>The amended design sets the first floor behind the main ridge to reduce its visibility from Earl Street.</p>	<p>Yes</p>
<b>4.2</b>	<b>Additional Provisions for symmetrical semi-detached dwellings</b>		
	<p>i) Enhance the pair as coherent entity:</p> <ul style="list-style-type: none"> <li>• behind apex of roof; low profile or consistent with existing roof</li> <li>• new character that is first floor at front after analysis streetscape outcome</li> </ul> <p>ii) Constructed to common boundary of adjoining semi</p> <p>iii &amp; iv) avoid exposure of blank party walls to adjoining semi and public domain</p>	<p>The first floor addition will be 420mm below the existing tiled roof and its contemporary addition is designed to read as a secondary form. The flat roof is located behind the ridge of the existing tiled roof.</p>	<p>Yes</p>
<b>4.4</b>	<b>Roof Design and Features</b>		
	<p>i) Rooftop terraces on dwelling (not roof)</p> <p>ii) Roof terraces above garages (low</p>	<p>N/A</p>	



DCP Clause	Controls	Proposal	Compliance
	side) Dormers iii) Dormer windows don't dominate iv) Maximum 1500mm height, top is below roof ridge; 500mm setback from side of roof, face behind side elevation, above gutter of roof. v) Multiple dormers consistent vi) Suitable for existing <ul style="list-style-type: none"> <li>• Celestial windows and skylights</li> </ul> vii) Sympathetic to design of dwelling Mechanical equipment viii) Contained within roof form and not visible from street and surrounding properties.		
<b>4.5</b>	<b>Colours, Materials and Finishes</b>		
	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.)	The materials and finishes include hardwood timber cladding, timber framed windows and face brick.	Yes
<b>4.6</b>	<b>Earthworks</b>		
	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.	Excavation is limited to footings for the rear ground floor slab.	Yes
<b>5</b>	<b>Amenity</b>		
<b>5.1</b>	<b>Solar access and overshadowing</b>		
	<b>Solar access to proposed development:</b>		
	i) Portion of north-facing living room windows must receive a minimum of	Solar access for the proposed development	Yes

DCP Clause	Controls	Proposal	Compliance
	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.	will improve compared to the existing situation by providing an open plan living space at ground level adjoining the rear yard. The eastern orientation of the internal living areas will ensure a minimum of 3 hours direct sunlight in the morning period during the winter solstice.	
	<b>Solar access to neighbouring development:</b>		
	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"> <li>• Degree of meeting the FSR, height, setbacks and site coverage controls.</li> <li>• Orientation of the subject and adjoining allotments and subdivision pattern of the urban block.</li> <li>• Topography of the subject and adjoining allotments.</li> <li>• Location and level of the windows in question.</li> <li>• Shadows cast by existing buildings on the neighbouring allotments.</li> </ul>	The proposed first floor addition will result in some additional overshadowing of the adjoining properties to the south at Nos. 51 and 53 Earl Street.	No  Refer to the Key Issues section of the report.
<b>5.2</b>	<b>Energy Efficiency and Natural Ventilation</b>		
	i) Provide day light to internalised areas within the dwelling (for example, hallway, stairwell, walk-in-wardrobe and the like) and any poorly lit	Skylights will be installed above the internal stairwell to improve internal	Yes

DCP Clause	Controls	Proposal	Compliance
	habitable rooms via measures such as: <ul style="list-style-type: none"> <li>• Skylights (ventilated)</li> <li>• Clerestory windows</li> <li>• Fanlights above doorways</li> <li>• Highlight windows in internal partition walls</li> <li>• living rooms contain windows and doors opening to outdoor areas</li> </ul> <i>Note:</i> The sole reliance on skylight or clerestory window for natural lighting and ventilation is not acceptable	sunlight access.	
<b>5.3</b>	<b>Visual Privacy</b>		
	<b>Windows</b>		
	i) minimise any direct viewing habitable of proposed and neighbours habitable room windows by one or more of the following measures: <ul style="list-style-type: none"> <li>- windows are offset or staggered</li> <li>- minimum 1600mm window sills</li> <li>- Install fixed and translucent glazing up 1600mm minimum effective sill.</li> <li>- Install fixed privacy screens to windows.</li> <li>- Creating a recessed courtyard (minimum 3m x 2m).</li> </ul> ii) orientate living and dining windows away from similar opposite (that is front or rear or side courtyard)	The highlight windows at the southern elevation of the first floor (overlooking No. 51 Earl Street) have a minimum floor to bottom sill clearance of 2m to mitigate any overlooking.	Yes
	<b>Balcony</b>		
	i) Upper floor balconies to street or rear yard of the site. (wrap around balcony to have a narrow width at side) ii) Privacy screens iii) minimise overlooking of POS via privacy screens (fixed, minimum of 1600mm high and achieve minimum of 70% opaqueness (glass, timber or metal slats and louvers) iv) Supplementary privacy devices: Screen planting and planter boxes (Not sole privacy protection measure) v) vi) For sloping sites, step down and avoid large areas of ground floor decks or terraces.	A solid privacy screen is proposed on the northern and southern edge of the proposed first floor balcony to minimize direct overlooking of the adjoining properties.	Yes
<b>5.4</b>	<b>Acoustic Privacy</b>		
	i) noise sources not located adjacent to adjoining dwellings bedroom windows Attached dual occupancies ii) Reduce noise transmission between dwellings by: <ul style="list-style-type: none"> <li>- Locate noise-generating areas and quiet areas adjacent to each</li> </ul>	No noise sources are proposed adjacent to the adjoining dwellings.	Yes

DCP Clause	Controls	Proposal	Compliance
	other. - Locate less sensitive areas adjacent to the party wall to serve as noise buffer.		
<b>5.5</b>	<b>Safety and Security</b>		
	i) dwellings main entry on front elevation (unless narrow site) ii) Street numbering at front near entry. iii) 1 habitable room window (glazed area min 2 square metres) overlooking the street or a public place. iv) Front fences, parking facilities and landscaping does not to obstruct casual surveillance (maintain safe access)	The existing dwelling house addresses Earl Street. The first floor addition will improve casual surveillance of Castle Street.	Yes
<b>5.6</b>	<b>View Sharing</b>		
	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)	The proposed development will not result in any loss of significant views from neighbouring dwellings.	Yes
<b>6</b>	<b>Car Parking and Access</b>		
<b>6.1</b>	<b>Location of Parking Facilities:</b>		
	i) Maximum 1 vehicular access ii) Locate off rear lanes, or secondary street or iii) Locate behind front façade, within the dwelling or positioned to the side of the dwelling. <i>Note: See 6.2 parking facilities forward of the front façade alignment may be considered.</i> iv) Single width garage/carport if frontage <12m; Double width if: - Frontage >12m, - Consistent with pattern in the street; - Landscaping provided in the front yard. v) Minimise excavation for basement	A single car space will be provided in the rear yard.	Yes

DCP Clause	Controls	Proposal	Compliance
	garages and scale of the front elevation vi) Avoid long driveways (impermeable surfaces)		
<b>6.7</b>	<b>Hardstand Car Space Configuration</b>		
	i) Prefer permeable materials in between concrete wheel strips. ii) 2.4m x 5.4m minimum dimensions	The car space will be constructed of porous grass cells and have a minimum dimension of 2.4m x 5.5m.	Yes

<b>7</b>	<b>Fencing and Ancillary Development</b>		
<b>7.1</b>	<b>General - Fencing</b>		
	i) Use durable materials ii) sandstone not rendered or painted iii) don't use steel post and chain wire, barbed wire or dangerous materials iv) Avoid expansive surfaces of blank rendered masonry to street	The new fence adjoin the rear yard will be constructed of masonry.	Yes
<b>7.2</b>	<b>Front Fencing</b>		
	i) 1200mm max. (Solid portion not exceeding 600mm), except for piers. - 1800mm max. provided upper two-thirds partially open (30% min), except for piers. ii) light weight materials used for open design and evenly distributed iii) 1800mm max solid front fence permitted in the following scenarios: - Site faces arterial road - Secondary street frontage (corner allotments) and fence is behind the alignment of the primary street façade (tapered down to fence height at front alignment). - avoid continuous blank walls (using a combination of materials, finishes and details, and/or incorporate landscaping (such as cascading plants)) iv) 150mm allowance (above 1800mm) for stepped sites v) Natural stone, face bricks and timber are preferred. Cast or wrought iron pickets may be used if compatible vi) Avoid roofed entry portal, unless complementary to established fencing pattern in heritage streetscapes. vii) Gates must not open over public land. viii) The fence must align with the front property boundary or the predominant fence setback line along the street.	There will be no change to the original palisade fence at the front of the property.	Yes

	ix) Splay fence adjacent to the driveway to improve driver and pedestrian sightlines.		
<b>7.3</b>	<b>Side and rear fencing</b>		
	<ul style="list-style-type: none"> <li>i) 1800mm maximum height (from existing ground level). Sloping sites step fence down (max. 2.2m).</li> <li>ii) Fence may exceed max. if level difference between sites</li> <li>iii) Tapper down to front fence height once past the front façade alignment.</li> <li>iv) Both sides treated and finished.</li> </ul>	<p>The existing northern side fence at the front of the dwelling house will be retained. The existing northern side masonry boundary wall adjoining the rear yard will be extended to a maximum height of 2m.</p> <p>The southern boundary has a 1.8m timber fence. The section of fence adjoining the rear yard will be replaced with a masonry wall with a maximum height of 2m and a 3.5m wall where the new addition extends to the boundary.</p>	<p>No</p> <p>Refer to the Key Issues section of the report.</p>

**4. 79C Matters for consideration**

<b>Section 79C 'Matters for Consideration'</b>	<b>Comments</b>
<b>Environmental Planning Instruments</b>	
Section 79C(1)(a)(i) – Provisions of any environmental planning instrument	<b>Randwick Local Environmental Plan 2012.</b> The site is R2 Residential. The provisions of Randwick LEP 2012 have been considered in the assessment of the application, as relevant, and are generally satisfied by the proposed development.
Section 79C(1)(a)(ii) – Provisions of any draft environmental planning instrument	
Section 79C(1)(a)(iii) – Provisions of any development control plan	<b>Randwick Comprehensive Development Control Plan 2013</b> The proposal generally satisfies the relevant controls in the Randwick DCP 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	The environmental impacts of the proposed development on

Section 79C 'Matters for Consideration'	Comments
<b>Environmental Planning Instruments</b>	
likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality	the built environment are addressed in the Key Issues section of the report.  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.
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**

No concerns were raised by Council’s Development Engineer and standard conditions have been recommended on the development consent.

**Heritage Planner**

Council’s heritage planner raised concerns with the originally lodged design in relation to the first floor addition and its impact on the original roof form and the streetscape. The heritage concerns raised are addressed in the Key Issues section of the report. The revised comments provided by Council’s heritage planner in response to the amended proposal are as follows:

*The Site*

*The site has a primary frontage to Earl Street and a secondary frontage to Castle Street. The site is within the North Randwick heritage conservation area and is occupied by a semi-detached cottage, part of a pair comprising nos.47 and 49 Earl Street. The pair is part of a group of semi-detached cottages comprising nos.39 – 49 Earl Street. The group retain much of their original Federation detailing including front fencing, terracotta tiled roofing, face brick walls and timber windows. Unsympathetic façade changes to no.45 including replacement of original front windows and removal of verandah detailing have been reversed. The original unglazed terracotta roof tiles to no.49 have been replaced with dark brown glazed tiles, detracting from the integrity of the pair and the group. Nos.39, 43 and 45 have been subject to upper level additions, approved in 2012, 2008 and 2007. While these additions are set to the rear of the primary Earl Street frontage, they are prominent in the secondary Castle Street frontage. To the south of the site at nos.55 – 61 Earl Street is a group of detached and semi-detached weatherboard cottages listed as heritage items under Randwick LEP 2012.*

*Proposal*

*The application proposes alterations and additions including an upper level addition. At ground*

floor level, it is proposed to provide a new bathroom and laundry behind the existing bedrooms and an open planned kitchen, dining and living area to the rear. A hardstand car space is proposed adjacent to the southern boundary, accessed from Castle Street. At first floor level it is proposed to provide two bedrooms, two bathrooms and a rear deck.

#### Background

Concerns were raised that the siting and bulk of the proposed upper level addition was inconsistent with the controls contained in Randwick DCP 2013 and was not compatible with the siting and bulk of recently approved upper level additions in the heritage conservation area. A meeting was held to discuss these issues and amended drawings have now been received. As compared to the original drawings, the current drawings have increased the front and side setbacks of the upper level addition and also increased the ground level side setback for a length of 3m.

#### Submission

The original application was accompanied by a Statement of Heritage Impact, apparently prepared by the building designer. The SHI did not address the controls provided in the Heritage section of Randwick DCP 2013. The SHI argued that the character of the building will remain largely intact with the second storey extension well concealed behind the roof line and existing chimney. The amended plans have been accompanied by a revised Statement of Environmental Effects which addresses streetscape and visual impacts only.

#### Controls

The Heritage section of Randwick Development Control Plan 2013 provides Objectives and Controls applying to development in a heritage conservation area, including Design and character; Scale and form; Detailing; and Materials, finishes and colour schemes. In relation to Scale and Form, the DCP includes Controls, that in streetscapes where development is of a consistent single storey height, upper floor additions are appropriate only if not readily visible from the street. The DCP includes a further Control that additions must not visually dominate, compete with or conceal the original form and massing of the existing buildings, and must not contain any major or prominent design elements which compete with existing architectural features or detailing. A Control requires that upper floor additions to the rear of any single storey dwelling house should preferably use pavilion-type forms, with a lower scale linking structure between the original building and any double storey addition. If a pavilion-type form is not suitable or desirable, an upper floor addition may be acceptable, set well to the rear of the building to minimise impact on the main roof and to minimise streetscape visibility. A further Control requires that were rear additions are proposed to semi-detached dwellings, the additions must not compromise the symmetry and integrity of the front elevation or dominate the other house in the pair.

#### Comments

##### Rear car space

The Castle Street frontage of the site already has a kerb crossing, but no driveway crossing. It is noted that there are many kerb crossings on the western side of Castle Street. Only two concrete driveway crossings have been constructed however, at the northern end of Castle Street. These full width driveways detract from the continuity, and aesthetic and visual character of the grass verge. In only a few instances have palm trees been removed to facilitate vehicular access. The proposed vehicular access will not require the removal of any existing palm trees, and apparently does not propose a concrete driveway crossing.

##### Upper level addition

The original form of the pair and the other semi-detached cottages in the group consists of a front section under the main pitched roof and a rear wing under lower pitched roofs sloping towards the sides and rear. The upper level additions to nos.43 and 45, which have contemporary flat roofed forms, have been set back behind the main pitched roof, replacing the lower pitched corrugated iron roofs of the rear wing. The upper level additions to no.39, which has a traditional pitched roofed form, has a reduced front setback, but a side setback from the edge of the original roof of around 900mm. This upper level addition is therefore reasonably integrated into the existing roof. While the flat roofed addition to no.45 Earl Street



is the same height as the ridge height of the dwelling, the overall heights of nos.39 and 43 Earl Street are around 1 – 1.5m higher than the ridge heights of these dwellings.

Amended plans have increased the front setback of the upper level addition by 725mm and increased the side setback by around 350mm. The increased front and side setbacks will assist in reducing the prominence of the upper level addition in the streetscape of Earl Street and reduce its impact on the symmetry and integrity of the front elevation of the semi-detached pair. The height of the proposed first floor is generally 420mm lower than the ridge height of the existing roof, assisting in minimising its bulk. The proposed vertical hardwood wall cladding for the upper level will relate the addition to the existing roof finish, while the band of highlight windows to the front and side elevations will simplify the form of the addition.

#### Recommendation

The following conditions should be included in any consent:

The colours, materials and finishes of the external surfaces to the building are to be compatible with the existing building and surrounding buildings in the heritage conservation area and consistent with the architectural style of the building. Details of the proposed colours, materials and textures (ie- a schedule and brochure/s or sample board) are to be submitted to and approved by Council's Director City Planning, in accordance with Section 80A (2) of the Environmental Planning and Assessment Act 1979 prior to a construction certificate being issued for the development.

Details of the proposed paint scheme are to be submitted to and approved by Council's Director City Planning, in accordance with Section 80A (2) of the Environmental Planning and Assessment Act 1979 prior to a construction certificate being issued for the development. Unpainted surfaces, eg- brickwork/stonework are to remain unpainted, and no applied finishes are to be used.

