



ORDINARY COUNCIL MEETING

**DEVELOPMENT APPLICATION
COMPLIANCE REPORTS & UNDER
SEPARATE COVER ATTACHMENTS**

TUESDAY 22 JULY, 2014

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Development Application Compliance Report



Folder /DA No:	DA/73/2014
PROPERTY:	67 Mooramie Avenue, KENSINGTON NSW 2033
Proposal:	Demolition of existing structures, construction of two storey dwelling with double garage at front, swimming pool to rear and associated works
Recommendation:	Approval

Relevant Environment Planning Instruments:

1. SEPPs

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

The proposal is supported by a BASIX Certificate which demonstrates satisfaction with the SEPP.

2. Randwick LEP 2012

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

Objective: To provide for the housing needs of the community within a low density residential environment

Assessment Comment: The proposal will replace a modest-sized single storey dwelling in relatively poor condition with a larger new dwelling of a scale and floor space that is consistent with the scale and floor space of dwellings in the vicinity and locality.

The new dwelling is compatible with the low density scale and character of the neighbourhood.

Objective: To enable other land uses that provide facilities or services to meet the day to day needs of residents

Assessment Comment: This objective does not apply to the proposal.

Objective: To recognize 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

Assessment Comment: There are various dwellings forms and architectural styles within the length of Mooramie Avenue, with the southern end of the street being dominated by California Bungalow style dwellings (some with ground and first floor additions and alterations).

The locality and general precinct is characterised by free standing dwellings of predominantly one and two storey scale, with reasonably consistent building separation (i.e. side setbacks) and includes a mixture of architectural styles from California Bungalows to contemporary designs.

The precinct is not within a heritage conservation area and there is a transition in some locations from older housing stock to newer styles of dwellings. The contemporary design of the proposed dwelling, although different from the adjacent California Bungalows in architectural style, is nonetheless consistent with the low density, one and two storey scale, building separation and free standing form of development in the locality.

Objective: To protect the amenity of residents

Assessment Comment: The proposal will cast shadow onto the southern adjoining property at 69 Mooramie Avenue. However, the two windows serving the primary internal living room and the rear yard (being the primary open space) at 69 Mooramie Avenue will continue to receive at least 3 hours sunlight between 8am and 4pm during mid-winter.

Subject to the inclusion of a condition of consent requiring a privacy screen for the rear ground level (raised) outdoor living area, the proposal is unlikely to result in significant aural or visual privacy impacts that would not reasonably be expected from a single detached dwelling in a low density residential zone.

Aural privacy for adjoining neighbours can be protected with standard noise restrictions during construction.

Objective: To encourage housing affordability

Assessment Comment: The proposal replaces a single storey detached dwelling in reasonably poor condition with a larger two storey detached dwelling.

The proposal does not encourage housing affordability, although it does not reduce the amount of affordable housing in the locality.

Objective: To enable small scale business uses in existing commercial buildings

Assessment Comment: This objective does not apply to the proposal.

In summary the proposal is consistent with the relevant objectives for development in Zone R2 with the exception that the new dwelling does not contribute to housing affordability.

The following Clauses of RLEP 2012 apply to the proposal:

Description	Council Standard	Proposed	Compliance (Yes/No/NA)
Floor Space Ratio (Maximum)	0.65:1	0.42:1	Yes
Height of Building (Maximum)	9.5m	9.35m	Yes

Clause 4.3 Height of Buildings

Clause 4.3 to Randwick LEP 2012 and the Height of Buildings Map specify the maximum building height for development on the site is 9.5m. The proposed dwelling is a maximum of 9.35m above existing ground level.

Clause 4.4 Floor Space Ratio

Clause 4.4 (2A) to Randwick LEP 2012 assigns a maximum floor space ratio of 0.65:1 for a dwelling house on the site. The new dwelling has a gross floor area of 232m² and will result in a floor space ratio of 0.42:1.

Clause 5.10 Heritage

The site does not accommodate a heritage item and the site is not located within a conservation area.

Adjacent sites do not accommodate heritage items and the closest heritage items are located at 24 Day Avenue (i.e. RLEP 2012 Item 121) and 167 Doncaster Avenue (RLEP 2012 Item 129) respectively.

Item 121 is approximately 135m in a straight line from the site and 160m walking distance. Item 129 is approximately 100m in a straight line from site and 130m walking distance.

The nearest conservation area is the area identified on the RLEP 2012 Heritage Map as C3, being the Sacred Heart Heritage Conservation Area, which is approximately 380m in a straight line from the subject property or approximately 525m walking distance from the site.

The demolition of the existing dwelling and construction of a new two storey detached dwelling of similar scale and alignment as adjacent residential dwellings will not have adverse impacts upon the significance of any heritage items or conservation areas.

A heritage management document is not required to be lodged with the DA in this instance.

Clause 6.3 Flood Planning

The site has been identified as containing land that is at or below the flood planning level.

The site is also partially located within a flood storage area.

The subject dwelling is proposed to be constructed on a suspended slab on piers thereby retaining any flood storage area underneath the dwelling.

Additionally the floor level of the proposed dwelling and the floor level of the proposed garage are at levels consistent with the flood planning levels set by Council's Drainage Engineer.

The design of the proposed dwelling responds to the level of the flood hazard affecting the land and also represents an improved response compared to the existing dwelling at the site.

Subject to the imposition of the recommended conditions the proposal incorporates appropriate measures to manage risk to life from flood and will not significantly adversely affect the environment or cause avoidable erosion.

The proposal is not likely to result in unsustainable social and economic costs to the community as a consequence of flooding.

Subject to the imposition of the recommended conditions the proposal will not significantly adversely affect flood behaviour or result in detrimental increases in the potential flood affectation of other development or properties.

Clause 6.4 Stormwater Management

Clause 6.4 to Randwick LEP 2012 requires stormwater management to be integrated with the existing stormwater management system and incorporate water sensitive urban design principles.

Stormwater management for the new dwelling is proposed to be connected to the existing stormwater drainage network at the rear of the site. Subject to the conditions of consent recommended by Council's engineer, the proposal will comply with Clause 6.4.

Clause 6.10 Essential Services

Clause 6.10 to Randwick LEP 2012 requires that Council not grant consent unless all essential services required by a proposed development are capable of being connected. The essential services of reticulated sewer, water and electricity are currently connected to the existing dwelling and these services can be connected to the new dwelling.

3. Randwick Comprehensive DCP

3.1 C1 Table: Low Density Residential

Randwick Development Control Plan

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

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

DCP Clause	Controls	Proposal	Compliance
	Classification	Zoning = R2	
2	Site planning		
2.3	Site coverage		
	451 to 600 sqm = 50%	Site = 556.4m ² Existing = 26% Proposed = 35%	Yes
2.4	Landscaping and permeable surfaces		
	i) 451 to 600 sqm = 30%	Proposed = 220m ² (40%)	Yes
	ii) Deep soil minimum width 900mm.	Yes	Yes
	iii) Maximise permeable surfaces to front	Yes – The majority of the surfaces in the front yard will be permeable.	Yes
	iv) Retain existing or replace mature native trees	There are no existing trees at the site.	Yes
	v) Minimum 1 canopy tree (8m mature). Smaller (4m mature) If site restrictions apply.	At least 1 tree (4-7m upon maturity) to be provided in accordance with recommended conditions.	Yes (subject to conditions)
	vi) Locating paved areas, underground services away from root zones.	No protection required.	N/A
2.5	Private open space (POS)		
	Dwelling & Semi-Detached POS		
	451 to 600 sqm = 7m x 7m	Proposed ground floor "outdoor living" area	Yes

DCP Clause	Controls	Proposal	Compliance
		3m x 11m plus rear yard which is approximately 13m x 13m	
3	Building envelope		
3.1	Floor space ratio LEP 2012 clause 4.4 (2A) = 0.65:1	Proposed FSR = 0.42:1	Yes
3.2	Building height		
	Maximum overall height LEP 2012 = 9.5m	Proposed = 9.35m	Yes
	i) Maximum external wall height = 7m (Minimum floor to ceiling height for living areas = 2.7m)	Proposed = 6.98m	Yes
3.3	Setbacks		
3.3.1	Front setbacks		
	i) Average setbacks of adjoining (if none then no less than 6m)	Proposed ground floor set back ranges between 6m and 7.1m and is consistent with the front setback of adjacent dwellings. The first floor is setback between 10.3m and 13.2m from the front boundary.	Yes
	iii) do not locate swimming pools, above-ground rainwater tanks and outbuildings in front	Swimming pool is in rear yard.	Yes
3.3.2	Side setbacks: Dwellings: • Frontage over 12m = 1200mm (Ground & 1 st floor) Refer to 6.3 and 7.4 for parking facilities and outbuildings	Ground level northern side boundary setback = 1.065m to 1.5m First floor level northern side boundary setback = 1.065m to 4m Ground level southern side boundary setback = 1.27m to 2.8m First floor level southern side boundary setback = 1.27m to 5.6m	No (partial compliance) Supported on merit. No (partial compliance) Supported on merit. Yes Yes
3.3.3	Rear setbacks		
	i) Minimum 25% of allotment depth or 8m, whichever lesser. Note: control does not apply to corner allotments.	Required: 10.67m Proposed = 13.2m	Yes
	ii) Provide greater than aforementioned	Proposed rear setback is consistent with the	Yes