#### Advisory condition

Consideration should be given to the future replacement of the existing brown glazed terracotta tiles with unglazed terracotta tiles to match the roof of no.47 Earl Street, in order to improve the integrity of the semi-detached pair.

## 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

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

<b>Plan</b>	<b>Drawn by</b>	<b>Dated</b>	<b>Received by Council</b>
A102	Nextspace	Rev C 30 April 2014	13 May 2014
A103	Nextspace	Rev F 13 May 2014	13 May 2014
A104	Nextspace	Rev C 13 May 2014	13 May 2014
A201	Nextspace	Rev D 13 May	13 May 2014

		2014	
A202	Nextspace	Rev C 30 April 2014	13 May 2014

<b><i>BASIX Certificate No.</i></b>	<b><i>Dated</i></b>	<b><i>Received by Council</i></b>
A181785_02	13 May 2014	13 May 2014

#### **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.
3. **External Colours, Materials & Finishes**
  - a) The colours, materials and finishes of the external surfaces to the building are to be compatible with the existing building and surrounding buildings in the heritage conservation area and consistent with the architectural style of the building. Details of the proposed colours, materials and textures (ie- a schedule and brochure/s or sample board) are to be submitted to and approved by Council's Director City Planning, in accordance with Section 80A (2) of the Environmental Planning and Assessment Act 1979 prior to a construction certificate being issued for the development.
  - b) Details of the proposed paint scheme are to be submitted to and approved by Council's Director City Planning, in accordance with Section 80A (2) of the Environmental Planning and Assessment Act 1979 prior to a construction certificate being issued for the development. Unpainted surfaces, eg- brickwork/stonework are to remain unpainted, and no applied finishes are to be used.

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

4. In accordance with Council's Section 94A Development Contributions Plan effective from 12 July 2012, based on the development cost of \$387,900, the following applicable monetary levy must be paid to Council: \$3,879.00.

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](http://www.randwick.nsw.gov.au).

#### **Long Service Levy Payments**

5. The required Long Service Levy payment, under the *Building and Construction Industry Long Service Payments Act 1986*, must be forwarded to the Long Service Levy

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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**

6. 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.

### **Sydney Water**

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

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

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

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

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

### **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.

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### **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 first 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.

### **Building Encroachment**

11. There must be no encroachment of the structure/s onto any adjoining premises or onto Council's road reserve, footway or public place, unless permission has been obtained from the owner/s of the adjoining land accordingly.

### **Stormwater Drainage**

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

**Building & Design**

13. The external walls of the first floor addition must be located not less than 1350mm from the site boundary adjoining No. 51 Earl Street.
14. Eaves, gutters, hoods and similar structures or attachments are required to be setback from the side boundaries of the allotment a minimum distance of 450mm.
15. The southern boundary wall adjoining No. 51 Earl Street is to be maintained by the landowners at No. 49 Earl Street.

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

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

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

**Certification, PCA & other Requirements**

16. Prior to the commencement of any building works, the following requirements must be complied with:
  - a) a *Construction Certificate* must be obtained from the Council or an accredited certifier, in accordance with the provisions of the *Environmental Planning & Assessment Act 1979*.  
  
A copy of the construction certificate, the approved development consent plans and consent conditions must be kept on the site at all times and be made available to the Council officers and all building contractors for assessment.
  - b) a *Principal Certifying Authority* (PCA) must be appointed to carry out the necessary building inspections and to issue an *occupation certificate*; and
  - c) a *principal contractor* must be appointed for the building work, or in relation to residential building work, an *owner-builder* permit may be obtained in accordance with the requirements of the *Home Building Act 1989*, and the PCA and Council are to be notified accordingly; and
  - d) the *principal contractor* must be advised of the required *critical stage inspections* and other inspections to be carried out, as specified by the *Principal Certifying Authority*; and
  - e) at least two days notice must be given to the Council, in writing, prior to commencing any works.

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

**Home Building Act 1989**

17. In accordance with section 80 A (11) of the *Environmental Planning & Assessment Act 1979* and clause 98 of the *Environmental Planning & Assessment Regulation 2000*, the requirements of the *Home Building Act 1989* must be complied with.

Details of the Licensed Building Contractor and a copy of the relevant Certificate of Home Warranty Insurance or a copy of the Owner-Builder Permit (as applicable) must be provided to the Principal Certifying Authority and Council.

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### Dilapidation Reports

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

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

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

### Construction Noise & Vibration Management Plan

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

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

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

### Construction Site Management Plan

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

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

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- construction traffic management details.

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

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

### **Demolition Work Plan**

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

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

- 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**

22. A *Public Utility Impact Assessment* must be carried out to identify 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.

Documentary evidence from the relevant public utility authorities confirming 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 works.

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

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**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**

- 23. 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**

- 24. 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**

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

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

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



### Demolition Work Requirements

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

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

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

### Removal of Asbestos Materials

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

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

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

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**Sediment & Erosion Control**

28. 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**

29. 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**

30. 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.
31. 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.

32. 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**

33. 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**

34. 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.

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**Occupation Certificate Requirements**

35. 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**

36. 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**

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 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.

**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**

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

**External Lighting**

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

#### **Plant & Equipment**

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

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**

41. 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**

42. The operation of plant and equipment associated with rainwater tanks are to be restricted to the following hours if the noise emitted can be heard within a habitable room in any other residential premises:

- before 8.00am or after 8.00pm on weekends or public holiday; or
- before 7.00am or after 8.00pm on weekdays.

#### **ADVISORY NOTES**

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

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

Failure to comply with these requirements is an offence, which renders the responsible person liable to a maximum penalty of \$1.1 million. Alternatively, Council may issue a penalty infringement notice (for up to \$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](http://www.dialbeforeyoudig.com.au) and relevant Service Authorities, for information on potential underground pipes and cables within the vicinity of the development site.

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

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

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

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

A10 Demolition work and removal of asbestos materials:

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

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- 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](http://www.health.nsw.gov.au/childsafety) or pick-up a brochure from Council's Customer Service Centre.

- A13 Consideration should be given to the future replacement of the existing brown glazed terracotta tiles with unglazed terracotta tiles to match the roof of no.47 Earl Street, in order to improve the integrity of the semi-detached pair.

Consultation should be undertaken with the neighbours at Nos. 51 and 47 Earl Street prior to the commencement of works in relation to timing of construction works and drainage and access arrangements during the construction period.

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# Development Application Compliance Report



<b>Folder /DA No:</b>	DA/573/2013
<b>PROPERTY:</b>	3 Cairo Street, SOUTH COOGEE NSW 2034
<b>Proposal:</b>	Demolition of existing structures, construction of part 2/part 3 storey dwelling with garage to front, swimming pool to the rear and associated works
<b>Recommendation:</b>	Refusal

## 1. Relevant Environmental Planning Instruments

### 1.1 Randwick Local Environmental Plan 2012 (LEP 2012)

The following table considers the proposed development having regard to the zoning provisions and development standards contained in RLEP 2012 that are of relevance to the subject development application:

Description	Council Standard	Proposed	Compliance (Yes/No/NA)
<b>Zoning:</b>	The site is zoned Low Density Residential R2.		Yes.
<b>Permissible under the proposed zoning?</b>	Yes.		
<b>Floor Space Ratio (Max)</b>	0.75:1	0.58:1	Yes.
<b>Height of Building (Max)</b>	9.5m	9.66m	No, see summary report for discussion.

#### 1.1.1 Zone R2 – Low Density Residential Zone.

The objectives of R2 Low Density Residential zone seek to:

- To provide for the housing needs of the community within a low density residential environment.
- To enable other land uses that provide 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.

In its current form the proposal is not considered to satisfy the key zoning objectives in terms of maintaining the desirable attributes of established residential areas and protecting the amenity of residents. The extent of proposed building height exceed the numerical standards

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and eventuate in a development beyond what is considered reasonable in the context of the foreshore scenic protection area and desired future character of the low density residential area.

The proposal is not considered to satisfy the objectives of the zone.

**2. Randwick Comprehensive DCP 2013**

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	Compliance	Comment
<b>2.3</b>	<b>Site coverage</b>		
	301 to 450 sqm = 55% (224sqm)	✓	49% (201.3sqm); Satisfactory.
<b>2.4</b>	<b>Landscaping and permeable surfaces</b>		
	i) 301 to 450 sqm = 25% i) Deep soil minimum width 900mm. ii) Maximise permeable surfaces to front iii) Retain existing or replace mature native trees iv) Minimum 1 canopy tree (8m mature). Smaller (4m mature) If site restrictions apply. v) Locating paved areas, underground services away from root zones.	✓	Landscaping and deep soil is provided across the site in a satisfactory manner. A landscape plan identifies suitable screen planting and greening of the site. Satisfactory.
<b>2.5</b>	<b>Private open space (POS)</b>		
	<b>Dwelling &amp; Semi-Detached POS</b>		
	301 to 450 sqm = 6m x 6m	✓	18m x 9m; Satisfactory.
<b>3</b>	<b>Building envelope</b>		
<b>3.2</b>	<b>Building height</b>		
	i) Maximum external wall height = 7m (Minimum floor to ceiling height = 2.7m) ii) Sloping sites = 8m iii) Merit assessment if exceeded		Approx. 9.4 metres in wall height is proposed. Floor to ceiling heights in excess of 2700mm provided to each level that contributes to unnecessary wall and building height. Building height is discussed further in the attached summary report.
<b>3.3</b>	<b>Setbacks</b>		

DCP Clause	Controls	Compliance	Comment
3.3.1	<b>Front setbacks</b> i) Average setbacks of adjoining (if none then no less than 6m) Transition area then merit assessment.	✓	Garage – built to front boundary; Ground and first floor – 3.885 metres. Front setbacks are consistent with adjoining built form precedents, where garages have been built to the front boundary, with bulk above being setback roughly 3.5 – four (4) metres.
3.3.2	<b>Side setbacks:</b>  Frontages of 9m to 12m <ul style="list-style-type: none"> <li>• 900mm (Ground &amp; 1<sup>st</sup> floor);</li> <li>• 1500mm (2<sup>nd</sup> floor).</li> </ul>		East and west elevation: 1500mm. The proposal adopts side setbacks that generally reflect the 1500mm of the existing building. Louvres unnecessarily protrude the setback on the east elevation, contributing to bulk. The louvres are discussed further in the attached summary report.
3.3.3	<b>Rear setbacks</b> i) Minimum 8m. ii) Provide greater than aforementioned or demonstrate not required, having regard to: <ul style="list-style-type: none"> <li>- Existing predominant rear setback line - reasonable view sharing (public and private)</li> <li>- protect the privacy and solar access.</li> </ul>		The application satisfies the numerical, eight (8) metre requirement for rear setback, however fails to provide greater setback to demonstrate regard to the existing predominant rear setback line for the purpose of protecting privacy and reasonable view sharing. This issue is discussed further in the attached summary report.
4	<b>Building design</b>		
4.1	<b>General</b>		
	Respond specifically to the site characteristics and the surrounding natural and built context - <ul style="list-style-type: none"> <li>• articulated to enhance streetscape</li> <li>• stepping building on sloping site,</li> <li>• no side elevation greater than 12m</li> <li>• encourage innovative design.</li> </ul>		The proposed building envelope, level changes and articulation provided to the development are considered insufficient in relation to surrounding natural and built form context. This issue is discussed further in the attached summary report.
4.5	<b>Colours, Materials and Finishes</b>		
	Discussed in the attached summary report.		
4.6	<b>Earthworks</b>		
	Discussed in the attached summary report.		
5	<b>Amenity</b>		
5.1	<b>Solar access and overshadowing</b>		
	<b>Solar access to neighbouring development:</b>		
	i) Portion of the north-facing living room windows must receive a minimum of 3 hours of direct	✓	The orientation of these sites is such that the

DCP Clause	Controls	Compliance	Comment
	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.  vi) Variations may acceptable be subject to: <ul style="list-style-type: none"> <li>• Degree of meeting the FSR, height, setbacks and site coverage controls.</li> <li>• Orientation of the subject and adjoining allotments and subdivision pattern of the urban block.</li> <li>• Topography of the subject and adjoining allotments.</li> <li>• Location and level of the windows in question.</li> <li>• Shadows cast by existing buildings on the neighbouring allotments.</li> </ul>		northern elevation fronts Cairo Street and will not overshadow adjoining properties where a consistent front setback is adopted, as is proposed. The adjoining dwellings at 1 and 5 Cairo Street will see shadow implication to their side elevations and rear open space in the morning and afternoon hours respectively. This impact is reasonable to expect for this orientation, topography and built form context. Both sites will retain three (3) hours solar access to primary north elevations. Satisfactory.
<b>5.2</b>	<b>Energy Efficiency and Natural Ventilation</b>		
	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"> <li>• Skylights (ventilated)</li> <li>• Clerestory windows</li> <li>• Fanlights above doorways</li> <li>• Highlight windows in internal partition walls</li> <li>• living rooms contain windows and doors opening to outdoor areas.</li> </ul>	✓	The design allows that a satisfactory level of light and ventilation will be achievable through the proposed dwelling. Satisfactory.
<b>5.3</b>	<b>Visual Privacy</b>		
	Discussed in the attached summary report.		
<b>5.4</b>	<b>Acoustic Privacy</b>		
	i) noise sources not located adjacent to adjoining dwellings bedroom windows.	Potential noise sources of plant and equipment could be feasibly regulated via standard conditions.	
<b>5.5</b>	<b>Safety and Security</b>		
	i) Main entry on front elevation (unless narrow site) ii) Street numbering at front near entry. iii) 1 habitable room window (glazed area min 2 square metres) overlooking the street or a public place. iv) Front fences, parking facilities and	✓	The pedestrian entry to the building is located within the recessed component of the garage, however is clearly identifiable from the street. A living room, bedroom and terrace area are also orientated toward the street

DCP Clause	Controls	Compliance	Comment
	landscaping does not to obstruct casual surveillance (maintain safe access)		allowing suitable casual surveillance.
<b>5.6</b>	<b>View Sharing</b>		
	Discussed in the attached summary report.		
<b>6</b>	<b>Car Parking and Access</b>		
<b>6.1</b>	<b>Location of Parking Facilities:</b>		
	i) Maximum 1 vehicular access ii) Locate off rear lanes, or secondary street or iii) Locate behind front façade, within the dwelling or positioned to the side of the dwelling. iv) Single width garage/carport if frontage <12m; Double width if: - Frontage >12m, - Consistent with pattern in the street; - Landscaping provided in the front yard. v) Minimise excavation for basement garages and scale of the front elevation.		The proposal provides for a double garage, located forward of the building line on the front boundary. The proposed double garage situation is consistent with existing garage pattern in Cairo Street.
<b>6.4</b>	<b>Driveway Configuration</b>		
	Maximum driveway width: - Double driveway – 5m  Must taper driveway width at street boundary and at property boundary	The proposed driveway is 5.4 metres in width. A condition is recommended to require the width be reduced to comply at five (5) metres. The distance from the front boundary to the street provides that tapering the crossing is not possible in this instance. Satisfactory.	
<b>6.5</b>	<b>Garage Configuration</b>		
	i) Recess behind front of dwelling ii) The maximum garage width (door and piers or columns): - Single garage – 3m - Double garage – 6m iii) 5.4m minimum length of a garage v) recess garage door 200mm to 300mm behind walls (articulation) vi) 600mm max. parapet wall or bulkhead vii) minimum clearance 2.2m AS2890.1	The garage is proposed forward of the front façade alignment, similar to most contemporary garages in the street. The proposed double width allows parking for two (2) vehicles. Double garages exist in similar circumstances at 7 and 9 Cairo Street. A glass balustrade is proposed above the garage to minimise bulk of a masonry parapet. The garage door has been recessed 960mm. Satisfactory.	
<b>7</b>	<b>Fencing and Ancillary Development</b>		
<b>7.1</b>	<b>General - Fencing</b>		
	i) Use durable materials iv) Avoid expansive surfaces of blank rendered masonry to street	✓	Satisfactory.
<b>7.2</b>	<b>Front Fencing</b>		

DCP Clause	Controls	Compliance	Comment
	<ul style="list-style-type: none"> <li>i) 1200mm max. (Solid portion not exceeding 600mm), except for piers. - 1800mm max. provided upper two-thirds partially open (30% min), except for piers.</li> <li>ii) light weight materials used for open design and evenly distributed</li> <li>iv) 150mm allowance (above 1800mm) for stepped sites</li> <li>v) Natural stone, face bricks and timber are preferred. Cast or wrought iron pickets may be used if compatible</li> <li>vii) Gates must not open over public land.</li> <li>viii) The fence must align with the front property boundary or the predominant fence setback line along the street.</li> </ul>	✓	<p>The proposed garage and low sitting front fencing occupies the majority of the streetscape elevation, providing for a satisfactory streetscape outcome that is generally consistent to the established to existing development in Cairo Street.</p>
<b>7.3</b>	<b>Side and rear fencing</b>		
	<ul style="list-style-type: none"> <li>i) 1800mm maximum height (from existing ground level). Sloping sites step fence down (max. 2.2m).</li> <li>ii) Fence may exceed max. if level difference between sites</li> <li>iii) Tapper down to front fence height once past the front façade alignment.</li> <li>iv) Both sides treated and finished.</li> </ul>	<p>Side boundary fencing of substantial height will be necessary as a result of the amount of fill along boundaries. This will eventuate in boundary fencing greater than 1800mm along the common boundary, which is considered unnecessary. Rear boundary fencing is not proposed to change.</p>	
<b>7.5</b>	<b>Swimming pools and Spas</b>		
	<ul style="list-style-type: none"> <li>i) Locate behind the front building line</li> <li>ii) Minimise damage to existing tree root systems on subject site and adjoining.</li> <li>iii) Located to minimise noise impacts on the adjoining dwellings.</li> <li>iv) Pool and coping related to site topography (max 1m over lower side of site).</li> <li>v) 900mm minimum coping from rear and side boundaries.</li> <li>vi) Incorporate screen planting (min. 3m mature height unless view corridors affected) between setbacks.</li> <li>vii) Position decking to minimise privacy impacts.</li> <li>viii) Pool pump and filter contained in acoustic enclosure and away from the neighbouring dwellings.</li> </ul>	✓	<p>The proposed lap pool is located within the rear open space of the site, with sufficient setbacks provided to each boundary. The proposal is accompanied by a Landscape Plan that incorporates a satisfactory planting regime.</p> <p>A pool plant room is shown to be located at the rear of the lower ground floor level and will suitably contain plant and equipment related to the pool, also allowing acoustic privacy.</p>

DCP Clause	Controls	Compliance	Comment
<b>7.6</b>	<b>Air conditioning equipment</b>		
	i) Minimise visibility from street. ii) Avoid locating on the street or laneway elevation of buildings. iii) Screen roof mounted A/C from view by parapet walls, or within the roof form. iv) Locate to minimise noise impacts on bedroom areas of adjoining dwellings.		In order to address potential for disturbance to occupants of adjoining properties, standard condition could be feasibly applied to restrict the output of any plant and equipment on the subject site.
<b>8</b>	<b>Area Specific Controls</b>		
<b>8.3</b>	<b>Foreshore Scenic Protection Area</b>		
	Discussed in the attached summary report.		

**3. 79C Matters for consideration**

Section 79C 'Matters for Consideration'	Comments
<b>Environmental Planning Instruments</b>	
Section 79C(1)(a)(i) – Provisions of any environmental planning instrument	The site is zoned Residential R2 under Randwick Local Environmental Plan 2012 and the proposal is permissible with Council's consent.  The relevant Environmental Planning Instruments are discussed within the body of this report and attached Summary report.
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	The relevant provisions of Council's Development Control Plans are discussed within the body of this report and the attached Summary report.
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	Appropriate standard conditions could be applied to address the relevant clauses of the Environmental Planning and Assessment Regulation 2000.
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	The environmental impacts of the proposed development, which are otherwise not addressed within the body of this report, are assessed in the attached Summary report.  The building proposed is considered to pose a number of avoidable environmental impacts to the character of the streetscape, the foreshore scenic protection area and adjoining dwellings.
Section 79C(1)(c) – The suitability of the site for the development	The environmental impacts of the proposed development on the natural and built environment are discussed within the body of this report.
Section 79C(1)(d) – Any	The issues raised in the submissions have been addressed in

Section 79C 'Matters for Consideration'	Comments
<b>Environmental Planning Instruments</b>	
submissions made in accordance with the EP&A Act or EP&A Regulation	the attached Summary Report.
Section 79C(1)(e) – The public interest	The proposed built form is not considered to result in an effective planning outcome in the context of the locality. Therefore, the proposal is not considered to be within public interest and is not supported.

**4. Referral Comments**

**4.1 Development Engineer**

**Drainage Comments**

Due to site conditions/topography Council's Development Engineers have not included conditions for the applicant to have the site drained to an infiltration area prior to discharging to Cairo St.

**Landscape Comments**

The inspection of 14 May 2014 revealed an absence of any significant vegetation that would pose a constraint to these works, so can be removed where necessary, with conditions in this report relating solely to ensuring that a high quality landscape scheme is provided, with a particular emphasis being on species selection, given the close proximity of the ocean only 180 metres to the east.

The submitted plan shows purely perimeter plants and shrubs, and while not endemic to this particular precinct, they are 100% native, and are tolerant of coastal conditions, with conditions requiring that this plan be implemented on-site as part of any approval.

The SEE details that this proposal will comply with Council's numerical controls for a development of this type in this zone, by providing 50.63% of the total site as landscaped area (minimum of 50% required), of which, 32.27% will remain as deep soil (25% required), with the recent amendments to the plans being more sympathetic to the streetscape and the Foreshore Scenic Protection Area.

**4.2 Heritage**

**Proposal**

The application proposes to demolish the existing dwelling and replace it with a new 2 ½ to 3 storey dwelling. The existing garage, set back from the front boundary by around 3m creates a front garden with around 15m<sup>2</sup> of soft landscaping. The proposed double garage with a minimal setback from the footpath will replace the front garden with a garage podium.

**Submission**

The application was accompanied by a Statement of Environmental Effects which has not recognised the heritage listing of the retaining walls.

**Controls**

Randwick Development Control Plan 2013 includes a section on Landscape Elements. The DCP includes Controls that significant retaining walls or rock faces must not be modified to accommodate vehicular access, and that these elements must not be modified by adjacent property owners, including rendering and painting or replacement of handrails.

**Comments**

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Council's historic aerial photographs indicate that most of the properties on the south side of Cairo Street incorporated single garages on their low sides. In recent times these have been widened to double garages through some modification of the stepped footpaths and associated retaining walls, and the grass verges. In providing wider and flatter driveways, the grass verges between have been narrowed and steepened, sometimes necessitating additional retaining walls on the low side of the grass verges. The replacement of front gardens by bulky garage podiums in various materials and finishes, detracts from the pedestrian amenity of Cairo Street.

In relation to the sandstone retaining walls running across Cairo Street, the site is located some distance from these individual walls, and the proposal will have no impact on them. The steps and associated retaining walls are constructed of concrete with a white painted timber railing. It appears however that in order to flatten the driveway, that an additional step will need to be introduced. Given the number of existing steps along the length of Cairo Street, there are no objections to the introduction of an additional step. A consent condition should be included to ensure minimal modification to the existing steps and associated elements. In relation to the grass verge, the proposal to widen the existing single driveway to a double driveway will reduce the extent of the wide grass verge between the roadway and the footpath. This change will somewhat alter the landscape character on the southern side of Cairo Street, but will not affect the heritage significance of identified landscape features. A consent condition should be included requiring further detail of any further retaining walls constructed in relation to the grass verge.

Subject to consent conditions in relation to modifications to existing steps, associated elements and the grass verge, it is considered that the impact on the integrity and aesthetic value of the landscape element will be minimal.

## 5. Conclusion

The proposed development poses a number of concerns with respect to the objectives and performance requirements of relevant Local and State planning controls.

The application is not accompanied by an objection under Clause 4.6 of the LEP to justify variation of the 9.5 metre height limit. The building proposed is considered to pose a number of avoidable impacts to the character of the streetscape, the foreshore scenic protection area and adjoining dwellings.

The applicant has been advised of these concerns within the assessment process and given reasonable opportunity to resolve the issues. It is considered that the extent of conditions that would be necessary to alleviate outstanding issues is beyond what could be contemplated by conditions of consent.

The application is recommended for refusal, based on the reasons identified in the schedule contained in the attached Summary Report.



# Development Application Compliance Report



<b>Folder /DA No:</b>	DA/72/2013/A
<b>PROPERTY:</b>	10 Victory Street, CLOVELLY NSW 2031
<b>Proposal:</b>	<p>Section 96 modification of approved development by increase in size of windows adjacent to front courtyard, relocation of front entry gate, increase width of garage door, alterations to front wall, extend upper terrace landscaping to boundary, new wire balustrade to lower terrace.</p> <p><u>Original consent:</u> Demolition of existing structures, construction of new 3 level dwelling with garage with trafficable terrace above, swimming pool and cabana to rear, wade pool to side of dwelling and associated works</p>
<b>Recommendation:</b>	Refusal

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## Relevant Environment Planning Instruments:

### 1. Randwick LEP 2012

#### Aims of the RLEP 2012

The Randwick Local Environmental Plan 2012 includes specific aims on promoting walkable and livable communities within the Randwick Local Government Area. The relevant aims of the plan include:

*(2) The particular aims of this plan are as follows:*

- (a) To foster a livable city that is accessible, safe and healthy with quality public spaces and attractive neighbourhoods and centres,*
- (d) To achieve a high standard of design in the private and public domain that enhances the quality of life of the community,*
- (e) To promote sustainable transport, public transport use, walking and cycling.*

The modifications to delete the public staircase are not in accordance with the above aims of the RLEP 2012 and will compromise the quality of public domain in providing suitable areas for pedestrian access. The public staircase provides connectivity to Clovelly Beach and the Coastal Walkway and should be retained as part of the development consent. Consequently, the removal of the public staircase along the northern portion of the stratum lot is not supported.

#### R2: Low Density Residential Zone

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

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

The subject section 96 modifications involves the deletion of the public staircase and is not in keeping with the above objectives. The public staircase is considered to be a key contributory element of the existing streetscape and forms part of a series of public staircases which adjoins nos. 4, 6, 8, 10 and 14 Victory Street. It is recommended that the staircases be retained to ensure the character of the immediate locality is maintained and positively contributes to the streetscape presentation. In addition to this, the deletion of the staircase would create an undesirable planning precedent in reducing public accessibility from the pedestrian footpath to Clovelly Beach and foreshore areas. A suitable condition of consent has been included to retain the public staircase along the northern side of the Stratum lot.

#### Clause 5.10: Heritage Conservation

The proposed section 96 modifications involve works to the Victory Street sandstone retaining walls which are listed as a heritage item no. L33 in accordance with Schedule 5: Environmental Heritage of the Randwick Local Environmental Plan 2012. The amendments to the sandstone retaining wall includes an increase to the height of the eastern facing vertical slotted windows adjacent to the garage area; relocation of the new pedestrian gate and increase to the garage width. Council's Heritage Planning Officer has no objections to the increase to the width of the garage door from 4 metres to 4.5 metres given the width of the garage structure will remain and suitable conditions of consent have been included as part of the original consent that the existing sandstone blocks be reused for the reconstruction of the wall.

However, the increase of the vertical slotted windows and relocation of the pedestrian gate are not supported. The vertical slotted windows does not conserve the environmental heritage of the sandstone retaining wall and will remain a prominent feature of the streetscape in particular when it is viewed from Victory Street and the public open space area opposite. Furthermore, the screening measures proposed as part of the Section 96 modification including the hedge behind the reconstructed wall and planting of trees in front of the windows will not achieve suitable solar access which is the intent of the Section 96 modification. In regards to the pedestrian gate, the deletion of the staircase is not supported and subsequently should not be positioned adjacent to Victory Street.

## **2. Section 96 Amendment**

Under the provisions of the Environmental Planning and Assessment Act, 1979, as amended, Council may only agree to a modification of an existing Development Consent if the following criteria has been complied with:

### **2.1 Substantially the Same Development:**

The proposal will not result in a change to the nature of the original application and the changes will result in a development that is substantially the same as that for which the consent was granted. The proposal involves amending condition nos. 2(b), 3, 4, 6 and 7 of the original consent and deleting the public staircase on the northern side of the Stratum Lot and an increase to the width of the garage door. The proposed section 96 modifications do not involve any substantial changes to the built form and envelope of the approved consent. However, as demonstrated within the Executive Summary Report the amendment to the conditions of consent and the deletion of the public staircase are necessary to ensure the design of the development will remain consistent with the appearance of the existing streetscape and adjacent developments along Victory Street and suitable public access is provided. The increase to the width of the garage door is considered to result in a development that is substantially the same development for which consent was granted.

### **2.2 Notification and consideration of submissions**

Refer to Executive Summary Report for submissions received.

## **3. 79C Matters for consideration**

Section 79C 'Matters for Consideration'	Comments
<b>Environmental Planning Instruments</b>	
Section 79C(1)(a)(i) – Provisions of any environmental planning instrument	Refer to Section 1: Randwick Local Environmental Plan 2012.
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	The section 96 modification has been assessed in accordance with the controls and objectives of the Randwick Development Control Plan 2012.
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 within the Executive Summary Report.
Section 79C(1)(e) – The public interest	The proposal is not considered to be within the public interest. The deletion of the public staircase will reduce accessibility from the pedestrian pathway along Victory Street to Clovelly Beach and foreshore areas. The proposal will result in an undesirable planning precedent and will likely impact future development and public accessibility given it forms part of a series of public staircases which adjoins nos. 4, 6, 8, 10 and 14 Victory Street. In addition to this, a number of submissions have been received from the immediately adjoining neighbours that oppose the removal of the public staircases. Consequently it is considered that the

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Section 79C 'Matters for Consideration'	Comments
<b>Environmental Planning Instruments</b>	
	proposal is not within the public interest and is not supported.

**4. Referral Comments**

**4.1 Heritage Planning Officer**

**The Site and Surroundings**

The site is elevated above Victory Street with a sandstone retaining wall on Council land separating the higher level footpath from the lower level road. The wide strip of land between the retaining wall and the front property boundary incorporates a single garage, as well as a public access stair. This retaining wall is one of 16 landscape elements listed as heritage items in Randwick Local Environmental Plan 2012. The Study notes the sheer scale of the wall, in addition to the use of local sandstone and high quality workmanship, has resulted in an aesthetically notable structure that represents the development of the suburb in the early years of the twentieth century. The Study notes that the aesthetic significance of the item has been compromised by the insertion of double garages into the wall and recommends that no new openings be made in significant individual retaining walls to accommodate vehicular access.

**Background**

A development application to use substratum as garages and subdivide substratum from nature strip to create four lots was approved in 2003 (DA/638/2003). The substratum was approved for 2, 4, 6 8 and 10 Victory Street.

The original application proposed to replace the existing duplex with a new two storey dwelling, to replace the existing garage with a new and enlarged garage and to replace and reorient the public stair between the road and footpath levels. Concerns were initially raised in relation to the impact of the proposal on the sandstone retaining wall, the proposed public stair and the treatment of the landscaped area above the garage. A meeting was held to discuss these issues and amended drawings were received which redesigned the public stair and the landscaped area above the garage.

At lower ground level, the existing single garage is to be replaced with a driveway providing access to a garage and ancillary spaces with a total area of around 250m<sup>2</sup>. At upper ground floor level, it is proposed to provide an upper and a lower terrace and to replace the existing two flight stair with a triple flight stair providing pedestrian access to Council's footpath. The existing 1.8m high heritage listed retaining wall is to be reconstructed. The front wall to the garage entry is to have a height of around 3.8m while the wall to the garage itself (set back around 4.0m) is to have a height of around 4.7m. The levels of the grassed verge are apparently to be raised by 1 - 2 metres.

**Proposal**

A Section 96 application has now been received seeking to amend the design and a number of consent conditions relating to the sandstone walls and landscape treatment, including:

- Design amendments to delete public stair.
- Design amendment to increase width of garage and garage door.
- Increasing the height of proposed slot windows to the underground garage, storage and workshop area.
- Relocation of pedestrian gate.
- Terrace height and landscape treatment.
- Reconstruction of the sandstone retaining wall.