DCP Clause	Controls	Proposal	Compliance
	<p>or demonstrate not required, having regard to:</p> <ul style="list-style-type: none"> - Existing predominant rear setback line - reasonable view sharing (public and private) - protect the privacy and solar access <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>Refer to 6.3 and 7.4 for parking facilities and outbuildings</p>	<p>predominant rear setback.</p> <p>Subject to a condition of consent requiring privacy screen to 'outdoor living' space the proposal will not result in significant detrimental impacts to privacy, outlooks and solar access for the proposed dwelling or for neighbouring properties.</p> <p>Proposed swimming pool is located within rear setback and complies with other relevant provisions of the DCP.</p>	<p>Yes</p>
4	Building design		
4.1	General		
	<p>Respond specifically to the site characteristics and the surrounding natural and built context -</p> <ul style="list-style-type: none"> • articulated to enhance streetscape • stepping building on sloping site, • no side elevation greater than 12m • encourage innovative design 	<p>The façade to Mooramie Avenue is articulated through the use of gable ends at ground and first floor levels with pitched roof forms – echoing the form of adjacent California Bungalow architecture, without replicating it.</p> <p>The street façade also includes a horizontal element at ground level being a flat roof projecting forward of the front building line, providing an awning above the garage door and main entry to the dwelling. This horizontal roof form also echoes the flat roofs over front</p>	<p>Yes</p>

DCP Clause	Controls	Proposal	Compliance
	<p>withstand natural weathering, ageing and deterioration.</p> <p>vi) recycled and re-use sandstone (See also section 8.3 foreshore area.)</p>	<p>master bedroom and the eastern (rear) and southern side walls of the first floor bathroom are of rendered EPS panels with painted finish.</p> <p>The proposal includes Colorbond metal roofing.</p> <p>Conditions are recommended for a schedule of colours and finishes, including non-reflective roofing.</p> <p>The finishes proposed differ from the materials of the immediately adjacent properties but are consistent with the contemporary architectural style proposed and other dwellings in the locality.</p>	
4.6	Earthworks		
	<p>i) excavation and backfilling limited to 1m, unless gradient too steep</p> <p>ii) minimum 900mm side and rear setback</p> <p>iii) Step retaining walls</p> <p>iv) site conditions allow for side or rear setback less than 900mm (max 2.2m)</p> <p>v) sloping sites down to street level must minimise blank retaining walls (use combination of materials, and landscaping)</p> <p>vi) cut and fill for POS is terraced where site has significant slope:</p> <p>vii) adopt a split-level design</p> <p>viii) Minimise height and extent of any exposed under-croft areas.</p>	<p>The site is affected by a flood planning level and the finished floor level of the dwelling will be RL 23.40 which is approximately 1.55m above the existing ground level near the rear alignment of the proposed dwelling.</p> <p>The proposal includes a suspended slab on piers construction.</p> <p>Subsequently minimal excavation and backfilling is proposed within the overall building footprint.</p>	Yes
5	Amenity		
5.1	Solar access and overshadowing		

DCP Clause	Controls	Proposal	Compliance
	Solar access to proposed development:		
	i) Portion of north-facing living room windows must receive a minimum of 3 hrs direct sunlight between 8am and 4pm on 21 June ii) POS (passive recreational activities) receive a minimum of 3 hrs of direct sunlight between 8am and 4pm on 21 June.	N/A. The site is orientated in an east – west direction. The living room has an eastern orientation and its eastern facing windows will receive sunlight from 8am to 10.30am. 50% or more of the primary private open space at the rear of the site will receive in excess of 3 hours sunlight between 8am and 4pm on 21 June.	Yes
	Solar access to neighbouring development:		
	i) Portion of the north-facing living room windows must receive a minimum of 3 hours of direct sunlight between 8am and 4pm on 21 June. iv) POS (passive recreational activities) receive a minimum of 3 hrs of direct sunlight between 8am and 4pm on 21 June. v) solar panels on neighbouring dwellings, which are situated not less than 6m above ground level (existing), must retain a minimum of 3 hours of direct sunlight between 8am and 4pm on 21 June. If no panels, direct sunlight must be retained to the northern, eastern and/or western roof planes (not <6m above ground) of neighbouring dwellings. vi) Variations may acceptable be subject to: <ul style="list-style-type: none"> • Degree of meeting the FSR, height, setbacks and site coverage controls. • Orientation of the subject and adjoining allotments and subdivision pattern of the urban block. • Topography of the subject and adjoining allotments. • Location and level of the windows in question. • Shadows cast by existing buildings on the neighbouring allotments. 	The property to the south, 69 Mooramie Avenue has its primary internal living room located at the ground level at the rear. The primary source of sunlight in winter to the living room is via two windows in the northern wall. The amended shadow diagrams submitted with the amended DA demonstrate that a portion of the two north living room windows will receive sunlight a minimum of 3 hours between 8am and 4pm on 21 June. Specifically, a portion of the eastern most north facing ground level window will receive sunlight for approximately 4.5 hours on June 21(i.e. sunlight will be received from approximately 8.45am to 1.15pm).	Yes

DCP Clause	Controls	Proposal	Compliance
		<p>The second north facing ground level living room will receive approximately 3.5 hours sunlight on June 21(i.e. sunlight will be received from 8.45am to 9.45am, 10.15am to 12.15pm and 3.30pm to 4pm).</p> <p>A formal lounge room on the ground floor of 69 Mooramie Avenue has a north facing window of which a portion will receive sunlight for approximately 2 hours and 15 minutes on June 21.</p> <p>The two western most north facing ground level windows (which are understood to serve a bedroom and bathroom) will receive in excess of 3 hours sunlight between 9am and 4pm on June 21.</p> <p>The rear yard of 69 Mooramie Avenue includes a swimming pool and private open space. Significant portions of the private open space will receive sunlight for greater than 3 hours June 21.</p> <p>There are currently no solar panels on the north facing roof plane of the dwelling at 69 Mooramie Avenue. Nonetheless the shadow diagrams indicate that there will be sufficient space on the north facing roof plane to accommodate solar panels which will be capable of receiving in excess of</p>	

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DCP Clause	Controls	Proposal	Compliance
		3 hours sunlight on June 21. Solar panels on the garage at the rear of 69 Mooramie Avenue receive in excess of 3 hours sunlight on June 21.	
5.2	Energy Efficiency and Natural Ventilation		
	i) Provide day light to internalised areas within the dwelling (for example, hallway, stairwell, walk-in-wardrobe and the like) and any poorly lit habitable rooms via measures such as: <ul style="list-style-type: none"> • Skylights (ventilated) • Clerestory windows • Fanlights above doorways • Highlight windows in internal partition walls • living rooms contain windows and doors opening to outdoor areas Note: The sole reliance on skylight or clerestory window for natural lighting and ventilation is not acceptable	All internal habitable rooms have windows to external walls and the first floor level includes clerestory windows providing sunlight to the circulation space an stairwell.	Yes
5.3	Visual Privacy		
	Windows		
	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"> - windows are offset or staggered - minimum 1600mm window sills - Install fixed and translucent glazing up 1600mm minimum effective sill. - Install fixed privacy screens to windows. - Creating a recessed courtyard (minimum 3m x 2m). ii) orientate living and dining windows away from similar opposite (that is front or rear or side courtyard)	Window arrangements, size and design ensure the privacy of adjoining residents.	Yes
	Balcony and decks		
	i) Upper floor balconies to street or rear yard of the site. (wrap around balcony to have a narrow width at side) ii) Where a balcony, deck or terrace is likely to overlook the private open space or windows of the adjacent dwellings, privacy screens must be installed in suitable positions to mitigate the loss of privacy.	N/A The ground floor level is elevated slightly in response to the flood planning level for the site.	Yes subject to recommended conditions.

DCP Clause	Controls	Proposal	Compliance
	iii) Supplementary privacy devices: Screen planting and planter boxes (Not sole privacy protection measure) iv) vi) For sloping sites, step down and avoid large areas of ground floor decks or terraces.	Consequently the outdoor living area, connected to the ground floor dining and living rooms is also elevated. The outdoor living area is located opposite the primary private open space at the rear of the property to the north (i.e. 65 Mooramie Avenue). Hedge plantings are proposed along the boundary to mitigate the privacy impacts. However conditions of consent have also been recommended which require the installation of permanently fixed privacy screens along the entire northern edge of the 'outdoor living area' to a minimum height of not less than 1600mm	
5.4	Acoustic Privacy		
	i) noise sources not located adjacent to adjoining dwellings bedroom windows	Room arrangement and site layout is not expected to generate noise likely to be incompatible with a low density residential environment.	Yes
5.5	Safety and Security		
	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.	Main entry path and doorway to dwelling address Mooraimie Avenue frontage. Street numbering can be provided. Study room window is oriented to the street at ground level with 3 bedroom windows at first level oriented to the street (i.e. windows to bedrooms	Yes Yes Yes

DCP Clause	Controls	Proposal	Compliance
	iv) Front fences, parking facilities and landscaping does not to obstruct casual surveillance (maintain safe access)	2 and 3). Proposed fencing, parking and landscaping is articulated to ensure casual surveillance is not obstructed.	Yes
5.6	View Sharing		
	i) Reasonably maintain existing view corridors or vistas from the neighbouring dwellings, streets and public open space areas. ii) retaining existing views from the living areas are a priority over low use rooms iii) retaining views for the public domain takes priority over views for the private properties iv) fence design and plant selection must minimise obstruction of views v) Adopt a balanced approach to privacy protection and view sharing vi) Demonstrate any steps or measures adopted to mitigate potential view loss impacts in the DA. (certified height poles used)	There are no existing prominent views or vistas likely to be affected from neighbouring streets, public open spaces and neighbouring properties. The proposed dwelling complies with building height requirements.	Yes
6	Car Parking and Access		
6.1	Location of Parking Facilities:		
	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.	One vehicle access to site from Mooramie Avenue. Double garage located within the dwelling. Garage alignment is setback 1.1m from front building alignment. The site has a frontage of 13.105m and a double garage is proposed. Mixed car parking arrangements within street, ranging from no garages, to single and double garages, hard stands in front of building facades and side driveways with rear garages.	Yes Yes Yes Yes