**Submission**

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The current application is accompanied by a Heritage Assessment prepared by Integrated Design Associates. The Assessment refers the Heritage Analysis and Conservation Policies submitted in conjunction with the original application. In relation to the proposed changes to slot windows, the HA notes that the windows will have limited visibility due to the set back of the garage wall behind the boundary wall. In relation to the entry gate, the HIA suggests that the traditional pattern of pedestrian openings (providing access to public stairs) adjacent to the garages would be disrupted by relocating the pedestrian gate. The HA considers that the proposed terrace treatment is more compatible with the historic patterning of the remaining two intact frontages. In relation to the public stairs, the HIA suggests that the deletion of the public stairs "provides the opportunity to create a sufficiently balancing length of retaining wall in relation to the garage."

### **Comments**

The sandstone retaining wall to the edge of the elevated verge is around 8m long and 1.5m high with the grassed verge sloping down around 3m from the level of the footpath to the top of the retaining wall.

Council's historic aerial photographs indicate that each of the properties in the group comprising nos.4-12 Victory Street have had single garages within the elevated verge since at least the 1940s, with only nos.8 and 10 remaining. Nos.4, 6 and 12 have double garages across the entire property frontage (apparently approved in 2004, 2008 and 2001). These garages generally comprise sandstone facing to external walls (no.4 has a deep concrete spandrel above the garage door). The landscaped area above the garages generally comprises an open grassed area adjacent to and at a similar level to the footpath, with a non-accessible planted area at a lower level, above the garages.

### **Deletion of public stair and relocation of pedestrian gate**

Historically, a series of public stairs adjacent to each garage, provided access for residents from their garage to their front gate. The proposed straight stair along the northern boundary of the site is proposed to be deleted. A consent condition was included requiring relocation of the proposed pedestrian entry gate from the front of the retaining wall to the bottom of the public stair in order to provide a greater length of sandstone wall to the street (increase from 3.5m to 4.5m). The proposed deletion of the public stair will preclude relocation of the entry gate, but will increase the length of sandstone wall to 5.0m. Subject to endorsement from Council's City Services Department, there are no heritage objections to the deletion of the public stair and relocation of the pedestrian gate.

### **Design amendment to increase width of garage and garage door**

The width of the garage is to be increased from 6.2m to 6.5m. The width of the garage door is to be increased from 4.0m to 4.5m. The Heritage Assessment which has been submitted does not address these amendments, but refers to a Conservation Policy that garages should remain the smaller proportion of the frontage, ie- maximum 50% of the frontage. Given the site width of 12.36m, the proposed garage will occupy around 53% of the frontage. Provided the width of the garage is not increased, there are no heritage objections to increasing the width of the garage door. The design amendment to increase the width of the garage should be refused.

### **Slot windows**

Given that the workshop area is around 10m back from the 300mm wide slotted windows, it will rely largely on artificial lighting. Further screening, and reduced light penetration, is likely due to plantings in the planter box. It is unlikely that an additional 0.18 m<sup>2</sup> of window area will make an appreciable difference to the light levels. It is suggested that the original consent condition remain.

### **Terrace height and landscape treatment**

Historically, the upper level footpath area generally comprised a grassed area sloping down from the footpath to the garage roofs and retaining walls, or native coastal plantings to stabilise the ground and prevent access to garage roofs and retaining wall edges. As the original single garages have been replaced with higher and wider garages, they have provided

an open grassed area at a similar level to the footpath and contiguous with it (fenced with open stainless steel railings), together with low maintenance, ground cover type plantings to the garage roofs (unfenced).

Concerns were raised that the "lower terrace" above the garage would privatise the public area above the new garage, be inconsistent with the landscaped treatment of other recently approved developments, and necessitate the fencing of the area above the garage entry, adding to the overall height of the structure. It was recommended that the proposed lower terrace be replaced by non-accessible planted area, and that a continuous retaining wall be provided to the edge of the upper terrace at the same height as the turf.

Appropriate consent conditions were included and these should remain. As indicated in the perspective view on the front cover of the Statement of Environmental Effects, the proposed railing and hedge will add to the overall height of the structure making it inconsistent with the height of the immediately adjacent structure at no.12 Victory Street, and inconsistent with the landscape treatment of the approved garage structures at nos.4, 6 and 12 Victory Street. The proposed treatment of the lower terrace is not supported.

### **Reconstruction of the sandstone retaining wall**

Approved plans include the reconstruction of a 3.5m length of sandstone wall, reducing the impact of the proposal on the integrity of the remaining sections of retaining wall and the streetscape contribution of the heritage item. Amended plans increase the length of the reconstructed sandstone wall to 4.5m. The Heritage Assessment which has been submitted does not address these amendments, but refers to a Conservation Policy that preference should be given to the reuse of existing stone in repair or reconstruction works, or similarly sized and aged old replacement stone.

It is noted that the existing sandstone blocks and the retained material behind form an integrated structure. The application proposes a freestanding wall to the new entry and garbage bin courtyard. The drawings indicate a thickness for the wall which may be insufficient to accommodate the existing sandstone blocks (generally around 300mm thick). Further, the Section 96 amendment suggests that the reconstructed wall may be constructed of new sandstone blocks or sandstone facing. The Australia ICOMOS Burra Charter, 1999 (Burra Charter) defines reconstruction as "returning a place to a known earlier state" ... "by the introduction of new material into the fabric", where a place is incomplete through damage or alteration. There is insufficient information in the submission to indicate the final form of the wall and it is therefore recommended that detailed sections of the reconstructed sandstone wall be sought to clarify its construction and the extent of new and existing material which it will comprise.

### **Recommendation**

The following consent conditions can be deleted:

- ~~The proposed pedestrian entry gate is to be relocated from the front of the retaining wall to the bottom of the public stair in order to provide a greater length of sandstone wall to the street. Amended drawings are to be submitted to and approved by Council's Director City Planning, in accordance with Section 80A (2) of the Environmental Planning and Assessment Act 1979 prior to a construction certificate being issued for the development.~~
- ~~The planter box behind the pedestrian entry area should have the same height as the garage entry, in order to improve the consistency and continuity of landscape treatment. Amended drawings are to be submitted to and approved by Council's Director City Planning, in accordance with Section 80A (2) of the Environmental Planning and Assessment Act 1979 prior to a construction certificate being issued for the development.~~

The following consent conditions can be amended:

- Existing sandstone blocks are to be reused **wherever possible** for reconstruction of the sandstone retaining wall. The reconstructed sections of the existing sandstone retaining wall are to match the original wall as closely as possible in terms size, texture, bond pattern and alignment of blocks, mortar joint colour, and detail of capping.

The following additional consent condition is to be included:

- Amended drawings are to be submitted indicate the final form of the courtyard wall including detailed sections of the reconstructed sandstone wall to clarify its construction and the extent of new and existing material which it will comprise. Amended drawings are to be submitted to and approved by Council's Director City Planning, in accordance with Section 80A (2) of the Environmental Planning and Assessment Act 1979 prior to a construction certificate being issued for the development.

The following consent condition should remain:

- The vertical slotted windows on the eastern wall of the garage behind the planter box within the entry courtyard / bin store must have a height of not more than **1500mm**, as measured from the finished floor level of the courtyard.
- The proposed "lower terrace" is to be replaced by an unfenced, non-accessible area with mass shrubbery planting, in order to improve consistency with the landscaped area treatment of other recently completed developments in Victory Street.

The eastern retaining wall to the upper terrace (denoted as "front terrace" on the drawings) is to be extended to the south in accordance with the markings in red on the approved drawings, in order to enclose the "lower terrace". The topmost point of the extended retaining wall is to be no less than RL13.90. A maintenance staircase of not more than 1m in width may be constructed to provide maintenance access from the "front terrace" to the "lower terrace".

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

- Demolition of the existing sandstone retaining wall is to be carefully carried out to minimise any damage to original sandstone blocks and to facilitate their reuse.

Comments from Planning Officer: As advised above, the deletion of the public staircase and the relocation of the pedestrian gate are not supported given it does not comply with the objectives of the R2: Low Density Residential Zone, creates a poor planning precedent and is not within the public interest of Section 79C(e). Consequently, this component of the Section 96 application has not been supported.

#### 4.2 Development Engineering

A Section 96 application has been received which seeks to modify the approved development by increasing the size of windows adjacent to front courtyard, relocation of front entry gate, increase width of garage door, removal of public footpath access, alterations to front wall, extend upper terrace landscaping to boundary, new wire balustrade to lower terrace.

Original consent: Demolition of existing structures, construction of new 3 level dwelling with garage with trafficable terrace above, swimming pool and cabana to rear, wade pool to side of dwelling and associated works

This report is based on the following plans and documentation:

- Architectural Plans by Integrated Design Group stamped by Council 4th February 2014
- Statement of Environmental Effects by ABC Planning Services Pty Ltd;

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- Detail & Level Survey by Watson Buchan surveyors dated 26<sup>th</sup> October 2010;

### Public Access Comments

The assessing officer is advised that Council's property officer and Coordinator of Engineering services have raised concerns on the proposed removal of the stairs adjacent to the garage which are used to access the public footpath by members of the public from victory St.

In addressing this issue it should be noted;

- There is no legal right of way or access over the subject stratum lot in favour of Council guaranteeing pedestrian access through the subject lot.
- There are no conditions of consent for the stratum subdivision (DA/638/2003) prohibiting the removal of pedestrian access to Victory Street via the stairs.
- In Council's resolutions approving the sale of the stratum lots there is no mention of the access stairs. Only the high level pedestrian footway was required to be maintained.
- A search of Council's records could not locate information on any requirement to maintain pedestrian access to Victory St via the stairs.

It is likely that this issue was not considered as part of original assessment for the stratum subdivision since it was likely assumed the property owner would need the stairs to access their garage. As the subject proposal now relies on underground internal access from the new garage, the external stairs are no longer required by the property owner.

**Notwithstanding, it is Development Engineering's preference that the pedestrian access from Victory Street be maintained since neighbouring properties have similar stairs and an undesirable precedent of reducing public access could be established if similar developments to No.10 Victory are proposed. Legally however, this may prove difficult due to the points raised above.**

**It is recommended that the assessing officer obtain the opinion of Council's solicitors in this matter.**

### Garage Comments

Development Engineering raises no objection to the widening of the garage entrance to 4.5m however it is noted in the original assessment there were planning and heritage issues associated with a similar width and hence it was subsequently reduced to the current approved width of 4.0m.

### Stratum Comments

The assessing officer is advised that part of the subject property forms part of a stratum lot subdivision. The section of land between the back of the council footpath on the Victory St verge and approximately the back of the kerb line on the Victory St roadway forms part of a Stratum Lot defined vertically by levels on Australian Height Datum.

The upper level of this stratum lot is defined as RL 13.0 AHD in DP 1074941 with the exception of a small section which dips around what are presumably services at RL 11.7 (AHD).

The implication of this on the development and S96 modification is that all of the front terraces and landscaping above the garage will be located on council property. The applicant should therefore be made aware that they may have not exclusive access or ownership of the proposed terraces.

**Should the Section 96 application be approved the following conditions in DA/72/2013 shall be amended:**

No engineering conditions are required to be amended

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## Landscape Comments

While completely deleting the public stairway from the northern site boundary will increase the amount of planting and landscaped area that is able to be provided on the terrace area, this will remove a direct link between the Victory Street roadway and the public footpath that runs in front of these properties.

However, the Development Engineers comments indicate that there are no legal grounds for Council to require these stairs to remain in any form, and as such, the assessing officer advised that the following conditions will need to be amended, and will now read as follows, ***changes shown in bold and italic:***

### Landscaping

24. Prior to a Construction Certificate being issued, the PCA/Certifying Authority must ensure that the Landscape Concept Plan by Loci Group, dwg no DA – LA 01, dated 06.08.13, has been amended to include the following requirements, relating to the terrace area above the proposed garage:
- a) Only those native species that can withstand poor quality sandy soils, and frontline, salt-laden winds shall be used in the terrace area;
  - b) The Planting Plan & Plant Schedule for the terrace area must nominate the proposed species, botanic and common names, pot sizes at the time of planting, quantity/densities, location, dimensions at maturity and any other details required to describe the proposed works;
  - c) The gravel, trafficable area shown for the lower, most eastern terrace, in the southeast corner, must be deleted, with the perimeter garden here to be extended further to the north, to cover this area, and must match up roughly with the lowest 'organically shaped feature step/seat', and in-line with the other retaining wall to the east;
  - d) A uniform, mass planted layout is to be provided for the terrace area, using species which do not require regular maintenance to control their shape, size or habit;
  - e) While the use of minimal feature/accent plants may be provided within the 'lower terrace' area, ground-covers must be the dominant feature of this area so as to cascade over the front (eastern edge) of the proposed garage, consistent with other recently completed structures in the immediate area;
  - f) Any planting proposed at the base of the wall, just to the north of the garage entrance, must be contained wholly within the subject site and must not encroach onto the Victory Street roadway;
  - g) Details of any handrails, balustrades or similar that may be necessary are to be provided;
  - h) A revised landscape design which includes extending the garden beds and planting all the way to the northern site boundary to replace the pedestrian access stairs that are proposed for deletion, and must also include any other revisions associated with the amended paved courtyard/bin storage area, as well as the pedestrian gate which is now shown immediately adjacent to the garage entrance;***
  - i) Council's Landscape Development Officer (9399-0613) must provide written approval that the requirements described above have been met.

**Condition 65 will also need to be amended, and will now read as follows:**

### **Landscape Terrace Certification**

- 64. The applicant will be responsible for upgrading the terrace area above and adjacent the existing/proposed garage, between the public footpath and Victory Street, at their own cost, and must be carried out substantially in accordance with the revised Landscape Concept Plan by Loci Group, dwg no DA – LA 01, dated 06.08.13, and any other relevant conditions of consent included in the S96A.**

Comments from Planning Officer: The application was discussed with Council's Landscape Technician and amendments to landscape condition nos. 24 and 64 should remain unchanged if it is recommended that the public staircase be maintained as part of the consent.

#### 4.3 Property Officer

We have major concerns if the public access is changed. You must review the original conditions of consent granted sale of the land (currently housing the garage) as I am adamant that Council at the time would have conditioned that public access not be affected. I have requested files from archives and the original council resolution for you to review.

You should ensure that City Services are also informed of the original conditions of consent for sale.

Comments from Planning Officer: Noted. The conditions of consent for the use of sub stratum as garages and subdivision from the nature strip to create four lots and the contract of sale of the individual lots have been reviewed by both the planning officer and development engineering.

#### Recommendation

That Council, as the consent authority refuses development consent under Section 96 of the Environmental Planning and Assessment Act 1979, as amended, to modify Development Consent No. DA/72/2013/A to increase size of windows adjacent to front courtyard, relocation of front entry gate, increase width of garage door, alterations to front wall, extend upper terrace landscaping to boundary, new wire balustrade to lower terrace at No. 10 Victory Street, Coogee, for the following reasons:

1. The proposed modifications do not satisfy the zone objectives of the R2: Low Density Residential Zone of the Randwick Local Environmental Plan 2012 and is contrary to the following objective:
  - 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.
2. The proposed modifications do not comply with the relevant objectives of Clause 5.10: Heritage Conservation of the Randwick Local Environmental Plan 2012 as the section 96 amendments will compromise the heritage significance of the sandstone retaining wall including the associated fabric and settings.
3. The deletion of the public staircase does not comply with the relevant aims of the Randwick Local Environmental Plan 2012, including:
  - (a) To foster a livable city that is accessible, safe and healthy with quality public spaces and attractive neighbourhoods and centres;
  - (d) To achieve a high standard of design in the private and public domain that enhances the quality of life of the community; and
  - (e) To promote sustainable transport, public transport use, walking and cycling
4. The deletion of the public staircase is not in the public interest as it will reduce accessibility of the public domain and may set as undesirable precedent.

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# Development Application Compliance Report



<b>Folder /DA No:</b>	DA/597/2013
<b>PROPERTY:</b>	10A Kynaston Avenue, RANDWICK NSW 2031
<b>Proposal:</b>	Demolition of an existing dwelling and erection of a residential flat building
<b>Recommendation:</b>	Approval

## 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 are 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.

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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

As described by the Applicant:

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The site is an irregular triangular shaped allotment with a major boundary addressing the park reserve of Kynaston Avenue to the north. The site has a service lane access at the rear to Tram Lane.

Kynaston Avenue was originally a tram corridor that serviced the Coogee tram via the Randwick tram interchange at the corner of Church Street and Alison Road, Randwick.

The road reserve has recently been converted to a landscaped park way between Frances Street and Church Street. This park reserve has a pedestrian linkage between the two streets and also serves as pedestrian access and street address to the adjacent flat buildings.

The Kynaston Avenue park reserve is separated from the site by a steep bank which is approximately 3m above the adjacent site level and Tram Lane.

The development proposes a residential flat building of 6 units over three levels onto the site. Parking for 6 cars is provided by one level of on grade parking with direct access off Tram Lane.

The proposal recognises the unique site constraints of a triangulated block end site adjacent to a parkland setting with very few immediate neighbours. The proposal sites the building accordingly so that the building addresses the parkland and offers separation to the immediate neighbours. The change in level is used to conceal the parking level and allow the building to read as a (lower) 3 storey structure from the park. Articulation of the façade further improves the parkland aspect.

Given the very rudimentary nature of Tram Lane it is proposed that the main pedestrian access to the building, and the buildings entry identity, is located directly off the park. This will require the construction of a bridge entry structure over council land to bridge the topography. This approach has been broached with council and has received guarded approval.

This approach is considered crucial to the viability of the development as it creates a distinct site entrance that is pleasant, legible and logical, rather than confusing pedestrian and vehicular access off the thoroughfare of Tram Lane.

### Site Statistics

The site has an area of 581.7m<sup>2</sup> and irregular triangular site dimensions and an easement arm running along Tram Lane that connects to Alison Road.

There is at present a small house on the site.

This is the first time that the Panel has seen an application for this site.

The Panel is familiar with the site and wider area.

#### **1. Relationship to the Context of the Proposal**

The proposed building would occupy most of its triangular site, with setbacks from its boundaries of 1.5m from the Kynaston Avenue (parkland), 2m from Tram Lane and 2.5 and 3.0m from its western boundary. Nonetheless the footprint and landscape provided largely comply with Council guidelines. The proposal would be located some 7m from the 4 level apartment building at 10 Kynaston Avenue, and the design and window arrangement of this façade takes account of privacy.

There are garages on the opposite (south) side of Tram Lane, which has a dramatic alignment heading west.

It is the Panel's view that the proposed building would fit very well on its unusual site and in its unusual context, and that the site's development has the potential to markedly improve the view and amenity of this part of the lane

## 2. The Scale of the Proposal

The scale of the proposed building would match the 2 - 4 scale story scale of the surrounding buildings on Kynaston Avenue and Church Street and is acceptable across Tram Lane from the garages on its south side - upon which most of its winter shadows would fall.

## 3. The Built Form of the Proposal

The proposed triangular plan and simple shape would sit well on the site and provides the six, well planned, apartments with excellent aspect and prospect.

## 4. The Proposed Density

The proposed density at 0.97:1 would marginally exceed the allowable 0.90:1. The Panel is of the view that the minor additional floor space would not cause undesirable externalities and should be permitted.

## 5. Resource and Energy Use and Water Efficiency

The apartments would have excellent cross ventilation, solar access and, when needed, protection. All appropriate design characteristics and provisions have been included. The building should perform well against his criteria.

The proposed clerestorey windows are a good initiative and will provide natural light and ventilation to otherwise internalised spaces and the common stair. They are a small but important architectural feature that breaks the height plane however this added height will have no adverse effects on neighbours. In the Panel's opinion they readily comply with the LEP exception clause for elements exceeding the height plane.

## 6. The Proposed Landscape

A landscape plan has not been provided to the Panel. Work carried out should include a path connecting the front entrance bridge to the path through Kynaston Avenue, providing suitable plant material on the bank within Kynaston Avenue and trees on the western side of the site. The space of the Avenue has significant scope for improvement by Council, including at the triangular intersection with Tram Lane.

It may be possible to slightly rearrange the basement so that it sits directly under the footprint. This may allow more deep soil to the lane frontage.

A landscape plan by a registered landscape designer should be provided to Council for inclusion in the DA.

## 7. The Amenity of the Proposal for its Users

The apartments are well planned and would offer a very high level of amenity to their occupants. The architect has skillfully resolved the planning within the challenging triangular site geometry. The entry to the eastern units could be improved with a little more space beside the door.

## 8. The Safety and Security Characteristics of the Proposal

The proposed development would provide good surveillance and activation of this section of Kynaston Avenue and Tram Lane – a much needed initiative.

- Social issues

The proposed development would make an improvement to the neighbourhood.

- The Aesthetics of the Proposal

The building is well resolved and of a straightforward form and character that would enhance its surroundings.

The bridge entry to Kynaston Avenue is a good response to a difficult site condition, and would make for a memorable homecoming. On this façade the screen design should be considered for its amenity for the occupants. Horizontal screens are generally more comfortable to live behind and could afford more privacy.

1. SUMMARY AND RECOMMENDATIONS

This proposal performs very well in terms of SEPP 65 and RFDC compliance. It could become a fine contemporary apartment building, and a model for the development of smaller residual sites. The Panel commends this excellent proposal to the Council.

*Planner's comments:*

*The floor area of the development has been reduced in order to comply with the development standard of 0.9:1. Alterations to the design of the building core provide for additional storage.*

*It is noted that the Panel has a favourable view of the development and considers that the provisions of SEPP 65 have been satisfied.*

**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	0.86:1	Yes
Height of Building (Maximum)	12m	13.23m	No See Executive summary



## 2. 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.)

#### B6 Recycling and Waste Management

DCP Clause	Control	Proposal	Compliance
4.	<b>On-Going Operation</b>		
	(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 at Level 00, which is the Tram Lane ground level and will be within the building envelope, thereby obscured from public view.	Yes.
	(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 contained within the building envelope.	Yes.
	(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).	There will be unimpeded access to Tram Lane from the bin enclosure area. All building occupiers will have access to the bin area.	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	The development will be required to meet the requirements of the BCA.	Complies.

DCP Clause	Control	Proposal	Compliance
	supply.		
<b>B7</b>	<b>Transport, Traffic, Parking and Access</b>		
<b>3.</b>	<b>Parking &amp; Service Delivery Requirements</b>		
	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: 6x2 bed units: 7.2 spaces. 2 visitor spaces. Total: 9 spaces.  7 provided.	Does not comply. See Executive Summary.
	Motor cycle requirements: 5% of car parking requirement	The requirement is 0.45 spaces. None are provided.	This is acceptable given the minimal requirement.
<b>4.</b>	<b>Bicycles</b>		
	Residents: 1 bike space per 2 units Visitors: 1 per 10 units	A bicycle storage area is provided in the carpark level adjacent to the bin storage area.	There is adequate space to meet DCP requirements. Complies.
<b>C2</b>	<b>Medium Density Residential</b>		
<b>2</b>	<b>Site Planning</b>		
<b>2.1</b>	<b>Site Layout Options</b> 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"> <li>• Two block / courtyard example</li> <li>• T-shape example</li> <li>• U-shape example</li> <li>• Conventional example</li> </ul>	A site analysis plan was submitted with the application. The design has received a favourable response from the DRP.	Complies.
<b>2.2</b>	<b>Landscaped open space and deep soil area</b>		
<b>2.2.1</b>	<b>Landscaped open space</b>		
	A minimum of 50% of the site area (469.4m2) is to be landscaped open space.	The applicant has calculated the landscaped area as being 52.5% of the site area. The assessing planner has calculated it as 32.45% as the areas beneath the building over-hangs can not be included in the calculation.	Does not comply, see key issues section.
<b>2.2.2</b>	<b>Deep soil area</b>		
	(i) A minimum of 25% of the site area (234.7m2) should incorporate deep soil areas	25.2%.	Complies.

DCP Clause	Control	Proposal	Compliance
	sufficient in size and dimensions to accommodate trees and significant planting.		
<b>2.3</b>	<b>Private and communal open space</b>		
<b>2.3.1</b>	<b>Private open space</b>		
	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.	Balconies are provided off living areas with an acceptable aspect. Screening is provided to the west and south-western sides of the balconies for privacy reasons. A proposed condition of consent requires west-facing screening to be no more than 25% open to protect the privacy of surrounding development.	Complies/able to comply.
	<b>For residential flat buildings:</b> (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 <sup>2</sup> and a minimum dimension of 2m.	Balconies meet minimum size requirements.	Complies.
<b>3</b>	<b>Building Envelope</b>		
<b>3.1</b>	<b>Floor space ratio</b>		
	<b>Floor Space Ratio LEP 2012 = 0.9:1</b>	<b>FSR = 0.86:1</b>	<b>Complies.</b>
<b>3.2</b>	<b>Building height</b>		
	<b>Maximum overall height LEP 2012 = 12m</b>	<b>Maximum height = 13.23m</b>	<b>Does not comply. See executive Summary.</b>
<b>3.3</b>	<b>Building depth</b>		
	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.	The building is of an irregular shape with an average depth of 8m and a maximum depth of 11m. Generally compliant and all units have good cross-ventilation.	Complies.

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DCP Clause	Control	Proposal	Compliance
<b>3.4</b>	<b>Setbacks</b>		
3.4.1	<p><b>Front setback</b></p> <p>(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.</p> <p>(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.</p> <p>(iii) The front setback areas must be free of structures, such as swimming pools, above-ground rainwater tanks and outbuildings.</p> <p>(iv) The entire front setback must incorporate landscape planting, with the exception of driveways and pathways.</p>	<p>To Kynaston Avenue: Between 1.75m to 2.25m to face of building and 1m to 1.5m to edge of balconies. This location has been identified as an area in transition, therefore the front setback is to be determined on a merit basis.</p> <p>As the property is a corner site, it has two street frontages with the setback to Tram Lane being 2m.</p>	<p>Complies on merit, see Executive Summary.</p> <p>As above, complies on merit. See comments in Executive Summary.</p>
<b>3.4.2</b>	<b>Side setback</b>		
	<p><b>Residential flat building</b></p> <p>Irregular shaped allotments: on merit.</p>	A setback of 2.5m to the western side boundary has been provided.	Complies on merit. See Executive Summary.
<b>3.4.3</b>	<b>Rear setback</b>		
	For residential flat buildings, provide a minimum rear setback of 15% (9.06m) of allotment depth or 5m, whichever is the greater.	N/A	
<b>4</b>	<b>Building Design</b>		
<b>4.1</b>	<b>Building façade</b>		
	<p>(i) Buildings must be designed to address all street and laneway frontages.</p> <p>(ii) Buildings must be oriented so that the front wall alignments are parallel with the street property boundary or the street layout.</p> <p>(iii) Articulate facades to reflect the function of the building, present a human scale, and contribute to the proportions and visual character of the</p>	<p>The subject site is an irregular shape, nevertheless the building addresses both frontages to Kynaston Avenue and Tram Lane.</p> <p>The design is well-articulated and includes the use of a variety of building materials.</p>	Complies.

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DCP Clause	Control	Proposal	Compliance
	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.		
<b>4.2</b>	<b>Roof design</b>		
	(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 respond to the orientation of the site, such as eaves and skillion roofs to respond to sun access. (iii) Use a similar roof pitch to adjacent buildings, particularly if there is consistency of roof forms across the streetscape. (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. (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. (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. (vii) Terraces, decks or trafficable outdoor spaces on the roof may be considered only if: <ul style="list-style-type: none"> <li>- There are no direct</li> </ul>	The roof design is predominantly flat (there are clerestorey skylights but these do not dominate the roof design) and is in keeping with the design of other recent developments in the area.	Complies.

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DCP Clause	Control	Proposal	Compliance
	<p>sightlines to the habitable room windows and private and communal open space of the adjoining residences.</p> <ul style="list-style-type: none"> <li>- The size and location of terrace or deck will not result in unreasonable noise impacts on the adjoining residences.</li> <li>- 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.</li> <li>- Any shading devices, privacy screens and planters do not adversely increase the visual bulk of the building.</li> </ul> <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>		
<b>4.3</b>	<b>Habitable roof space</b>		
	<p>Habitable roof space may be considered, provided it meets the following:</p> <ul style="list-style-type: none"> <li>- Optimises dwelling mix and layout, and assists to achieve dual aspect or cross over units with good natural ventilation.</li> <li>- Has a maximum floor space of 65% of the storey immediately below.</li> <li>- Wholly contain habitable areas within the roof space.</li> <li>- When viewed from the surrounding public and private domain, the roof form has the appearance of a roof. A continuous flat roof with habitable space within it will not satisfy this requirement.</li> <li>- Design windows to habitable roof space as an integrated element of the roof.</li> <li>- Submit computer generated perspectives or photomontages</li> </ul>	N/A	N/A

DCP Clause	Control	Proposal	Compliance
	showing the front and rear elevations of the development.		
<b>4.4</b>	<b>External wall height and ceiling height</b>		
	(ii) Where the site is subject to a 12m building height limit under the LEP, a maximum external wall height of 10.5 m applies.	Wall height ranges from 10.9m to 12m	Does not comply, see Executive Summary.
	(iii) The minimum ceiling height is to be 2.7m for all habitable rooms.	2.7m floor to ceiling heights have been provided.	Complies.
<b>4.5</b>	<b>Pedestrian Entry</b>		
	(i) Separate and clearly distinguish between pedestrian pathways and vehicular access.	A pedestrian entry has provided by way of a bridge to the Kynaston Avenue road closure reserve.	Complies.
	<p>(ii) Present new development to the street in the following manner:</p> <ul style="list-style-type: none"> <li>- Locate building entries so that they relate to the pedestrian access network and desired lines.</li> <li>- Design the entry as a clearly identifiable element in the façade composition.</li> <li>- Integrate pedestrian access ramps into the overall building and landscape design.</li> <li>- For residential flat buildings, provide direct entries to the individual dwellings within a development from the street where possible.</li> <li>- Design mailboxes so that they are convenient to residents, do not clutter the appearance of the 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).</li> <li>- Provide weather protection for building entries.</li> </ul> <p>Postal services and mailboxes</p> <p>(i) Mailboxes are provided in accordance with the delivery requirements of Australia Post.</p>	<p>The entry has been designed so that it is clearly visible and is on a different frontage from the vehicle access.</p> <p>Mailboxes are to be located outside the ground floor lobby, accessed from Kynaston Avenue.</p>	Complies.

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DCP Clause	Control	Proposal	Compliance
	(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.		
<b>4.6</b>	<b>Internal circulation</b>		
	(i) Enhance the amenity and safety of circulation spaces by: <ul style="list-style-type: none"> <li>- Providing natural lighting and ventilation where possible.</li> <li>- Providing generous corridor widths at lobbies, foyers, lift doors and apartment entry doors.</li> <li>- Allowing adequate space for the movement of furniture.</li> <li>- Minimising corridor lengths to give short, clear sightlines.</li> <li>- Avoiding tight corners.</li> <li>- Articulating long corridors with a series of foyer areas, and/or providing windows along or at the end of the corridor.</li> </ul>	Given the unusual shape of the site and resulting design of the building there are no long corridors and there will be ample natural lighting within the development.	Complies.
	(ii) Use multiple access cores to: <ul style="list-style-type: none"> <li>- Maximise the number of pedestrian entries along a street for sites with wide frontages or corner sites.</li> <li>- Articulate the building façade.</li> <li>- Limit the number of dwelling units accessible off a single circulation core on a single level to 6 units.</li> </ul>	The relatively small scale of the development ensures that there are only two units per level.	Complies.
	(iii) Where apartments are arranged off a double-loaded corridor, limit the number of units accessible from a single core or to 8 units.	N/A	
<b>4.7</b>	<b>Apartment layout</b>		
	(i) Maximise opportunities for natural lighting and ventilation through the following measures: <ul style="list-style-type: none"> <li>- Providing corner, cross-over, cross-through and double-height maisonette / loft apartments.</li> <li>- Limiting the depth of single</li> </ul>	The design of the development maximises the use of natural lighting and ventilation.	Complies.

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DCP Clause	Control	Proposal	Compliance
	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.		
	(ii) Design apartment layouts to accommodate flexible use of rooms and a variety of furniture arrangements.	Living areas of each unit 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 unit has a balcony with a northerly aspect.	Complies.
	(iv) Avoid locating the kitchen within the main circulation space of an apartment, such as hallway or entry.	Kitchens are not located in circulation areas.	Complies.
<b>4.8</b>	<b>Balconies</b>		
	(i) Provide a primary balcony and/or private courtyard for all apartments with a minimum area of 8m <sup>2</sup> and a minimum dimension of 2m and consider secondary balconies or terraces in larger apartments.	Each balcony has an area in excess of 8sqm with a dimension exceeding 2m.	Complies.
<b>4.9</b>	<b>Colours, materials and finishes</b>		
	(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: - 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	A colours/finishes schedule has been required by proposed condition of consent.	Able to comply.