DCP Clause	Controls	Proposal	Compliance
	v) Minimise excavation for basement garages vi) Avoid long driveways (impermeable surfaces)	Condition recommended to reduce width of driveway at front boundary. The proposal includes landscaping within the front yard. N/A Driveway is length is comparable to length of driveways elsewhere in the street.	Yes
6.3	Setbacks of Parking Facilities		
	i) Garages and carports comply with Sub-Section 3.3 Setbacks. iii) Nil side setback where: - nil side setback on adjoining property; - streetscape compatibility; - safe for drivers and pedestrians; and - Amalgamated driveway crossing	Refer to sub-section 3.3. N/A. Garage setback 1.065m from side boundary.	Refer to Sub-Section 3.3 N/A
6.4	Driveway Configuration		
	Maximum driveway width: - Double driveway – 5m Must taper driveway width at street boundary and at property boundary	5m in width but does not taper. Conditions recommended to include taper.	Yes subject to conditions of consent.
6.5	Garage Configuration		
	i) recessed behind front of dwelling ii) The maximum garage width (door and piers or columns): - Double garage – 6m iii) 5.4m minimum length of a garage vi) recess garage door 200mm to 300mm behind walls (articulation) vii) 600mm max. parapet wall or	Garage recessed 1.1m behind front building wall alignment and 1.5m behind flat roof awning element. Double garage width 5.98m. Garage length 5.6m Door to be recessed a minimum of 200mm subject to condition of consent. N/A	Yes Yes Yes Yes subject to conditions of consent. N/A

DCP Clause	Controls	Proposal	Compliance
	bulkhead vii) minimum clearance 2.2m AS2890.1	Minimum clearance greater than 2.2m	Yes
7	Fencing and Ancillary Development		
7.1	General - Fencing		
	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	Durable materials to be used.	Yes
7.2	Front Fencing		
	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. ix) Splay fence adjacent to the driveway to improve driver and pedestrian sightlines.	Yes. Rendered brick fence, with paint finish proposed. The piers of the fence are no greater than 1.2m high and the solid sections are no greater than 600mm in height. Conditions included to ensure that the non-solid portion of the fence is constructed with light weight materials (such as timber panels, slats or the like) that are at least 30% open and evenly distributed along the full length of the fence. Condition also included to maintain the integrity of an existing pier located at the southern end of the front boundary (Note: The pier straddles the boundary with the property at 69 Mooramie Avenue).	Yes subject to conditions.
7.3	Side and rear fencing		
	i) 1800mm maximum height (from existing ground level). Sloping sites step fence down (max. 2.2m).	Northern side boundary fence is proposed to be	Yes subject to conditions of consent.

DCP Clause	Controls	Proposal	Compliance
	ii) Fence may exceed max. if level difference between sites iii) Tapper down to front fence height once past the front façade alignment. iv) Both sides treated and finished.	retained. Proposed southern side boundary timber paling fence ranges between 650mm (at front of the site) to 2200mm from front building line back. No significant change in levels or slope in land and therefore condition of consent proposed to restrict height of southern boundary fence (behind front building alignment of the dwelling) to 1.8m.	
7.5	Swimming pools and Spas		
	i) Locate behind the front building line iii) Minimise damage to existing tree root systems on subject site and adjoining. iv) Located to minimise noise impacts on the adjoining dwellings. v) Pool and coping related to site topography (max 1m over lower side of site). vi) 900mm minimum coping from rear and side boundaries. vii) Incorporate screen planting (min. 3m mature height unless view corridors affected) between setbacks. viii) Position decking to minimise privacy impacts. viii) Pool pump and filter contained in acoustic enclosure and away from the neighbouring dwellings.	Located in the rear yard. No trees affected. Located in logical location at the rear of the dwelling and adjoining dwellings and not immediately adjacent living rooms and or bedrooms. Yes – coping will not rise 1m above ground level. Yes – pool coping is set approximately 2m from rear boundary. Yes- Hedging proposed. Conditions of consent ensuring suitable species to be planted. Yes. Yes – pool pump and filter located in the south east corner of	Yes Yes Yes Yes Yes Yes Yes

DCP Clause	Controls	Proposal	Compliance
		the rear yard, adjacent the existing shed at 69 Mooramie Avenue.	
7.6	Air conditioning equipment		
	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.	Not visible from the street and will not impact on neighbouring properties.	Yes subject to conditions for further details to be indicated on plans submitted with the Construction Certificate.
7.8	Clothes Drying Facilities		
	i) Located behind the front alignment and not be prominently visible from the street	To be located in the rear yard in accordance with recommended conditions of consent.	Yes subject to conditions of consent.

4. 79C Matters for consideration

Section 79C 'Matters for Consideration'	Comments
Environmental Planning Instruments	
Section 79C(1)(a)(i) – Provisions of any environmental planning instrument	The site is within Zone R2 Low Density Residential under Randwick Local Environmental Plan 2012 and the proposal is permissible with Council's consent. The proposal is consistent with the aims of RLEP 2012 and the specific objectives of the zone. The proposal is consistent with the majority of the relevant controls and objectives of LEP clauses and subject to the implementation of recommended conditions of development consent will be consistent with the objectives of all relevant LEP clauses.
Section 79C(1)(a)(ii) – Provisions of any draft environmental planning instrument	There are no applicable provisions of draft environmental planning instruments.
Section 79C(1)(a)(iii) – Provisions of any development control plan	The proposal satisfies the guidelines and provisions of Randwick Comprehensive DCP 2013 with the exception of the northern side setback at ground and first floor level. The required setback is 1.2m at both ground and first floor level. The proposed ground level northern side boundary setback = 1.065m to 1.5m. The proposed first floor level northern side boundary setback = 1.065m to 4m

Section 79C 'Matters for Consideration'	Comments
Environmental Planning Instruments	
	<p>The proposed dwelling fully complies with all other setbacks and in particular the southern side setback which is important with respect to minimising overshadowing.</p> <p>The proposed dwelling complies with the building height, the FSR, the site coverage and the landscaped area controls.</p> <p>The minor variation to the northern side setback requirement is acceptable in this instance as it will not result in non-compliance with the DCP requirements for private open space, solar access, landscaped area and deep soil planting.</p> <p>The proposal will not result in significant adverse impacts along the northern boundary in terms of bulk and scale impacts for the neighbouring dwelling to the north.</p> <p>A variation to the side setback is considered acceptable for these reasons.</p>
Section 79C(1)(a)(iiia) – Provisions of any Planning Agreement or draft Planning Agreement	N/A
Section 79C(1)(a)(iv) – Provisions of the regulations	The relevant clauses of the Regulations have been satisfied.
Section 79C(1)(b) – The likely impacts of the development, including environmental impacts on the natural and built environment and social 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, denoted by low density dwellings. 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, <u>the site is considered suitable for the proposed development.</u>
Section 79C(1)(d) – Any submissions made in accordance with the EP&A Act or EP&A Regulation	The issues raised in the submissions have been addressed in this report.
Section 79C(1)(e) – The public interest	The proposal promotes the objectives of the zone and will not result in any significant adverse environmental, social or economic impacts on the locality. Accordingly, the proposal is considered to be in the public interest.

5. Referral Comments

Council’s Development Engineer has provided comments with respect to flooding, parking, drainage, the proposed swimming pool and landscaping. The Development Engineer has

indicated that the information submitted with the application is sufficient to grant conditional consent and conditions have been provided accordingly.

6. DEVELOPMENT CONSENT CONDITIONS

GENERAL CONDITIONS

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

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

Approved Plans & Supporting Documentation

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

Plan	Drawn by	Dated	Drawing No. /Revision	Received by Council
Site Plan	AADBuild	December 2013	DA/01B	19 May 2014
Landscape Plan	AADBuild	January 2014	DA/03	19 May 2014
Ground Floor Plan - Amended	AADBuild	March 2014	DA/04	19 May 2014
First Floor Plan – Amended	AADBuild	March 2014	DA/05	19 May 2014
Elevation – West (Street Elevation)	AADBuild	January 2014	DA/06B	19 May 2014
Elevation - South	AADBuild	January 2014	DA/07B	19 May 2014
Elevation - East	AADBuild	January 2014	DA/08B	19 May 2014
Elevation – North	AADBuild	January 2014	DA/09B	19 May 2014
Section – North to South	AADBuild	January 2014	DA/10B	19 May 2014
Section – West to East	AADBuild	January 2014	DA/11B	19 May 2014

BASIX Certificate No.	Dated	Received by Council
545465S	04/05/2014	05/05/2014

Amendment of Plans & Documentation

2. The approved plans and documents must be amended in accordance with the following requirements:
 - a. A privacy screen having a height of 1.6m above floor level must be provided along the entire northern edge of the elevated “Outdoor Living” area which is adjacent to the internal dining room and internal living room at ground level of the dwelling. The privacy screen must be constructed of metal or timber and the total area of any openings within the privacy screen must not exceed 30% of the area of the screen. Alternatively, the privacy screen may be constructed with obscured or frosted glazing in a suitable frame.
 - b. The southern edge of the driveway is to taper from the double garage door opening to a maximum width of 3.5m at the western (Mooramie Avenue)

boundary of the property. The front fence shall be extended so that the opening in the fence for the vehicular crossing is no greater than 3.5m.

- c. The garage door is to be recessed a minimum of 200mm from the external face of the western wall of the garage.
- d. The piers of the front fence are to be no greater than 1.2m high and the solid sections are to be no greater than 600mm in height. The non-solid portion of the front fence is to be constructed with light weight materials (such as timber panels, slats or the like) that are at least 30% open and evenly distributed along the full length of the fence.

The southern most existing front fence pier (i.e. the pier which straddles the boundary between 67 Mooramie Avenue and 69 Mooraimie Ave) is to be retained. The northern side (being the section of the pier that is contained wholly within the boundaries of 67 Mooramie Avenue) may be rendered and painted to match the remaining section of the proposed front fence at 67 Mooramie Ave. No work is approved for the section of the pier located on the property of 69 Mooramie Avenue.