DCP Clause	Control	Proposal	Compliance
	or treatment: <ul style="list-style-type: none"> <li>- Reflective wall cladding, panels and tiles and roof sheeting</li> <li>- High reflective or mirror glass</li> <li>- Large expanses of glass or curtain wall that is not protected by sun shade devices</li> <li>- Large expanses of rendered masonry</li> <li>- Light colours or finishes where they may cause adverse glare or reflectivity impacts</li> </ul> (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.		
<b>4.12</b>	<b>Earthworks Excavation and backfilling</b>		
	(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 site modification. (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. (iii) For sites with a significant slope, adopt a split-level design for buildings to minimise excavation and backfilling.	There will be minimal excavation as the parking area is partially at-grade with access from Tram Lane.	Complies.
<b>5</b>	<b>Amenity</b>		
<b>5.1</b>	<b>Solar access and overshadowing</b>		
	<b>Solar access for proposed development</b>		
	(i) Dwellings must receive a minimum of 3 hours sunlight in living areas and to at least 50% of the private open space	All units receive at least 3 hours of sunlight to living areas and balconies during	Complies.

DCP Clause	Control	Proposal	Compliance
	between 8am and 4pm on 21 June.	this period.	
<b>Solar access for surrounding development</b>			
	<p>(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.</p> <p>(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.</p> <p>(iii) Where existing development currently receives less sunlight than this requirement, the new development is not to reduce this further.</p>	<p>At 8am on 21 June a portion of the rear windows in the eastern wall of 10 Kynaston Avenue are shaded on the lower 3 levels. By 9am these windows are not shaded.</p> <p>At 12 noon on 21 June shadows fall to the rear of the site over Tram Lane and on to the roofs of garages and outbuildings fronting the lane. A small portion of the rear yards of properties fronting Alison Road would be shaded but DCP requirements would still be satisfied.</p> <p>At 4pm on 21 June shadows have moved onto the eastern portion of Tram lane and onto a portion of Kynaston Avenue east of the site.</p>	See Executive Summary.
<b>5.2</b>	<b>Natural ventilation and energy efficiency</b>		
	(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 partition walls.	All units have dual aspect and are naturally ventilated.	Complies.
	(ii) Sun shading devices appropriate to the orientation should be provided for the windows and glazed doors of the building.	Sunshade devices are provided for all living areas.	Acceptable
	(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.	Provided.	Complies.

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DCP Clause	Control	Proposal	Compliance
<b>5.3</b>	<b>Visual privacy</b>		
	<ul style="list-style-type: none"> <li>(i) Locate windows and balconies of habitable rooms to minimise overlooking of windows or glassed doors in adjoining dwellings.</li> <li>(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.</li> <li>(iii) Orient buildings on narrow sites to the front and rear of the lot, utilising the street width and rear garden depth to increase the separation distance.</li> <li>(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.</li> <li>(v) Incorporate materials and design of privacy screens including:                             <ul style="list-style-type: none"> <li>- Translucent glazing</li> <li>- Fixed timber or metal slats</li> <li>- Fixed vertical louvres with the individual blades oriented away from the private open space or windows of the adjacent dwellings</li> <li>- Screen planting and planter boxes as a supplementary device for reinforcing privacy protection</li> </ul> </li> </ul>	<p>Privacy impacts to residential development to the north on the opposite side of Kynaston Avenue are not significant given that the width of the reserve exceeds 19m. Similarly, impacts to the south are considered to be acceptable given the separation of Tram Lane and the presence of garages along the length of the laneway. In the western elevation facing 10 Kynaston Avenue are bathroom windows and kitchen windows. Bathrooms will have obscure glazing and a proposed condition requires the glazing in kitchen windows be obscure to a height of 1.6m above floor level.</p> <p>A further condition requires the screening in the west-facing balconies to be only 25% open to limit impacts on 10 Kynaston Avenue.</p>	<p>Acceptable subject to proposed condition.</p>
<b>5.4</b>	<b>Acoustic privacy</b>		
	<ul style="list-style-type: none"> <li>(i) Design the building and layout to minimise transmission of noise between buildings and dwellings.</li> <li>(ii) Separate "quiet areas" such as bedrooms from common recreation areas, parking areas, vehicle access ways and other noise generating activities.</li> <li>(iii) Utilise appropriate measures to maximise acoustic privacy such as:                             <ul style="list-style-type: none"> <li>- Double glazing</li> </ul> </li> </ul>	<p>The design of the development will limit impacts in this regard.</p>	<p>Complies.</p>

D53/14

DCP Clause	Control	Proposal	Compliance
	<ul style="list-style-type: none"> <li>- Operable screened balconies</li> <li>- Walls to courtyards</li> <li>- Sealing of entry doors</li> </ul>		
<b>5.5</b>	<b>View sharing</b>		
	<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 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>	<p>It is considered that no significant or iconic views will be impacted as a result of the development.</p>	<p>Complies.</p>
<b>5.6</b>	<b>Safety and security</b>		
	<p>(i) Design buildings and spaces for safe and secure access to and within the development.</p>	<p>The entry to the development is clearly identified. Secure access will be possible from both Kynaston Avenue and Tram Lane.</p>	<p>Complies.</p>
	<p>(iii) For residential flat buildings, provide direct, secure access</p>	<p>Secure access is provided between all</p>	<p>Complies.</p>

D53/14

DCP Clause	Control	Proposal	Compliance
	between the parking levels and the main lobby on the ground floor.	levels by the lift.	
	(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 insufficient.	A range of windows and doors are provided which will allow for their use while providing adequate security.	Complies.
	(v) Avoid high walls and parking structures around buildings and open space areas which obstruct views into the development.	High walls around the development have been minimised.	Complies.
	(vi) Resident car parking areas must be equipped with security grilles or doors.	There is a sliding door providing security for the car park.	Complies.
	(vii) Control visitor entry to all units and internal common areas by intercom and remote locking systems.	An intercom is proposed.	Complies.
	(viii) Provide adequate lighting for personal safety in common and access areas of the development.	The access bridge to the Kynaston Avenue road reserve park is to be adequately lit.	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.	The nature of the development is such that casual surveillance to Kynaston Avenue and tram Lane will be improved by the development.	Complies.
	(x) External lighting must be neither intrusive nor create a nuisance for nearby residents.	Proposed conditions to be applied to any approval require impacts of external lighting to be minimised.	Complies subject to conditions.
	(xi) Provide illumination for all building entries, pedestrian paths and communal open space within the development.	External lighting to the entries is to be provided.	Complies.
<b>6.1</b>	<b>Location</b>		
	(i) Car parking facilities must be accessed off rear lanes or secondary street frontages where available.	Vehicular access is provided off the rear laneway.	Complies.
	(ii) The location of car parking and access facilities must minimise	The nature of the site is such that there will	Complies.

DCP Clause	Control	Proposal	Compliance
	the length of driveways and extent of impermeable surfaces within the site.	be minimal driveway.	
	(iii) Setback driveways a minimum of 1m from the side boundary. Provide landscape planting within the setback areas.	There is adequate setback from the side boundary.	Complies.
	(iv) Entry to parking facilities off the rear lane must be setback a minimum of 1m from the lane boundary.	The entry has adequate separation from the rear boundary.	
	(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.	Given the nature and size of the site it would be very difficult to provide basement car parking. This is considered to be acceptable because the topography of the site results in the car park area only being visible from the Tram Lane frontage and will not be visually dominant from Kynaston Avenue. Access is provided from the rear lane.	Acceptable.
<b>6.2</b>	<b>Configuration</b>		
	(iv) Provide basement or semi-basement car parking consistent with the following requirements: (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	Natural ventilation is provided to the car park. See above in relation to the car park being above ground.	Acceptable.

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DCP Clause	Control	Proposal	Compliance
	<p>or screen any car park enclosing walls.</p> <p>(e) Provide safe and secure access for building users, including direct access to dwellings where possible.</p> <p>(f) Improve the appearance of car park entries and avoid a 'back-of-house' appearance by measures such as:</p> <ul style="list-style-type: none"> <li>- Installing security doors to avoid 'black holes' in the facades.</li> <li>- Returning the façade finishing materials into the car park entry recess to the extent visible from the street as a minimum.</li> <li>- Concealing service pipes and ducts within those areas of the car park that are visible from the public domain.</li> </ul>		
<b>7</b>	<b>Fencing and Ancillary Development</b>		
<b>7.1</b>	<b>Fencing</b>		
	<p>(i) Fences are constructed with durable materials that are suitable for their purpose and can properly withstand wear and tear and natural weathering.</p> <p>(ii) Sandstone fencing must not be rendered and painted.</p> <p>(iii) The following materials must not be used in fences:</p> <ul style="list-style-type: none"> <li>- Steel post and chain wire</li> <li>- Barbed wire or other dangerous materials</li> </ul> <p>(ii) Expansive surfaces of blank rendered masonry to street frontages must be avoided.</p>	<p>The application states that 1.8m high fencing is to be provided to the western boundary and fencing adjacent to the Kynaston avenue frontage will be a mixture of retaining wall and masonry wall with palisade fencing above. Fencing is also to be provided to the Tram lane frontage. Details are to be required for Council approval prior to the issue of a construction certificate.</p>	<p>Able to comply.</p>
<b>7.6</b>	<b>Storage</b>		
	<p>(i) The design of development must provide for readily accessible and separately contained storage areas for each dwelling.</p> <p>(ii) Storage facilities may be provided in basement or sub</p>	<p>Each unit is to be provided with a storage area in the car park level.</p>	<p>Complies.</p>



DCP Clause	Control	Proposal	Compliance
	<p>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.</p> <p>(iii) In addition to kitchen cupboards and bedroom wardrobes, provide accessible storage facilities at the following rates:</p> <p>(a) Studio apartments – 6m<sup>3</sup></p> <p>(b) 1-bedroom apartments – 6m<sup>3</sup></p> <p>(c) 2-bedroom apartments – 8m<sup>3</sup></p> <p>(d) 3 plus bedroom apartments – 10m<sup>3</sup></p>		
<b>7.7</b>	<b>Laundry facilities</b>		
	(i) Provide a retractable or demountable clothes line in the courtyard of each dwelling unit.	Each unit has an internal laundry. Given the design of the development is not possible to provide separate clothes drying facilities.	Satisfactory.
	(ii) Provide internal laundry for each dwelling unit.		
	(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.		
<b>7.8</b>	<b>Air conditioning units:</b>		
	<ul style="list-style-type: none"> <li>Avoid installing within window frames. If installed in balconies, screen by suitable balustrades.</li> </ul>	The applicant states that airconditioning units could be located on balconies and screened by the proposed louvred screening to be provided on each balcony. Despite this the application does not include the installation of airconditioning and each unit will have good cross-ventilation.	Able to comply.

**3. 79C Matters for consideration**

Section 79C 'Matters for Consideration'	Comments
<b>Environmental Planning Instruments</b>	
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 the 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 the Randwick Development Control Plan 2013, as detailed above.
Section 79C(1)(a)(iiia) – Provisions of any Planning Agreement or draft Planning Agreement	None are 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 Executive Summary.</p> <p>The proposed development is consistent with the mixed 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.

**4. Referral Comments**

**Development Engineers**

An application has been received for the demolition of existing structures, construction of part 3/part 4 storey residential flat building including semi basement car parking for 6 vehicles, 6 residential units, 1 external car park space, landscaping and associated works (variation to floor space ratio control) at the above site.

This report is based on the following plans and documentation:

- Amended Architectural Plans by ASA Architects stamped by Council 15th April 2014;
- Statement of Environmental Effects by ABC Planning dated September 2013;
- Detail & Level Survey by GeoStrata Project Surveying dated 20<sup>th</sup> December 2013;
- Landscape Plan by Stuart Noble Associates, dwg DA-1313-01, dated 31.07.13.

### **Drainage Comments**

On site stormwater detention is required for this development.

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.

### Vehicle Parking

Vehicle Parking for multi-unit housing is to be provide at the following rates;

1 space per 2 studio units (<40m<sup>2</sup>)

1 space per 1 bedroom unit (over 40m<sup>2</sup>)

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)

For subject development comprising of 6 x 2 bedroom residential units.

Parking Demand = 6 x 1.2 + 6/4 (visitor)  
= 8.7 = say 9 spaces (including 2 visitor spaces)

Parking provided = 7 spaces (including 1 visitor space)

Parking Deficiency = 2 spaces (22%)

The parking deficiency was initially of concern due to the observed high demand for on-street parking in the vicinity however it is noted that each 2 bedroom unit has been allocated a carspace consistent with other developments.

The site is also located in close proximity (within 300m) of Randwick Town Centre and good public transport with a number of bus routes available in Alison and Belmore roads. There is also a public car-park on Church St immediately adjacent to the site containing 5 spaces (including a car share bay) although at the time of site inspection this was observed to be full. The future light rail will also pass within 200m of the site.

As a number of sustainability transport options are available Development Engineering does not consider the two space deficiency warrants refusal of the application however the number of required bicycle spaces has been increased to compensate for the deficiency.

### Motorbike Parking

Motorbike Parking is to be provided at 5% of the vehicle parking requirement. Due to the small number of units motorbike parking is 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 a minimum of 3 bicycle spaces will usually be required however in compensation for the parking deficiency it is considered a minimum of 5 spaces shall be provided. The proposed Bike Store appears to be large enough to accommodate this additional requirement.

### 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

### **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 will be between 1 and 2 million the applicant will be required to meet all costs associated with replacing the overhead wires with aerial bundled cables in the vicinity of the development site.

### **Drainage Comments**

#### Council Pipeline

There is an existing 0.6m diameter council pipeline crossing the development site east to west. Presently no Council easement exists over the location of the pipes.

The development is proposed to be built over the Council drainage line which is generally not supported by Development Engineering. Upon discussion with the Development Engineering Coordinator however it is considered the proposal could be supported provided that the Council 0.6m diameter drainage line be diverted to Tram Lane with suitably designed pits and junctions.

Should it be demonstrated to the satisfaction of Council that diversion of the stormwater line is not feasible consideration will then be given to upgrading the pipeline in its current position so it is sized for the critical 5% AEP (1 in 20 yr) storm event with a new pit constructed immediately west/downstream of the proposed building within the development site.

The existing pipeline must remain fully operational until such time as an alternate stormwater drainage system has been constructed to Council's satisfaction.

Full design details of the upgraded/diverted line are to be submitted to Council for approval prior to issuing of a construction certificate.

#### Internal Drainage

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.

On site stormwater detention is required for this development.

## Landscape Comments

The inspection of 20 May 2014 confirmed that there is no significant vegetation within the site that would pose a constraint in anyway to the proposed works, with the two, 4-6m tall Cypress Pines (Cedars) which are hard up against the northern side of the existing garage able to be removed so as to accommodate the proposed works and associated landscaping as shown.

Beyond the western site boundary, growing wholly in the side setback of the adjoining property at 10 Kynaston Avenue, there is another Cypress Pine of 5-6m in height, whose eastern aspect slightly overhangs into the subject site.

The plans show that a masonry wall associated with the basement level and stormwater works will be constructed along the western site boundary, beneath that part of its eastern aspect which overhangs into the subject site, with conditions allowing minor pruning for clearance reasons, as well as those which deal with the treatment of roots.

While the SEE describes that this proposal will comply with Council's numerical controls for a development of this type in this zone, with 52.5% of the site to be dedicated as landscaped area (50% required), Council's own review has revealed that, as the areas beneath the first floor balconies at the northeast and southeast corners of the building cannot be counted as 'landscaped area', the actual figure is closer to 30% of the site; which is deficient.

However, given the orientation and shape of the lot, combined with the footprint of the proposed basement and building, there is simply no space where this shortfall could be made up elsewhere within the site, even if a major re-design was undertaken, with the assessing officer needing to be mindful of this departure from the numerical controls.

It is also noted that this proposal only just complies with the requirement for deep soil, with 25.2% to be provided (25% required); however, the extensive landscaping of the adjoining Council reserve (at the applicant's cost) should assist in minimizing any impacts that may arise.