- e. The southern boundary side fence is to be no greater than 650mm in height where it is located forward of the front (western) wall of the dwelling.

The southern boundary side fence is to be no greater than 1800mm above the existing ground level where it is located to the east of the front wall of the approved dwelling. The materials for the fence shall be timber palings or timber panels, slats or the like.

CP79/14

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. The details of the proposed colours, materials and textures (i.e. a schedule and brochure/s or sample board) are to be submitted to and approved by the Certifying Authority prior to issuing a construction certificate for the development.

The details are to be consistent with those shown on the approved plans and any metal roof sheeting is to be pre-painted (e.g. Colourbond) to limit the level of reflection and glare.

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 \$486,640, the following applicable monetary levy must be paid to Council: \$4,866.40.

The levy must be paid in cash, bank cheque or by credit card prior to a construction certificate being issued for the proposed development. The development is subject to an index to reflect quarterly variations in the Consumer Price Index (CPI) from the date of Council's determination to the date of payment.

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

Long Service Levy Payments

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

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

Security Deposit

7. The following damage / civil works security deposit requirement must be complied with as security for making good any damage caused to the roadway, footway, verge or any public place; and as security for completing any public work; and for remedying any defect on such public works, in accordance with section 80A(6) of the *Environmental Planning and Assessment Act 1979*:

- \$2000.00 - Damage / Civil Works Security Deposit

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

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

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

Design Alignment levels

8. 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, must match the back of the existing footpath along the full site frontage.

The design alignment level/s at the property boundary as issued by Council and their relationship to the footpath must be indicated on the building plans for the construction certificate. The design alignment level at the street boundary, as issued by the Council, must be strictly adhered to.

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

9. The above alignment levels and the site inspection by Council's Development Engineering Section have been issued at a prescribed fee of \$655 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.

10. The top of footings of any structures constructed on the boundary alignment must be at least 150mm below the alignment level as specified for the vehicular access. This condition has been attached to accommodate future footpath construction at this location.

Driveway Design

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

Flooding

12. Based on the findings of the Kensington/Centennial Park Flood Study commissioned by Council the subject site will be subject to significant flooding during major storm events. The following flood protection measures are to be undertaken with details to be included in the construction certificate documentation.

- a) Suitable diagrams and calculations shall be submitted from a suitably qualified Hydraulic Engineer demonstrating that there shall be no net loss of floodplain storage volume below the 1% AEP (1 in 100 yr) flood level of RL 22.9 AHD. This includes but is not limited to the following:
- Spoil from excavation of the swimming pool and foundations shall be removed from the site. All other changes in ground level shall be achieved through balanced cut and fill on site.
 - Suitable openings shall be provided on both sides of the dwelling, and below the 1% AEP flood, to ensure the ingress and egress of flood waters beneath the dwelling
- b) The lowest habitable floor level shall be no lower than the RL 23.40 being the level of the 1% AEP (1 in 100yr) flood plus 0.5m freeboard (i.e. 22.9m + 0.5m = 23.4m AHD)
- c) The garage level shall be no lower than RL 22.9m AHD being the level of the 1% AEP or 1 in 100yr flood.
- d) The sub floor area shall not be used for the storage of goods.
- e) The structure shall be designed to *structurally* withstand hydrostatic pressure/stormwater inundation, including debris and buoyancy for floods up to and including the Probable Maximum Flood (PMF) level of RL 24.7 AHD. Structural Engineering certification confirming that this condition has been complied with shall be submitted to the certifying authority with the construction certificate.

This requirement does not necessitate the development being flood proof/water tight up to the PMF event, rather the requirement is to ensure that the development will not be structurally damaged in manner that could endanger lives during the PMF event.

- f) All structures shall be constructed from flood compatible building materials below RL 23.40 AHD being the 1% AEP (1 in 100yr) flood plus 0.5m freeboard.
- g) All mechanical and electrical components associated with the swimming pool shall be located above or suitably protected up to RL 23.00 being the level of 1% AEP (1 in 100yr) flood plus 0.5m freeboard (i.e. 22.5m + 0.5m = 23.0m AHD) at the rear of the site.
- h) Masonry fencing shall not be permitted along the side and rear boundaries.

- i) Suitable openings shall be provided in the front and rear fences to allow for the passage of floodwaters.

Sydney Water

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

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

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

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

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

Drainage Reserve

14. All proposed footings for the swimming pool located adjacent to drainage reserve at the rear of the property shall either be:

- A) Founded on rock, or;
- B) Extended below a 30 degree line taken from the level of the culvert invert at the edge of the drainage reserve (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.

Stormwater Drainage

15. Detailed drainage plans with levels reduced to Australian Height Datum (AHD), shall be prepared by a suitably qualified Hydraulic Engineer and be submitted to and approved by the certifying authority. A copy of the plans shall be forwarded to Council, if Council is not the certifying authority.

The drainage plans must demonstrate compliance with the Building Code of Australia, Australian Standard AS3500.3:2003 (Plumbing and Drainage - Stormwater Drainage) and the relevant conditions of this development approval.

16. A site stormwater drainage system is to be provided in accordance with the following requirements (as applicable):
- a) The stormwater drainage system must be designed and constructed to satisfy the relevant requirements in the Building Code of Australia,
 - b) Roof stormwater must be directed to a suitably designed and constructed rainwater tank, as required in the relevant BASIX Certificate for the dwelling,
 - c) The overflow from the rainwater tank and other surface stormwater must be directed to a suitably designed sediment/silt arrestor pit which drains to a suitably designed infiltration area having a minimum base area of 5m²,

- d) A stormwater overflow pipe (located a minimum 50mm above the outlet to the infiltration area) is to be provided from the sediment/silt arrestor pit to drain to Council's kerb and gutter in Mooramie Avenue,
- e) The design and construction of the infiltration areas must be appropriate having regard to the site and ground characteristics.

Should the site or ground conditions preclude the construction of an infiltration pit (i.e. due to rock being located within 300mm of the base of the infiltration area), an infiltration pit need not be provided and the stormwater is to be discharged directly to the kerb and gutter via a sediment/silt arrestor pit.

- f) Any rainwater tank overflow/stormwater runoff which cannot be directed to the infiltration area and to the kerb and gutter at the front of the property (due to topographical constraints), shall be discharged either:
 - i. Through to Sydney Water's underground drainage culvert located in the rear drainage reserve (subject to the permission and requirements of Sydney Water.
 - ii. To a separate suitably sized infiltration area to the satisfaction of the Certifying Authority. As a guide, infiltration areas which do not have an overflow to the street should be sized based on a minimum requirement of 1 m² of infiltration area (together with 1 m³ of storage volume) for every 20 m² of roof/impervious area draining to the infiltration area.
- g) Should the applicant propose to discharge their stormwater to the underground stormwater culvert located in the rear drainage reserve, the permission of Sydney Water must be obtained with drainage plans to be forwarded and approved by Sydney Water in accordance with their requirements prior to the issuing of a construction certificate.
- h) The design and construction of any infiltration areas must be appropriate having regard to the site and ground characteristics.

If there is no formal overland escape route from the infiltration area to Council's kerb and gutter/street drainage system, a suitable investigation is required to be carried out by a *professional engineer* to determine the suitability of the ground for infiltration and the design of the proposed infiltration system,

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

Should ground conditions preclude construction of an infiltration pit (i.e. rock and/or a high water table be present on the site) and the owner/applicant be unable to obtain permission from Sydney Water to dispose of the stormwater to the stormwater culvert located in the drainage reserve, consideration may be given to the use of a pump out or a charged system.

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

Pump-out systems must be provided with two pumps and be installed, connected in parallel (with each pump being capable of discharging at the required discharge rate) and connected to a control board so that each pump will operate

alternatively. The pump wet well is required to be sized for the 1 in 100 year, 2 hour storm assuming both pumps are not working,

- j) Any pump out water must pass through a stilling pit prior to being discharged by gravity to the kerb and gutter.
- k) Should a charged system be required to drain any portion of the site, the charged system must be designed with suitable clear-outs/inspection points at pipe bends and junctions.
- l) Details of the design and construction of the stormwater drainage system, sediment silt arrestor pit/s and infiltration area/s must be submitted to and approved by the Certifying Authority with the Construction Certificate and all works are to be carried to the satisfaction of the Principal Certifying Authority.

17. Sediment/silt arrestor pit/s are to be provided within the site at or near the street boundary prior to stormwater being discharged from the site or into any infiltration areas. The sediment/silt arrestor pits are to be constructed generally in accordance with the following requirements, to the satisfaction of the principal certifying authority:

- The base of the pit located a minimum 300mm under the invert level of the outlet pipe.
- The grate is to be a galvanised heavy-duty grate that has a provision for a child proof fastening system.
- A minimum of 4 x 90 mm diameter weep holes 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 located over the outlet pipe (Mascot GMS Multi-purpose filter screen or similar)
- A child proof and corrosion resistant fastening system for the access grate (spring loaded j-bolts or similar).
- The inlet pipeline located on the side of the pit so that the stormwater will discharge across the face of the screen.
- A sign adjacent to this pit stating that:

“This sediment/silt arrestor pit shall be regularly inspected and cleaned.”

Note: Sketch details of a standard sediment/silt arrestor pit can be obtained from Council’s Drainage Engineer.

Street Tree Planting

18. The applicant must submit a payment of **\$107.25** (including GST) being to cover the cost for Council to supply and install 1 x 25 litre *Tristanopsis laurina* (Watergum) on the Mooramie Avenue verge, to the south of the proposed vehicle crossing, centrally across the width of the site, at the completion of all works.