The submitted landscape plan proposes treatment along the length of the western site boundary, with courtyard-type areas proposed at both the northeast and southeast corners of the site, fronting the adjoining public park.

One of the most important aspects of this proposal from a landscape perspective is the potential for the development to 'dominate' the adjoining public reserve, informally recognized as Kynaston Avenue Reserve, but formally known as 30R Church Street.

Tram Lane has been deemed unsuitable as the main pedestrian entry due to a variety of safety reasons, and for these reasons, the applicant is proposing an elevated pedestrian footbridge over the steep embankment which slopes down from the reserve to where it adjoins the western site boundary, which is understood to have the support of Council's Co-ordinator of Engineering Services.

This would require that the existing footpath in the park be extended to this private entrance, and in an effort to integrate the development into the surrounds, the applicant has also proposed extensive landscaping/planting of the embankment and park.

Council's Landscape Architect was consulted, and provided in-principle support (D02076688), subject to the species lists being amended to ensure that all planting is consistent with the existing scheme which contains mostly *Grevillea's*, *Lomandra's*, *Dianella's* and *Gynea Lillies*.

No objections are raised to removing the existing shrubs/small trees around the northern end of the embankment, including a Wattle, an Oleander and a White Cedar, along with Agapanthus, with the applicant to cover all costs with this as well as all upgrading works within the park, with conditions to this effect provided.

Still in the reserve, past the northeast corner of the site, there is an 8m tall *Brachychiton acerifolius* (Flame Tree) of good health and condition which will remain unaffected given its distance from the proposed footbridge, with only general conditions required, with a similar situation also applying to the large and mature *Phoenix canariensis* (Canary Island date Palm) of approximately 12 metres in height, at the opposite end of the site, adjacent the southeast corner, as both trees are established elements in the park.

**Waste Management Comments**

The proposed development will require the minimum provision of 8 x 240L bins consisting of 3 x garbage + 3 x recycling + 2 x green waste bins. The submitted plans demonstrate compliance with this requirement. A waste management plan will be required to be submitted and approved by Council's Director of City Planning prior to the issuing of a construction certificate.

**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>
100D	Architecture & Interiors	12/4/14	15/4/14
101D	Architecture & Interiors	12/4/14	15/4/14
102D	Architecture & Interiors	12/4/14	15/4/14
301D	Architecture & Interiors	12/4/14	15/4/14

<i>BASIX Certificate No.</i>	<i>Dated</i>	<i>Received by Council</i>
499630M	4/9/13	12/9/13

**Amendment of Plans & Documentation**

2. **The approved plans must be amended in accordance with the following requirements**
  - a. The following windows must have a minimum sill height of 1.6m above floor level, or alternatively the windows are to 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 and bathroom windows in the western elevation facing No. 10 Kynaston Avenue.
  - b. Screening on balconies is to have openings not exceeding 25% of the area of the screen on the western side of the balconies facing No. 10 Kynaston Avenue.
  - c. Details of fencing are to be submitted for Council approval prior to the issue 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.

**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 \$1,846,582 the following applicable monetary levy must be paid to Council: \$18,465.82

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](http://www.randwick.nsw.gov.au).

**Long Service Levy Payments**

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

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

**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

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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*:

- \$10,000.00 - 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](http://www.sydneywater.com.au) for:

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

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

### **Upgrading of 30R Church Street**

9. The applicant must meet all costs associated with upgrading a section of Council's public reserve, formally recognised as 30R Church Street, with a refundable deposit in the form of cash, credit card, cheque or bank guarantee for an amount of **\$10,000.00** to be paid at the Cashier on the Ground Floor of the Administrative Centre, **prior to a Construction Certificate being issued for the development**, in order to ensure protection of the reserve and any associated items or fixtures, compliance with the conditions listed in this consent, and ultimately, full completion of the landscape works in the reserve.

The refundable deposit will be eligible for refund a period of 6 months (maintenance period) after the issue of an Occupation Certificate, subject to completion and submission of Council's 'Security Deposit Refund Application Form', and pending a satisfactory inspection by Council's Landscape Development Officer (9399-0613).

Any contravention of Council's conditions relating to these works, or prior to the issue of an Occupation Certificate, may result in Council claiming all or part of the lodged security in order to perform any rectification works necessary, as per the requirements of 80A (6) of the Environmental Planning and Assessment Act 1979.

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**Protection of park trees**

10. In order to ensure retention of the *Brachychiton acerifolius* (Flame Tree) located in the public reserve, 30R Church Street, past the northeast corner of the site, as well as the mature *Phoenix canariensis* (Canary Island date Palm) at the opposite end of the site, adjacent the southeast corner in good health, the following measures are to be undertaken:
- a. All documentation submitted for the Construction Certificate application must show the retention of both trees, with the position and diameter of their trunks and canopies/crowns to be clearly and accurately shown on all plans in relation to the proposed works.
  - b. All works associated with upgrading of the reserve can only be performed by hand, with the written approval of Council's Co-ordinator Open Space Assets to be obtained should the use of machinery be sought, with Council's requirements to be complied with at all times.
  - c. In order to prevent the introduction of pathogens such as *Fusarium sp*, to which Date Palms are particularly vulnerable, any imported soils and mulch used in the public reserve must comply with AS4419 – 2003: Soils for landscaping & garden use; and AS4454 – 2003 Composts, Soil Conditioners & Mulches respectively, with certificates of compliance confirming such to be provided to Council Landscape Development Officer, prior to the issue of an Occupation Certificate.
  - d. Any tools or machinery associated with works in the reserve, within a radius of 5 metres of the trunk of the Date Palm must be disinfected and sterilised, prior to commencement, as well as regularly during the course of the works by soaking for **5 minutes** in the following mixture:
    - i. 50% household bleach or 5% quaternary ammonium (eg, Phytoclean, Avis Chemicals); then;
    - ii. Rinsing affected equipment with clean water and/or 70% alcohol to remove disinfectant.
  - e. Council's Landscape Development Officer (9399-0613) must be contacted, giving at least 2 working days notice, to confirm that this sterilizing has been performed, prior to commencing any works in the reserve.
  - f. Ground levels within a 5 metre radius of the trunk of either tree must not be altered by more than 200mm.
  - g. The applicant is not authorised to perform any works to either of these trees, and must contact Council's Landscape Development Officer on 9399-0613 should anything be sought, with the applicant to cover all associated costs with such work, to Council's satisfaction, prior to the issue of an Occupation Certificate.
  - h. There is to be no storage of materials, machinery or site office/sheds, nor is cement to be mixed or chemicals spilt/disposed of and no stockpiling of soil or rubble in the reserve, with all Site Management Plans needing to acknowledge these requirements.

The PCA must ensure compliance with these requirements on-site during the course of construction, and prior to issuing any type of Occupation

**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.

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

### **Compliance with the Building Code of Australia**

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

### **Traffic conditions**

12. 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.
13. 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.

### **Design Alignment levels**

14. 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:
- **60mm above the edge of the bitumen at all points opposite, along the full site frontage.**

The design alignment levels at the property boundary as issued by Council and their relationship to the roadway 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.

15. The above alignment levels and the site inspection by Council's Development Engineering Section have been issued at a prescribed fee of \$2792 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.

### **Footbridge Access from Kynaston Avenue Reserve (30R Church St)**

16. The applicant must submit to Council for approval and have approved by the Director of City Planning detailed construction plans for the proposed pedestrian bridge access from Kynaston Avenue reserve. The submitted documentation shall include but not be limited to the following requirements;
- The area underneath the pedestrian bridge shall be enclosed on either side.
  - Plans, Elevations, sections clearly showing any adjustments in levels, retaining walls, footings and location of any services.

### **Stormwater Drainage & Flood Management** Council/External Drainage

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17. The applicant must accurately locate, (both alignment and depth), the existing Council stormwater pipeline located within the subject development site. The existing pipeline must remain fully operational until such time as an alternate stormwater drainage system has been constructed to Council's satisfaction.
18. The applicant/developer is to meet the full cost of diverting Council's 0.6m diameter drainage line from within the development site to Tram Lane with suitably designed pits and junctions.
- Should it be demonstrated to the satisfaction of Council that diversion of the stormwater line is not feasible consideration will then be given to upgrading the pipeline within the development site so it is sized for the critical 5% AEP (1 in 20 yr) storm event with a new pit constructed immediately west/downstream of the proposed building within the development site.
19. The applicant must submit to Council for approval and have approved "for construction" plans to be prepared by a suitably qualified hydraulic engineer for the upgrade/relocation of the Council controlled pipeline through the development site and within Tram lane/ Kynaston Ave reserve. The plans must also include a detailed specification which must be prepared in consultation with Council's Development Engineer Coordinator. All works associated with reconstruction of the Council pipeline must be carried out to the satisfaction of Council and certification from a certified practicing engineer is to be provided to Council upon completion of the works. All costs associated with reconstruction of the Council pipeline shall be met by the applicant.
- Relevant Council Assessment and Inspection fees, as specified in Council's adopted Pricing Policy, are required to be paid to Council prior to commencement of the drainage works.
  - The diversion/upgrade of the Council Line will be required to be completed prior to commencement of building works within the site
20. Should the council pipeline not be relocated off the site, the section of the proposed development located immediately over/above the reconstructed pipeline (or box culvert) must be suitably designed such that if Council requires access to the pipeline the structures can be removed without adversely affecting the structural integrity of the remaining structures within the development site. The Construction Certificate plans must demonstrate compliance with this requirement.
- The applicant must liaise with Council's Development Engineer Coordinator to obtain Council's requirements for structures over the reconstructed pipeline.
21. All proposed footings located adjacent to the drainage pipe shall either be:
- a. Founded on rock, or;
  - b. Extended below a 30 degree line taken from the level of the pipe invert at the edge of the drainage reserve/easement (angle of repose).  
Structural details demonstrating compliance with this condition shall be submitted with the construction certificate application.  
The footings must be inspected by the applicant's engineer to ensure that these footings are either founded on rock or extend below the "angle of repose".  
Documentary evidence of compliance with this condition is to be submitted to the certifying authority prior to proceeding to the subsequent stages of construction.
- Internal Drainage
22. 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
  - iii. Garden areas
- d) 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.
- e) 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.
- f) 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.

23. 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 into Council's underground drainage system located within the site or in Tram Lane via a new and/or existing pit.
- c) 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 5** year storm of one hour duration for existing site conditions. All other stormwater run-off from the site for all storms up to the 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.

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

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

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

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

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

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

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

- k) A childproof and corrosion resistant fastening system shall be installed on access grates over pits/trenches where water is permitted to be temporarily stored.
- l) 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.
- m) Mulch or bark is not to be used in on-site detention areas.
- n) Site discharge pipelines shall cross the verge at an angle no less than 45 degrees to the kerb line.
- o) Any onsite detention/infiltration systems shall be located in areas accessible by residents of all units.

### **Waste Management**

24. 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.*

25. 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.

**Landscaping**

26. The landscape plan submitted for works within the site as part of the approved Construction Certificate must be substantially in accordance with the Landscape Plan by Stuart Noble Associates, dwg DA-1313-01, dated 31.07.13.

**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**

27. 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**

28. 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**

29. 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:

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- 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**

30. 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**

31. 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.

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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**

32. 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**

33. 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 the vicinity of the site 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.

34. 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
- NOTE: Construction access to the site through Kynaston Avenue Reserve will not be permitted

#### **Civil Works**

35. A separate written approval from Council is required to be obtained in relation to all works which are located externally from the site within the road reserve/public place, in accordance with the requirements of the Roads Act 1993. Detailed plans and specifications of the proposed works (including the proposed footbridge) are to be submitted to and approved by the Director of City Services prior to commencing any works within the road reserve/public place.

All works within the road reserve/public place must be carried out to the satisfaction of Council and certification from a certified practicing engineer is to be provided to Council upon completion of the works.

Relevant Council assessment and inspection fees, as specified in Council's adopted Pricing Policy, are required to be paid to Council prior to commencement of the works.

#### **Upgrading of public reserve - 30R Church Street**

36. The applicant must meet all costs associated with upgrading a section of Council's public reserve, formally recognised as 30R Church Street, of approximately 5 metres in width, measured along the full length of the western site boundary, and will include, but not be limited to; removal of existing low-growing vegetation, soil preparation, minor re-grading, supply and installation of plants, erosion control, mulching, construction of a pedestrian footpath/s and foot-bridge, safety measures and any other activities required to complete these works to Council's satisfaction.
37. All works carried out on Council property must be in accordance with Council's requirements for Civil Works on Council property.

#### **Landscape Plan for public reserve**

38. A completely separate landscape plan which deals only with upgrading of the public reserve, for an area approximately 5 metres in width, measured off the length of the western site boundary, and which is similar to the treatment that is already shown on the Landscape Plan by Stuart Noble Associates, dwg DA-1313-01, dated 31.07.13, must be submitted to, and be approved in writing by, Council's Landscape Development

Officer, prior to the commencement of any external works in the reserve, and must include the following requirements:

- a. The location of existing garden beds, planting, trees, footpaths, park furniture and all other features in relation to the embankment and site, including existing and proposed ground levels;
  - b. Planting plan at an appropriate scale of 1:100 or 1:200;
  - c. Planting schedule that includes botanic name, common name, quantities/densities, pot size at the time of planting and mature size;
  - d. The new works in the reserve may need to extend past the northern and southern ends of the site if needed so as to match in with existing planting and garden beds, so as to create a continuous planted cover, and may involve upgrading existing beds if needed to achieve optimum appearance and consistency;
  - e. Any erosion control measures such as jute matting or similar initiatives that will assist in soil stabilization until the planting on the embankment is established;
  - f. Full construction details of the elevated foot-bridge, which underneath is to be enclosed by walls on both sides, together with any details of feature/blade walls, surface treatments, lighting and the location of the new access path/s to link the existing footpath in the park with the proposed foot-bridge;
  - g. Plant selection adjacent both walls beneath the foot-bridge must be those that will assist with screening and softening these built elements on the reserve, with low growing feature planting also to be provided in the area where the footbridge actually meets with the reserve;
  - h. A simple, mass-planted layout is required, and to ensure consistency of treatment with existing schemes that are already established in the reserve, species selection must be amended from what is currently shown to include Lomandra & Dianella cultivars, Gynea Lillies, Grevillea's and others;
  - i. A minimum 50mm layer of woodchip mulch over all newly created planted areas within the reserve;
  - j. Details of staking, garden edging and any other elements required to fully described the proposed works;
  - k. The plan must include a notation that once Council has given written approval of completion of landscape works within the reserve, a maintenance/liability/defects period of at least 6 months will apply, where the applicant will be required to perform regular, routine maintenance activities including the replacement of any failed stock, as advised by Council;
  - l. There must be no pedestrian or vehicles access through Council's reserve during the course of works, and even when landscaping of the reserve is being undertaken, access must still be made through private property.
39. Following approval of the public reserve plan; and prior to commencement of the these works on Council property, the applicant must liaise further with Council's Landscape Development Officer on 9399-0613, regarding scheduling of work, inspections, supervision fees and compliance with Council's requirements for public liability insurance.

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40. The applicant must advise Council's Landscape Development Officer, in writing, giving at least 10 working days, of their intention to commence works in the reserve, with all works to comply with the approved Landscape Plans and Construction Management Plans.
41. The works shown on the approved public reserve plan must be completed to the satisfaction of Council's Landscape Architect and Landscape Development Officer, with confirmation of approval to be provided in writing from Council's Officers, prior to the issue of any Occupation Certificate.

#### **Landscaping with the site**

42. The PCA must ensure that the Landscape Plan by Stuart Noble Associates, dwg DA-1313-01, dated 31.07.13, for landscape works within the subject site, is amended to include the following additional details:
- a. In order to soften the dominance of the building over the public reserve, a stronger landscape element using either an evergreen feature tree, palm/s or similar, which will attain a minimum height at maturity of 5 metres shall be installed around the southeast corner of the site, and will replace the single, deciduous Frangipani that is currently shown in this area;
  - b. More substantial screening species than what are currently shown must be incorporated into the western side setback so as to maximize privacy and amenity between the subject site and no.10, and must achieve a minimum height at maturity of 4 metres.

#### **Public Utilities**

43. 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.
44. 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.

#### **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**

45. 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**

46. 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**

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

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

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

**Demolition Work Requirements**

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

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

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

**Removal of Asbestos Materials**

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

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

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

#### **Sediment & Erosion Control**

50. 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**

51. 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**

52. 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.
53. 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.