The contribution shall be paid into **Tree Amenity Income** at the Cashier on the Ground Floor of the Administrative Centre, **prior to a Construction Certificate being issued for the development.**

The applicant must contact Council’s Landscape Development Officer on 9399-0613 (quoting the receipt number), and giving at least four working weeks notice to arrange for planting of the tree upon the completion of all site works.

REQUIREMENTS TO BE INCLUDED IN THE CONSTRUCTION CERTIFICATE

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

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

Compliance with the Building Code of Australia

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

BASIX Requirements

20. 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 & Design

21. All mechanical plant and equipment ancillary to the dwelling must be installed within the external walls or incorporated in the building elements of the external façade such that these elements shall not be visible from the street or prominent or prominent in the building exterior.

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.

Demolition & Construction Waste

22. A *Demolition and Construction Waste Management Plan* (WMP) must be developed and implemented for the development, to the satisfaction of Council.

The Waste Management Plan must provide details of the type and quantities of demolition and construction waste materials, proposed re-use and recycling of materials, methods of disposal and details of recycling outlets and land fill sites.

Where practicable waste materials must be re-used or recycled, rather than disposed and further details of Council's requirements including relevant guidelines and pro-forma WMP forms can be obtained from Council's Customer Service Centre or by telephoning Council on 9399 0999.

Details and receipts verifying the recycling and disposal of materials must be kept on site at all times and presented to Council officers upon request.

Public Utilities

23. 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. 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.
24. The owner/builder must make the necessary arrangements and meet the full cost for telecommunication companies, gas providers, Ausgrid, Sydney Water and other authorities to adjust, repair or relocate their services as required.

Landscaping

25. The PCA must ensure that the 'Landscape Plan' submitted with the Development Application, drawing No. DA/03, stamped **20 February 2014** has been amended to include the following details, **prior to the commencement of site works**:
- a) A Planting Plan & Plant Schedule which includes proposed species, botanic and common names, pot size at the time of planting, quantity, location, dimensions at maturity and any other landscape details to describe the proposed works;
 - b) A predominance of species that are not reliant on high quantities of moisture and fertilizer for survival;
 - c) A high quality selection and arrangement of decorative species throughout the front setback so as to assist with presentation of the development to the streetscape;
 - d) At least 1 x 25 litre/300mm (pot size at the time of planting) feature tree within the site, selecting a species which will attain a minimum height of between 4-7 metres at maturity.
 - e) The proposed hedge illustrated along the northern boundary between the proposed dwelling and the Dwelling at No 65 Mooramie Avenue is to be of an appropriate species which will attain a minimum height of at 3m at maturity.
 - f) An external clothes drying line is to located in the rear yard of the property.

Certification, PCA & other Requirements

26. 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

27. 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.

Construction Noise & Vibration Management Plan

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

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

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

Construction Site Management Plan

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

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

- construction noise and vibration management;
- construction traffic management details.

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

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

Demolition Work Plan

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

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

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

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

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

Notes

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

Public Utilities

31. 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.

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.

Road/Asset Opening Permit

32. 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 *Road / Asset Opening Permit* must be obtained from Council prior to carrying out any works within or upon a road, footpath, nature strip or in any public place, in accordance with section 138 of the *Roads Act 1993* and all of the conditions and requirements contained in the *Road / Asset Opening Permit* must be complied with.
 - The owner/builder must ensure that all works within or upon the road reserve, footpath, nature strip or other public place are completed to the satisfaction of Council, prior to the issuing of a *final occupation certificate* for the development.
 - Relevant *Road / Asset Opening Permit* fees, repair 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.

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

Flooding

33. The applicant shall submit to the Principal Certifying Authority (PCA) and Council, certification from a registered surveyor confirming that the floor and garage slab levels have been constructed at or above the flood planning levels specified in the conditions of this consent prior to proceeding with further stages of construction.

Tree Management

34. Approval is granted for the removal of all existing vegetation within the site due to their small size and insignificance, as well as to accommodate the proposed works as shown, subject to full implementation of the approved landscaping.

Inspections During Construction

35. 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

36. 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

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

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

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

Demolition Work Requirements

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

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

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

Removal of Asbestos Materials

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

- Relevant Occupational Health & Safety legislation and WorkCover NSW requirements
- Randwick City Council’s Asbestos Policy
- A WorkCover licensed demolition or asbestos removal contractor must undertake removal of more than 10m² of bonded asbestos (or as otherwise specified by WorkCover or relevant legislation). Removal of friable asbestos material must

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only be undertaken by contractor that holds a current friable asbestos removal licence. A copy of the relevant licence must be provided to the Principal Certifying Authority.

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

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

Sediment & Erosion Control

40. 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

41. 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.

Building Encroachments

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

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.

Council's Infrastructure, Vehicular Crossings & Road Openings

43. The owner/developer must meet the full cost for Council or a Council approved contractor to:
- a) Construct concrete vehicular crossing and layback at kerb opposite the vehicular entrance to the site.
 - b) Remove any remaining redundant concrete vehicular crossing and layback and to reinstate the area with concrete footpath, turf and integral kerb and gutter to Council's specification.
 - c) Re/construct a 1.8m wide concrete footpath along the full site frontage. Any unpaved areas on the nature strip must be turfed and landscaped to Council's specification.
44. The applicant must meet the full cost for Council or a Council approved contractor to repair/replace any damaged sections of Council's footpath, kerb & gutter, nature strip, drainage reserve etc which are due to building works being carried out at the above site. This includes the removal of cement slurry from Council's footpath and roadway.
45. All external civil work to be carried out on Council property (including the installation and repair of roads, footpaths, vehicular crossings, kerb and guttering and drainage works), must be carried out in accordance with Council's Policy for "Vehicular Access and Road and Drainage Works" and the following requirements:

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

Stormwater Drainage

46. The applicant shall submit to the Principal Certifying Authority (PCA) and Council, certification from a suitably qualified and experienced Hydraulic Engineer confirming that the design and construction of the stormwater drainage system complies with Australian Standard 3500.3:2003 (Plumbing & Drainage- Stormwater Drainage) and the conditions of this development consent.

The certification must be provided following inspection/s of the site stormwater drainage system by the certifying engineers and shall be provided to the satisfaction of the PCA.

Flooding

47. Certification from a suitably qualified Hydraulic/Structural Engineer shall be provided to the satisfaction of the PCA indicating that the completed development complies with the all flood protection measures specified in this development consent.

Landscaping

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

Occupation Certificate Requirements

50. 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

51. In accordance with Clause 154B of the *Environmental Planning & Assessment Regulation 2000*, a Certifying Authority must not issue an Occupation Certificate for this

development, unless it is satisfied that each of the required BASIX commitments have been fulfilled.

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

Swimming Pool Safety

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

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

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

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

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

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

Swimming Pool & Spa Pool Requirements

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

Notification of Swimming Pools & Spa Pools

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

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

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

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

55. The premises must only be used as a single residential dwelling and must not be used for dual or multi-occupancy purposes.
56. The sub floor area shall not be used for the storage of goods.
57. Suitable openings shall be maintained on both sides of the dwelling, and below the 1% AEP flood, to ensure the ingress and egress of flood waters beneath the dwelling.

External Lighting

58. 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

59. 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).

Plant & Equipment

60. 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 $L_{Aeq, 15min}$ sound pressure level at any affected premises that exceeds the background $L_{A90, 15min}$ noise level, measured in the absence of the noise source/s under consideration by more than 5dB(A) in accordance with relevant NSW Office of Environment & Heritage (EPA) Noise Control Guidelines.

Swimming/Spa Pools

61. The pool plant and equipment shall not be operated during the following hours if the noise emitted can be heard within a habitable room in any other residential premises, or, as otherwise specified in relevant Noise Control Regulations:
 - before 8.00am or after 8.00pm on any Sunday or public holiday; or
 - before 7.00am or after 8.00pm on any other day.

Air Conditioners

62. Air conditioning plant and equipment shall not be operated during the following hours if the noise emitted can be heard within a habitable room in any other residential premises, or, as otherwise specified in relevant Noise Control Regulations:
 - before 8.00am or after 10.00pm on any Saturday, Sunday or public holiday; or

- before 7.00am or after 10.00pm on any other day.

Rainwater Tanks

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

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

ADVISORY NOTES

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

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

Failure to comply with these requirements is an offence, which renders the responsible person liable to a maximum penalty of \$1.1 million. Alternatively, Council may issue a penalty infringement notice (for up to \$1,500) for each offence. Council may also issue notices and orders to demolish unauthorised or non-complying building work, or to comply with the requirements of Council's development consent.

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

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

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

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

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

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

For further information please contact Council on 9399 0944.

- A6 Specific details of the location of the building/s should be provided in the Construction Certificate to demonstrate that the proposed building work will not encroach onto the adjoining properties, Council's road reserve or any public place.
- A7 Prior to commencing any works, the owner/builder should contact *Dial Before You Dig* on 1100 or www.dialbeforeyoudig.com.au and relevant Service Authorities, for information on potential underground pipes and cables within the vicinity of the development site.
- A8 This consent does not authorise any trespass or encroachment upon any adjoining or supported land or building whether private or public. Where any underpinning, shoring, soil anchoring (temporary or permanent) or the like is proposed to be carried out upon any adjoining or supported land, the land owner or principal contractor must obtain:
- the consent of the owners of such adjoining or supported land to trespass or encroach, or
 - an access order under the *Access to Neighbouring Land Act 2000*, or
 - an easement under section 88K of the *Conveyancing Act 1919*, or
 - an easement under section 40 of the *Land & Environment Court Act 1979*, as appropriate.

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

- A9 Smoke alarms are required to be installed in all residential dwellings, in accordance with the relevant provisions of the *Environmental Planning & Assessment Act 1979* and the Building Code of Australia. Details should be included in the construction certificate application.
- A10 Demolition work and removal of asbestos materials:
- *A copy of Council's Asbestos Policy is available on Council's web site at www.randwick.nsw.gov.au in the Building & Development section or a copy can be obtained from Council's Customer Service Centre.*
 - *It is the responsibility of the persons undertaking demolition work to obtain the relevant WorkCover licences and permits.*
- A11 Any external lighting to the premises should be designed and located so as to minimise light-spill beyond the property boundary or cause a public nuisance.
- A12 Building owners and occupiers should consider implementing appropriate measures to prevent children from falling from high-level window openings and balconies (e.g. by installing window locking devices; installing heavy-duty screens to window openings; limiting the dimensions of any openings to 125mm; ensuring balustrades to balconies are at least 1m high and; locating fixtures, fittings and furniture away from high-level windows and balconies).
- For further information about preventing falls from windows and balconies refer to www.health.nsw.gov.au/childsafety or pick-up a brochure from Council's Customer Service Centre.
- A13 Underground assets (eg pipes, cables etc) may exist in the area that is subject to your application. In the interests of health and safety and in order to protect damage to third party assets please contact Dial before you dig at www.1100.com.au or telephone on 1100 before excavating or erecting structures (This is the law in NSW). If alterations are required to the configuration, size, form or design of the development upon

contacting the Dial before You Dig service, an amendment to the development consent (or a new development application) may be necessary. Individuals owe asset owners a duty of care that must be observed when working in the vicinity of plant or assets. It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial before you dig service in advance of any construction or planning activities.

- A14 The applicant is to advise Council in writing and/or photographs of any signs of existing damage to the Council roadway, footway, or verge prior to the commencement of any building/demolition works.
- A15 Further information and details on Council's requirements for trees on development sites can be obtained from the recently adopted Tree Technical Manual, which can be downloaded from Council's website at the following link, <http://www.randwick.nsw.gov.au> - Looking after our environment - Trees - Tree Management Technical Manual; which aims to achieve consistency of approach and compliance with appropriate standards and best practice guidelines.

Development Application Compliance Report



Folder /DA No:	DA/822/2013
PROPERTY:	7 Seaside Parade, SOUTH COOGEE NSW 2034
Proposal:	Demolition of existing dwelling, construction of 5 level dwelling with lower level swimming pool with plant room/storage area, double garage landscaping and associated works (Variation to floor space ratio control)
Recommendation:	Approval, subject to conditions.

1. Relevant Environmental Planning Instruments

1.1. State Environmental Planning Policy 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 since the 1940s. There is no known previous industrial usage on the site, which would potentially contribute to land contamination. Accordingly, no contamination report is required in this instance.

1.2. State Environmental Planning Policy 71 – Coastal Protection

The subject site is identified as being within the Coastal Zone as defined under the Coastal Protection Act 1979. Accordingly, State Environmental Planning Policy No. 71 applies to the proposed development.

The policy seeks to protect and manage the natural attributes of the New South Wales coast, ensure the visual amenity of the coast is protected, and protect and preserve rock platforms to ensure that development is of a type, bulk, scale and size that is appropriate for the location and protects and improves the natural scenic quality of the surrounding area.

Part 2 of this policy sets out the matters for consideration of development which in addition to the aims of the policy includes;

- a) the suitability of development given it's type, location and design and its relationship with the surrounding area,
- b) any detrimental impact that development may have on the amenity of the coastal foreshore,
- c) the scenic qualities of the NSW coast, and means to protect and improve these qualities.

Having regard to the overall aims of the policy and the relevant matters for consideration it is concluded that the proposed dwelling and associated works to the rear of the site are reasonable within the context of surrounding developments, it's relationship to the foreshore and the local area. The proposal is will not detract from either the amenity and scenic qualities of the coastal environment and as such is consistent with the SEPP 71.

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

SEPP: BASIX applies to the proposed development.

A BASIX Certificate accompanies the development application. The commitments listed on the BASIX Certificates will be imposed by appropriate standard conditions pursuant to Clause 97A of the Environmental Planning and Assessment Regulation 2000.

1.4. 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)
Zoning:	The site is zoned Low Density Residential R2.		Yes.
Permissible under the proposed zoning?	Yes.		
Floor Space Ratio (Max)	0.6:1	0.62:1	No, see summary report for CI 4.6 discussion.
Height of Building (Max)	9.5m	9.3m	Yes.

1.5. 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.*

The proposed development is permissible within the R2 Low Density Residential zone of RLEP 2012. The proposal provides for an appropriate low density housing development, both in the context of this site and as contemplated within the R2 zone.

The proposal has been designed with consideration of surrounding amenity, seeking to minimise environmental impacts upon neighbouring. The proposed built form serves to maintain the desirable attributes of the existing and desired future character of the residential area. The scheme provides a highly articulated development of appropriate scale that remains sympathetic to the foreshore area and allows for an appropriate economic use of the subject site.

The proposed development is considered to be in the public interest because it is consistent with the objectives of the standard and the relevant objectives for development within Zone R2 - Low Density Residential.

1.6. Development beyond the foreshore building line

Clause 6.6 of RLEP allows identifies provisions for development beyond the foreshore building line.

The application is inclusive of development beyond the foreshore building line, identified within Clause 6.6 of RLEP 2012. The proposed development in this location is inclusive of a swimming pool, sub floor outbuilding, landscaping and retaining works and a pergola.

As discussed above, it is considered the development is consistent with the objectives of the R2 zone. The falling topography of the site will allow that the structures are able to be appropriately contained within the landform, such that the appearance of the structures will not have an adverse impact upon the amenity or aesthetic appearance of the foreshore. The location of structures has no possibility of obstructing public access along the foreshore.

A pergola proposed at the rear boundary of the site is considered excessive and unnecessary. There is no precedent for such structure to adjoining sites within the foreshore building zone and as such, the pergola is recommended for deletion via suitable conditions.

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
2	Site planning		
2.3	Site coverage		
	601 sqm or above = 45%	✓	33% (221.2sqm). Satisfactory.
2.4	Landscaping and permeable surfaces		
	i) 601 sqm or above = 35% 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.		The proposal provides 26% (176sqm) of deep soil, short of the 35% control. Council’s Landscape Engineer has advised that the landscape plan submitted with the application shows an acceptable level of detail and treatment. The proposal involves addition of a number of canopy trees. Further, the shortfall in deep soil area is acceptable given the steep topography of the site and proposed terracing. Satisfactory.

DCP Clause	Controls	Compliance	Comment
2.5	Private open space (POS)		
	Dwelling & Semi-Detached POS		
	601 sqm or above = 8m x 8m		The proposal incorporates a substantial amount of private open space across the site, however the slope of the site prevents this at a consistent level. Overall, in excess of 8m X 8m over levels one and two is provided that satisfies the objectives of the control. Satisfactory.
3	Building envelope		
3.2	Building height		
	i) Maximum external wall height = 7m (Minimum floor to ceiling height = 2.7m) ii) Sloping sites = 8m iii) Merit assessment if exceeded		The proposal involves a wall height of approximately nine (9) metres. The non-compliance is caused by significant slope of the site from street level towards the coast. The objectives of the control are met, that is the scale of the development to the street is commensurate with the streetscape, impacts on adjacent properties are acceptable and nature of the development respects the topography of the site. Satisfactory.
3.3	Setbacks		
3.3.1	Front setbacks i) Average setbacks of adjoining (if none then no less than 6m) Transition area then merit assessment.	✓	The proposed dwelling adopts a front setback marginally greater than that of both existing and approved developments on the eastern side of Seaside Parade. Satisfactory.
3.3.2	Side setbacks: Dwellings: • Frontage over 12m = 1200mm (Ground & 1 st floor), 1500mm above.		Varying setbacks provided with the following non-compliances: <ul style="list-style-type: none"> ▪ <u>Ground level:</u> <ul style="list-style-type: none"> ○ DCP: 1200mm required; ○ Proposal: 1000mm to both side elevations; ○ Does not comply. ▪ <u>Entry level:</u> <ul style="list-style-type: none"> ○ DCP: 1200mm required; ○ Proposal: Nil setback to garage on southern boundary; ○ Does not comply.

DCP Clause	Controls	Compliance	Comment
		<ul style="list-style-type: none"> ▪ <u>First floor:</u> <ul style="list-style-type: none"> ○ DCP: 1800mm required; ○ Proposal: 1200mm provided on north elevation corresponding to void; ○ Does not comply. 	<p>Side setbacks do not strictly comply with the control in certain circumstances at ground, entry and first floor levels. Each is discussed further in the Executive Summary report.</p>
<p>3.3.3</p>	<p>Rear setbacks</p> <ul style="list-style-type: none"> i) Minimum 25% of allotment depth or 8m, whichever lesser. Note: control does not apply to corner allotments. ii) Provide greater than aforementioned or demonstrate not required, having regard to: <ul style="list-style-type: none"> - Existing predominant rear setback line - reasonable view sharing (public and private) - protect the privacy and solar access iii) Garages, carports, outbuildings, swimming or spa pools, above-ground water tanks, and unroofed decks and terraces attached to the dwelling may encroach upon the required rear setback, in so far as they comply with other relevant provisions of this DCP. 	<p>✓</p>	<p>Proposed rear setbacks:</p> <ul style="list-style-type: none"> ○ 16 metres to structures; ○ 26 metres approx. to primary building bulk. <p>Swimming pool and outbuilding structures exist within the required rear setback and are satisfactory. The proposal adopts the approved rear building alignment of 9 Seaside Parade. This alignment allows reasonable view sharing and solar access to adjoining sites. The rear setback allows a scale of development consistent with surrounding built form and is considered consistent with the desired future character of the foreshore. Satisfactory.</p>
<p>4</p>	<p>Building design</p>		
<p>4.1</p>	<p>General</p>		
	<p>Respond specifically to the site characteristics and the surrounding natural and built context -</p> <ul style="list-style-type: none"> • articulated to enhance streetscape • stepping building on sloping site, • no side elevation greater than 12m • encourage innovative design 	<p>✓</p>	<p>The street elevation is articulated through the use of different materials and a well-modulated design. Side elevations include modules of less than 12m in length and contain recesses. The proposal adequately steps to follow</p>