54. 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**

55. There must be no encroachment of any structures or building work onto Council's road reserve, footway, nature strip or public place, apart from the foot bridge pedestrian entrance from Kynaston Avenue. .

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

56. 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.

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- 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.

#### **Traffic Management**

57. 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.

#### **Stormwater Drainage**

58. 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.

#### **Tree Removal within site**

59. Approval is granted for removal of the two Cypress Pines (Cedars) located hard up against the northern side of the existing garage, so as to accommodate the proposed works as shown, subject to full implementation of the approved landscape plan.

#### **Removal of vegetation from reserve**

60. The applicant will be required to cover all costs associated with removal, stump-grinding and disposal of the shrubs located in the adjoining public reserve, 30R Church Street, being from north to south, a White Cedar, an Oleander and a Wattle, along with all Agapanthus and any weeds, so as to accommodate the new planting in this area, and must satisfy themselves as to the location of all services, prior to the commencement of any external works in the reserve.

#### **Pruning of Neighbours Tree**

61. Permission is granted for the minimal and selective pruning of only those lower growing branches from the eastern aspect of the Cedar located in the side setback of the adjoining property at 10 Kynaston Avenue, only where they overhang the common boundary into the subject site, and need to be pruned in order to avoid damage to the tree; or; interference with the works.
62. 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 this tree, the applicant must negotiate with the neighbour/tree owner for access to perform this work.
63. 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).

#### **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**

64. 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**

65. 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 & Road Openings**

66. The owner/developer must meet the full cost for Council or a Council approved contractor to:

- a) Construct a full width concrete vehicular crossing and layback at kerb opposite the vehicular entrance to the site.
- b) Construct kerb and gutter for the full site frontage in Tram lane except opposite the vehicular entrance and exit points.
- c) Carry out a full depth, minimum 1 metre wide, road construction in front of the kerb and gutter along the full site frontage.
- d) Construct 0.5m (approximate) wide concrete footpath along the full site frontage behind new kerb.
- e) Construct new footpaths in Kynaston Avenue reserve as required to Council's specification.

67. Prior to issuing a final occupation certificate or occupation of the development (whichever is sooner), the owner/developer 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.

68. 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 *Civil Works Application Form*, prior to an occupation certificate being issued for the development, together with payment of the relevant fees.

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- 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.

### **Pedestrian Footbridge**

#### **Pedestrian Footbridge**

69. Prior to an occupation certificate being issued for the development, a positive covenant under section 88E of the Conveyancing Act 1919 shall be registered on the title of the subject property, which provides for: -
- i) The registered proprietors of the Lot(s) burdened to clean, maintain, renew and repair the pedestrian footbridge (including supporting elements) to Kynaston Avenue Reserve (30R Church Street);
  - ii) The registered proprietors of the Lot(s) burdened to hold full public liability in relation to any claims sustained as a result of the pedestrian footbridge (including supporting elements);

### **Service Authorities**

#### **Sydney Water Requirements**

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

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

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

#### **Aerial Bundling of power**

71. The applicant shall meet the full cost for the overhead power lines (*and/or telecommunication cables - include whatever is appropriate*) located along the Tram Lane site frontage to be aerially bundled. The applicant shall liaise directly with the relevant service utility authorities to organise for the cables to be bundled. All cables must be bundled to the satisfaction of the relevant service utility authority prior to the issuing of an occupation certificate for the development.

#### **Stormwater Drainage**

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

satisfaction of Council. A copy of Council's standard wording/layout for the restriction and positive covenant may be obtained from Council's Development Engineer.

- b. The works as executed drainage plan and hydraulic certification must be submitted to Council prior to the "restriction on the use of land" and "positive covenant" being executed by Council.
- iv. A works-as-executed drainage plan prepared by a registered surveyor and approved by a suitably qualified and experienced hydraulic consultant/engineer must be forwarded to the Principal Certifying Authority and the Council. The works-as-executed plan must include the following details (as applicable):
- The location of any detention basin/s with finished surface levels;
  - Finished site contours at 0.2 metre intervals;
  - Volume of storage available in any detention areas;
  - The location, diameter, gradient and material (i.e. PVC, RC etc) of all stormwater pipes;
  - The orifice size/s (if applicable);
  - Details of any infiltration/absorption systems; and
  - Details of any pumping systems installed (including wet well volumes).

73. The applicant shall submit to the Principal Certifying Authority (PCA) and Council, certification from a suitably qualified and experienced Hydraulic Engineer, which confirms that the design and construction of the stormwater drainage system complies with the Building Code of Australia, Australian Standard AS3500.3:2003 (Plumbing & Drainage- Stormwater Drainage) and conditions of this development consent.

The certification must be provided following inspection/s of the site stormwater drainage system by the Hydraulic Engineers to the satisfaction of the PCA.

74. Shall Council's pipeline not be relocated outside the development site, a minimum 3.5 metre wide drainage easement shall be created over the line of the pipeline. The easement shall be in favour of Council and the wording and location of the easement shall be to Council's satisfaction.
75. The applicant shall submit to Council, and have approved, CCTV videos of the reconstructed and/or existing Council stormwater pipeline through and immediately adjacent to the development site. Such CCTV shall inspect the stormwater pipe for any post construction damage.

**Landscape Certification within site**

76. Prior to issuing any Occupation Certificate, certification from a qualified professional in the landscape/horticultural industry must be submitted to, and be approved by, the PCA, confirming the date that the completed landscaping was inspected, and that it has been installed substantially in accordance with the Landscape Plan by Stuart Noble Associates, dwg DA-1313-01, dated 31.07.13, and any relevant conditions of consent.
77. The owner/s must implement strategies to ensure that the landscaping is maintained in a healthy and vigorous state, until maturity, and for the life of the development.

**Landscape Certification of reserve**

78. Prior to the PCA issuing any Occupation Certificate, written approval that the landscape works in the reserve have been completed in accordance with any plans and conditions of consent must be obtained from Council's Landscape Development Officer (9399-0613).

79. Once this written approval is obtained, a 6 month maintenance period will then apply, where the applicant will be responsible for the replacement of failed stock and any other routine works that are required.
80. Upon completion of the 6 month maintenance period, and prior to release/refund of the \$10,000 bond, the applicant must obtain written approval from Council's Landscape Development Officer that the maintenance period has concluded, and all works are satisfactory.
81. Any turfed areas within the reserve that are damaged as result of the works must be excavated to a depth of 150mm, backfilled with topsoil equivalent with 'Organic Garden Mix' as supplied by Australian Native Landscapes, and re-turfed with Kikuyu Turf or similar, and must be completed to Council's satisfaction, at the applicants cost, and prior to the issue of an Occupation Certificate.

#### **Waste Management**

82. Prior to the occupation of the development, the owner or applicant is required to contact Council's City Services department, to make the necessary arrangements for the provision of waste services for the premises.
83. The waste storage areas shall be clearly signposted.

#### **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**

84. 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** (*Only for Dual Occupancy*)

85. Street numbering must be provided to the front of the premises in a prominent position, in accordance with the Australia Post guidelines and AS/NZS 4819 (2003) to the satisfaction of Council.

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

#### **Plant & Equipment**

86. 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.

#### **Rainwater Tanks**

87. 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.

### Stormwater Detention/Infiltration System

88. The detention area/infiltration system must be regularly cleaned and maintained to ensure it functions as required by the design.

#### 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.

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- A7 Prior to commencing any works, the owner/builder should contact *Dial Before You Dig* on 1100 or [www.dialbeforeyoudig.com.au](http://www.dialbeforeyoudig.com.au) and relevant Service Authorities, for information on potential underground pipes and cables within the vicinity of the development site.
- A8 This consent does not authorise any trespass or encroachment upon any adjoining or supported land or building whether private or public. Where any underpinning, shoring, soil anchoring (temporary or permanent) or the like is proposed to be carried out upon any adjoining or supported land, the land owner or principal contractor must obtain:
- the consent of the owners of such adjoining or supported land to trespass or encroach, or
  - an access order under the *Access to Neighbouring Land Act 2000*, or
  - an easement under section 88K of the *Conveyancing Act 1919*, or
  - an easement under section 40 of the *Land & Environment Court Act 1979*, as appropriate.
- Section 177 of the *Conveyancing Act 1919* creates a statutory duty of care in relation to support of land. Accordingly, a person has a duty of care not to do anything on or in relation to land being developed (the supporting land) that removes the support provided by the supporting land to any other adjoining land (the supported land).
- A9 Smoke alarms are required to be installed in all residential dwellings, in accordance with the relevant provisions of the *Environmental Planning & Assessment Act 1979* and the Building Code of Australia. Details should be included in the construction certificate application.
- A10 Demolition work and removal of asbestos materials:
- *A copy of Council's Asbestos Policy is available on Council's web site at [www.randwick.nsw.gov.au](http://www.randwick.nsw.gov.au) in the Building & Development section or a copy can be obtained from Council's Customer Service Centre.*
  - *It is the responsibility of the persons undertaking demolition work to obtain the relevant WorkCover licences and permits.*
- A11 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).
- Underground assets may exist in the area that is subject to your application. In the interests of health and safety and in order to protect damage to third party assets please contact Dial before you dig at [www.1100.com.au](http://www.1100.com.au) or telephone on 1100 before excavating or erecting structures (This is the law in NSW). If alterations are required to the configuration, size, form or design of the development upon contacting the Dial before You Dig service, an amendment to the development consent (or a new development application) may be necessary. Individuals owe asset owners a duty of care that must be observed when working in the vicinity of plant or assets. It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial before you dig service in advance of any construction or planning activities.

- 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.
- 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.

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

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# Development Application Compliance Report



<b>Folder /DA No:</b>	DA/703/2013/A
<b>PROPERTY:</b>	3 Kyogle Street, MAROUBRA NSW 2035
<b>Proposal:</b>	Section 96 modification to approved development by replacement of skylights with dormer window and addition of new window at first floor on northern side Original consent: Ground and first floor alterations and additions to the existing dwelling
<b>Recommendation:</b>	Approval

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## 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 building and is permissible in the zone. The zoning objectives are addressed as follows:

The following Clauses of RLEP 2012 apply to the proposal:

Description	Council Standard	Proposed	Compliance (Yes/No/NA)
Floor Space Ratio (Maximum)	Merit	0.57:1 No change	N/A
Height of Building (Maximum)	9.5m	5.45m	Yes

### 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
	<b>Classification</b>	Zoning = R2	
<b>2</b>	<b>Site planning</b>		
<b>2.1</b>	<b>Minimum lot size and frontage</b>		
		272sqm	

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DCP Clause	Controls	Proposal	Compliance
<b>3</b>	<b>Building envelope</b>		
<b>3.1</b>	<b>Floor space ratio LEP 2012 = Merit</b>	Proposed FSR = 0.57:1	Yes
<b>3.2</b>	<b>Building height</b>		
	<b>Maximum overall height LEP 2012 = 9.5m</b>	Proposed = 5.45m	Yes
	i) Maximum external wall height = 7m	Proposed = 5.2m	Yes
<b>3.3</b>	<b>Setbacks</b>		
<b>3.3.2</b>	<b>Side setbacks:</b> Semi-Detached Dwellings: <ul style="list-style-type: none"> <li>• Frontage less than 6m = merit</li> <li>• Frontage b/w 6m and 8m = 900mm for all levels</li> </ul>	Proposed = 500mm from common side boundary	Acceptable having regard to objectives and not a key issue as far as the streetscape and neighbouring properties amenity is concerned.
<b>4</b>	<b>Building design</b>		
<b>4.1</b>	<b>General</b>		
	Respond specifically to the site characteristics and the surrounding natural and built context - <ul style="list-style-type: none"> <li>• articulated to enhance streetscape</li> <li>• stepping building on sloping site,</li> <li>• no side elevation greater than 12m</li> <li>• encourage innovative design</li> </ul>		Yes
<b>4.2</b>	<b>Additional Provisions for symmetrical semi-detached dwellings</b>		
	i) Enhance the pair as coherent entity: <ul style="list-style-type: none"> <li>• behind apex of roof; low profile or consistent with existing roof</li> <li>• new character that is first floor at front after analysis streetscape outcome</li> </ul> ii) Constructed to common boundary of adjoining semi iii & iv) avoid exposure of blank party walls to adjoining semi and public domain	Located forward of front apex	See key issues section in Council report.
<b>4.4</b>	<b>Roof Design and Features</b>		
	Dormers iii) Dormer windows don't dominate iv) Maximum 1500mm height, top is below roof ridge; 500mm setback from side of roof, face behind side elevation, above gutter of roof. v) Multiple dormers consistent vi) Suitable for existing <ul style="list-style-type: none"> <li>• Celestial windows and skylights</li> </ul> vii) Sympathetic to design of dwelling		Yes – see key issues section of Council report

DCP Clause	Controls	Proposal	Compliance
<b>4.5</b>	<b>Colours, Materials and Finishes</b>		
	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
<b>5</b>	<b>Amenity</b>		
<b>5.1</b>	<b>Solar access and overshadowing</b>		
	<b>Solar access to neighbouring development:</b>		
	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"> <li>• Degree of meeting the FSR, height, setbacks and site coverage controls.</li> <li>• Orientation of the subject and adjoining allotments and subdivision pattern of the urban block.</li> <li>• Topography of the subject and adjoining allotments.</li> <li>• Location and level of the windows in question.</li> <li>• Shadows cast by existing buildings on the neighbouring allotments.</li> </ul>		Yes

DCP Clause	Controls	Proposal	Compliance
<b>5.2</b>	<b>Energy Efficiency and Natural Ventilation</b>		
	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"> <li>• Skylights (ventilated)</li> <li>• Clerestory windows</li> <li>• Fanlights above doorways</li> <li>• Highlight windows in internal partition walls</li> <li>• living rooms contain windows and doors opening to outdoor areas</li> </ul> Note: The sole reliance on skylight or clerestory window for natural lighting and ventilation is not acceptable		Yes
<b>5.3</b>	<b>Visual Privacy</b>		
	<b>Windows</b>		
	i) minimise any direct viewing habitable of proposed and neighbours habitable room windows by one or more of the following measures: <ul style="list-style-type: none"> <li>- windows are offset or staggered</li> <li>- minimum 1600mm window sills</li> <li>- Install fixed and translucent glazing up 1600mm minimum effective sill.</li> <li>- Install fixed privacy screens to windows.</li> <li>- Creating a recessed courtyard (minimum 3m x 2m).</li> </ul> ii) orientate living and dining windows away from similar opposite (that is front or rear or side courtyard)	Additional window within a number of north facing windows at first floor elevation.	Yes – No appreciable implications for privacy of neighbouring properties.

**3. 79C Matters for consideration**

Section 79C 'Matters for Consideration'	Comments
<b>Environmental Planning Instruments</b>	
Section 79C(1)(a)(i) – Provisions of any environmental planning instrument	<p><b>Randwick Local Environmental Plan 2012</b></p> <p>The site is zoned R2 Randwick Local Environmental Plan 2012 and the proposal is permissible with Council's consent.</p> <p>The proposed modifications will promote the specific objectives of the zone by enhancing employment opportunities and servicing the needs of local and regional residents thereby ensuring the commercial viability of the town centre. It will also protect the amenity of residents in the neighbouring residential zones.</p>

Section 79C 'Matters for Consideration'	Comments
<b>Environmental Planning Instruments</b>	
Section 79C(1)(a)(ii) – Provisions of any draft environmental planning instrument	None applicable
Section 79C(1)(a)(iii) – Provisions of any development control plan	The proposal generally satisfies the DCP, except where indicated in this report and discussed in the key issues section of the executive Council report.
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 modifications are 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	No submissions.
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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**4. 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.

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

- 1 The development must be implemented substantially in accordance with the following plan and documentation:

<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

, as amended by the following Section 96 plan and documentation:

<i>Plan</i>	<i>Drawn by</i>	<i>Dated</i>	<i>Received by Council</i>
DA-01-D Rev C	Chris Elliot Architects	09-04-14	9 April 2014

<i>BASIX Certificate No.</i>	<i>Dated</i>	<i>Received by Council</i>
A168475_04	8 April 2014	9 April 2014

, only in so far as they relate to the modifications highlighted on the Section 96 plans and detailed in the Section 96 application, except as may be amended by the following conditions and as may be shown in red on the attached plans:

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