DCP Clause	Controls	Compliance	Comment
			topography. Satisfactory.
4.4	Roof Design and Features		
	i) Rooftop terraces on dwelling (not roof)	✓	The scheme is inclusive of a roof terrace that is associated with a bedroom and does not occur on the upper most roof form. The terrace is recessed from the sides of the building and is not considered to present additional bulk or unreasonable privacy implications. Satisfactory.
4.5	Colours, Materials and Finishes		
	i) Schedule of materials and finishes ii) Finishing is durable and non-reflective. iii) Minimise expanses of rendered masonry at street frontages (except due to heritage consideration) iv) Articulate and create visual interest by using combination of materials and finishes. v) Suitable for the local climatic to withstand natural weathering, ageing and deterioration. vi) recycled and re-use sandstone (See also section 8.3 foreshore area.)	✓	A schedule of materials, colours and finishes was submitted with the application that is considered to be generally acceptable. A condition has been recommended emphasising that reflectivity must be minimised through treatment of materials as necessary. Satisfactory.
4.6	Earthworks		
	i) excavation and backfilling limited to 1m, unless gradient too steep ii) minimum 900mm side and rear setback iii) Step retaining walls iv) site conditions allow for side or rear setback less than 900mm (max 2.2m) v) sloping sites down to street level must minimise blank retaining walls (use combination of materials, and landscaping) vi) cut and fill for POS is terraced where site has significant slope: vii) adopt a split-level design viii) Minimise height and extent of any exposed under-croft areas.		Excavation is proposed as the dwelling compensates for the very steep fall of the land. Excavation is proposed within 900mm of common boundaries. The amount of excavation proposed exceeds the control and is discussed further in the Executive Summary report. The amount of excavation is commensurate of that undertaken in the context of development approved at 9 Seaside Parade. It is considered the excavation proposed is not uncharacteristic of the desired future character of the locality and will not pose uncharacteristic change to the existing landform. Satisfactory.

DCP Clause	Controls	Compliance	Comment
5	Amenity		
5.1	Solar access and overshadowing		
	Solar access to proposed development:		
	i) Portion of north-facing living room windows must receive a minimum of 3 hrs direct sunlight between 8am and 4pm on 21 June ii) POS (passive recreational activities) receive a minimum of 3 hrs of direct sunlight between 8am and 4pm on 21 June.	✓	The proposed development and open space will receive adequate solar access. Satisfactory.
	Solar access to neighbouring development:		
	i) Portion of the north-facing living room windows must receive a minimum of 3 hours of direct sunlight between 8am and 4pm on 21 June. iv) POS (passive recreational activities) receive a minimum of 3 hrs of direct sunlight between 8am and 4pm on 21 June. v) solar panels on neighbouring dwellings, which are situated not less than 6m above ground level (existing), must retain a minimum of 3 hours of direct sunlight between 8am and 4pm on 21 June. If no panels, direct sunlight must be retained to the northern, eastern and/or western roof planes (not <6m above ground) of neighbouring dwellings. vi) Variations may acceptable be subject to: <ul style="list-style-type: none"> • Degree of meeting the FSR, height, setbacks and site coverage controls. • Orientation of the subject and adjoining allotments and subdivision pattern of the urban block. • Topography of the subject and adjoining allotments. • Location and level of the windows in question. • Shadows cast by existing buildings on the neighbouring allotments. 	<p>Solar access attributes of the proposal are discussed further in the Executive Summary report.</p> <p>The approved development on the site to the south of the subject site will not be prevented from obtaining three (3) hours solar access to it's primary elevations and rear open space.</p> <p>It is considered that some solar access impact to the immediate southern neighbour is inevitable in the context of the site, such that any reasonable development would incur similar impact. The impact is not a result of poor design or an overdevelopment of the site.</p> <p>The proposal is considered satisfactory in relation to the provisions of the DCP, as they relate to solar access.</p>	
5.2	Energy Efficiency and Natural Ventilation		
	i) Provide day light to internalised areas within the dwelling (for example, hallway, stairwell, walk-in-wardrobe and the like) and any poorly lit habitable rooms via measures such	✓	The development utilizes skylights for selected upper floor internal areas. All

DCP Clause	Controls	Compliance	Comment
	as: <ul style="list-style-type: none"> • Skylights (ventilated) • Clerestory windows • Fanlights above doorways • Highlight windows in internal partition walls • living rooms contain windows and doors opening to outdoor areas. 		habitable rooms are provided operable windows and doors for the purpose of light and ventilation.
5.3	Visual Privacy		
	Windows		
	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"> - windows are offset or staggered - minimum 1600mm window sills - Install fixed and translucent glazing up 1600mm minimum effective sill. - Install fixed privacy screens to windows. - Creating a recessed courtyard (minimum 3m x 2m). ii) orientate living and dining windows away from similar opposite (that is front or rear or side courtyard)	✓	Privacy is discussed further in the Executive Summary report. The scheme is considered to eventuate in a reasonable privacy outcome to adjoining sites. Offsetting of wall planes and suitable design elements including landscaping and frosted windows are provided. Satisfactory.
	Balcony		
	i) Upper floor balconies to street or rear yard of the site. (wrap around balcony to have a narrow width at side) i) Privacy screens ii) 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) iii) Supplementary privacy devices: Screen planting and planter boxes (Not sole privacy protection measure) iv) vi) For sloping sites, step down and avoid large areas of ground floor decks or terraces.	✓	The proposal includes east and west facing terraces across the development. Most are recessed within the form of the building to avoid view lines to adjoining neighbours. A rear terrace has been recommended for deletion due to privacy implications. A roof terrace is also provided to the upper-most floor. The terrace is recessed from the sides of the building and is not considered to present additional bulk or unreasonable privacy implications. Satisfactory.
5.4	Acoustic Privacy		
	i) noise sources not located adjacent to adjoining dwellings bedroom windows	✓	Noise sources including pool, living areas, plant and equipment are typical of a low- density

DCP Clause	Controls	Compliance	Comment
			residential environment. Conditions have been recommended requiring further detail to ensure plant is located away from side boundaries. Satisfactory.
5.5	Safety and Security		
	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 front entry to the dwelling faces the street. The development has bedroom windows facing the Seaside Parade. Proposed front fencing will allow for surveillance of the street. Satisfactory.
5.6	View Sharing		
	i) Reasonably maintain existing view corridors or vistas from the neighbouring dwellings, streets and public open space areas. ii) retaining existing views from the living areas are a priority over low use rooms iii) retaining views for the public domain takes priority over views for the private properties iv) fence design and plant selection must minimise obstruction of views v) Adopt a balanced approach to privacy protection and view sharing vi) Demonstrate any steps or measures adopted to mitigate potential view loss impacts in the DA. (certified height poles used)	✓	View sharing attributes of the proposal are discussed further in the Executive Summary report. On balance, the view sharing outcome to surrounding properties is considered to be reasonable.
6	Car Parking and Access		
6.1	Location of Parking Facilities:		
	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: <ul style="list-style-type: none"> - Frontage >12m, - Consistent with pattern in the street; - Landscaping provided in the front yard. 	✓	One (1) vehicular access is proposed. The proposed garage is located behind the building line, within the dwelling. A double garage is proposed which is acceptable given the width of the site and precedence within the streetscape. The garage does not involve any

DCP Clause	Controls	Compliance	Comment
	v) Minimise excavation for basement garages and scale of the front elevation vi) Avoid long driveways (impermeable surfaces)		substantial excavation work and has driveway of suitable length. Complies.
6.3	Setbacks of Parking Facilities		
	i) Garages and carports comply with Sub-Section 3.3 Setbacks. iii) Nil side setback where: <ul style="list-style-type: none"> - nil side setback on adjoining property; - streetscape compatibility; - safe for drivers and pedestrians; and - Amalgamated driveway crossing 	The proposed garage is located with nil setback to the southern side boundary and therefore does not comply. Side setbacks are discussed further in the Executive Summary report.	
6.4	Driveway Configuration		
	Maximum driveway width: <ul style="list-style-type: none"> - Double driveway – 5m Must taper driveway width at street boundary and at property boundary	✓	Five (5) metre wide driveway at property boundary tapers out within the property to meet the garage. Satisfactory.
6.5	Garage Configuration		
	i) recessed behind front of dwelling ii) The maximum garage width (door and piers or columns): <ul style="list-style-type: none"> - Double garage – 6m iii) 5.4m minimum length of a garage iv) 2.6m max wall height of detached garages v) recess garage door 200mm to 300mm behind walls (articulation) vi) 600mm max. parapet wall or bulkhead vii) minimum clearance 2.2m AS2890.1	✓	Garage is located behind the predominant front building alignment and is of suitable dimension. Satisfactory.
7	Fencing and Ancillary Development		
7.1	General - Fencing		
	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	✓	Complies.
7.2	Front Fencing		
	i) 1200mm max. (Solid portion not exceeding 600mm), except for piers. <ul style="list-style-type: none"> - 1800mm max. provided upper two-thirds partially open (30% min), except for piers. ii) light weight materials used for open		Front fencing is shown to be predominantly open, however will achieve up to 2400mm in height in some locations along the front boundary. This height is unnecessary. A

DCP Clause	Controls	Compliance	Comment
	design and evenly distributed v) Natural stone, face bricks and timber are preferred. Cast or wrought iron pickets may be used if compatible.	condition is recommended to restrict height to no greater than 1800mm. Satisfactory, subject to conditions.	
7.3	Side and rear fencing		
	i) 1800mm maximum height (from existing ground level). Sloping sites step fence down (max. 2.2m). ii) Fence may exceed max. if level difference between sites iii) Tapper down to front fence height once past the front façade alignment. iv) Both sides treated and finished.	Fencing is discussed further in the summary report. Issues with proposed levels and fencing arise to both north and south shared boundaries. A condition has been recommended requiring the applicant to revise boundary fencing levels prior to the issue of a construction certificate, to the satisfaction of Council.	
7.4	Outbuildings		
	i) Locate behind the front building line. ii) Locate to optimise backyard space and not over required permeable areas. iii) Except for laneway development, only single storey (3.6m max. height and 2.4m max. wall height) iv) Nil side and rear setbacks where: <ul style="list-style-type: none"> - finished external walls (not requiring maintenance; - no openings facing neighbours lots and - maintain adequate solar access to the neighbours dwelling 		Outbuilding is of single storey scale and is located in a sub-floor area at the rear, surrounding the pool. The outbuilding is setback a minimum of one (1) metre from the common boundary.
7.5	Swimming pools and Spas		
	i) Locate behind the front building line ii) Minimise damage to existing tree root systems on subject site and adjoining. iii) Located to minimise noise impacts on the adjoining dwellings. iv) Pool and coping related to site topography (max 1m over lower side of site). v) 900mm minimum coping from rear and side boundaries. vi) Incorporate screen planting (min. 3m mature height unless view corridors affected) between setbacks. vii) Position decking to minimise privacy impacts. viii) Pool pump and filter contained in acoustic enclosure and away from the neighbouring dwellings.		Swimming pool located to the rear of the dwelling similar to adjoining circumstances. The coping is setback a minimum of 2.5 metres from the common boundary and two (2) metres from rear boundary. Screen planting is proposed to a height of one (1) metre to the southern boundary to maintain view corridors and provide adequate privacy. Decking is centralised within the site to minimise privacy implications. Pool plant equipment is

DCP Clause	Controls	Compliance	Comment
			located in an undercroft area at Level 1, which would give good separation from adjacent properties. Satisfactory.
8	Area Specific Controls		
8.3	Foreshore Scenic Protection Area		
	<ul style="list-style-type: none"> i) Consider visual presentation to the surrounding public domain, including streets, lanes, parks, reserves, foreshore walkways and coastal areas. All elevations visible from the public domain must be articulated. ii) Integrated outbuildings and ancillary structures with the dwelling design (coherent architecture). iii) Colour scheme complement natural elements in the coastal areas (light toned neutral hues). iv) Must not use high reflective glass v) Use durable materials suited to coast vi) Use appropriate plant species vii) Provide deep soil areas around buildings viii) Screen coping, swimming and spa pools from view from the public domain. ix) Integrate rock outcrops, shelves and large boulders into the landscape design x) Any retaining walls within the foreshore area (that is, encroaching upon the Foreshore Building Line) must be constructed or clad with sandstone. 	<p>The scheme proposes a highly articulated building that incorporates suitable elements of landscaping and deep soil within a landscape plan. Materials and colours are typical of the foreshore and will not encourage excessive reflectivity or glare. The scheme retains existing topographic elements including a rock outcrop toward the rear of the site, incorporating an outbuilding structure within the fall of the site.</p> <p>Coping to the pool has been minimised and will not be unnecessarily prevalent.</p> <p>Conditions can satisfactorily address sandstone cladding of retaining walls beyond the building line and prohibit the use of highly reflective materials.</p>	

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3. 79C Matters for consideration

Section 79C 'Matters for Consideration'	Comments
Environmental Planning Instruments	
Section 79C(1)(a)(i) – Provisions of any environmental planning instrument	<p>The site is zoned Residential R2 under Randwick Local Environmental Plan 2012 and the proposal is permissible with Council's consent.</p> <p>The relevant Environmental Planning Instruments are discussed within the body of this report and attached Summary report.</p>
Section 79C(1)(a)(ii) – Provisions of any draft environmental planning instrument	Not applicable.

Section 79C 'Matters for Consideration'	Comments
Environmental Planning Instruments	
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	<p>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.</p> <p>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.</p>
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 submissions made in accordance with the EP&A Act or EP&A Regulation	The issues raised in the submissions have been addressed in 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.

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4. Referral Comments

4.1. Development Engineer

General Comments

It is noted that the submitted plans show the driveway and pedestrian path on the Council property being constructed with stone strips with lawn in between. Council advises that this not accepted by Council and thus the all plans showing this proposal are to be amended showing the deletion of the stone strips and being replaced by a concrete to Council’s requirements and specifications

Landscape Comments

The inspection of 16 June 2014 revealed a group of shrubs on the public verge, in line with the northern site boundary, that have either been installed by owners or have self-seeded, and were not planted by Council given the species involved, comprising a 4m tall *Phoenix canariensis* (Date Palm, identified as T03 on the Landscape Plan) and a small *Pittosporum tobira* (Japanese Pittosporum, T02).

While they are sited away from the proposed external works, conditions still require that both be removed by the applicant, at their cost, as part of constructing the new vehicle crossing and re-grading/re-turfing the verge. The Cocos Palm (T01) further to the north, in front of no.5, is an undesirable species, but will not be affected, so conditions are not required.

While the Landscape Plan L02 shows stone strips being inserted into the public verge for both the pedestrian and vehicle entries, between the kerb and front property boundary, the use of these materials on public property cannot be supported due to concerns over future maintenance and liability issues that they pose to Council, with conditions requiring that they be deleted from the plans, with only a standard crossing and turfed verge to be provided.

The applicant must cover the cost for Council to install a native coastal tree on the verge to assist with integration of the new dwelling into the area.

While the site survey shows shrubs/small trees within the front and rear setbacks of the subject property, the inspection confirmed nothing significant that would pose a constraint in anyway to the works, so can all be removed where necessary, and while there are several shrubs on neighbouring properties, close to the common boundaries, including a 4m tall *Howea fosteriana* (Kentia Palm) in the rear of no.5, about halfway along the length of this common boundary, and then further to its east, a similarly sized *Livistona australis* (Cabbage Palm), none would be affected given the presence of the existing masonry walls which act as dividing fences, and are physical barriers which would have prevented the growth of roots into the subject site, with conditions not required.

The natural topography here falls steeply down to the east, with the submitted Landscape Plan to result in a dramatic increase in the amount of plant material compared to the existing situation, and will include podium planters, gully trees and shade tolerant plantings in the light well/Dining Room Level, and a roof top terrace garden on Level 2, with conditions requiring that this scheme be fully implemented as part of any approval, as this will assist in integrating the proposal into the area.

While the SEE details that this proposal will not comply with the numerical controls in Council’s DCP, falling short of the required 35% of site area as deep soil by 58.61sqm, it has been described that this departure from the standards should be deemed acceptable in this case given the steep slope of the site, as well as the improvements that will be made to the site through both the new building and landscape works, which will contain a majority of native coastal species over several levels.

The SEE also claims that the requirements of SEPP 71- Coastal Protection, have also been addressed through architecture and landscape design.

5. Recommendation

That Council, as the consent authority, grants development consent under Section 80 and 80A of the Environmental Planning and Assessment Act 1979 (as amended) to Development Application No. DA/822/2013 for demolition of existing dwelling, construction of 5 level dwelling with lower level swimming pool with plant room/storage area, double garage landscaping and associated works (Variation to floor space ratio control)for at 7 Seaside Parade, SOUTH COOGEE NSW 2034 subject to the schedule of conditions outlined in this report:

DEVELOPMENT CONSENT CONDITIONS

GENERAL CONDITIONS

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

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

Approved Plans & Supporting Documentation

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

Plan	Rev	Drawn by	Dated	Received by Council
DA 002 – Site plan	-	Renato D’Ettorre Architects	10 December 2013	11 December 2013
DA 007 – Pool Plan	A		23 April 2014	24 April 2014
DA 008 – Lower floor				
DA 009 – Ground floor				
DA 010 – Entry floor				
DA 011 – Level 1				
DA 012 – Level 2				
DA 013 – Roof	-		10 December 2013	11 December 2013
DA 014 – East elevation	A		23 April 2014	24 April 2014
DA 015 – South elevation				
DA 016 – North elevation	-		10 December 2013	11 December 2013
DA 017 – West elevation				
DA 018 – Section				
DA 019 – Section				
DA 020 – Section	A	Hortus Design	25 November 2013	11 December 2013
L01 of 2 – Landscape plan				
L02 of 2 – Landscape plan				

BASIX Certificate	No.	Dated	Received by Council
Single Dwelling	517538S	19 December 2013	11 December 2013

Amendment of Plans & Documentation

2. The approved plans and documents must be amended in accordance with the following requirements and as indicated in red on the approved plans. The amendments shall be made to the satisfaction of Council’s Manager of Development Assessment, prior to the issue of a construction certificate:
 - a. The cantilevered ground floor terrace at the rear of the dwelling shall be reduced in length by 3200mm prior to issue of a construction certificate, as indicated in red on the approved plans;
 - b. Further detail of fencing on northern and southern side boundaries shall be provided to Council, with the boundary profile of 5 Seaside Parade corrected to accurately reflect the fall of the land. Fencing shall generally measure 1800mm in height when measured at existing ground level on 5 Seaside Parade’s side of the boundary and shall not exceed 2200mm where stepping is necessary;
 - c. The front fencing shown to the Seaside Parade boundary on the approved plans shall be no higher than 1800mm above existing ground level at any point;
 - d. The pergola structure shown at the rear of the site along the eastern boundary shall be deleted prior to the issue of a construction certificate;
 - e. Any retaining wall encroaching upon the Foreshore Building Line must be constructed or clad with sandstone;
 - f. Lift, pool and air conditioning plant and equipment shall be contained within an acoustically treated enclosure sited centrally within the property;

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- g. Solar panels and plant shown on the roof of the development shall not be elevated or inclined to have the effect of increasing the approved maximum height of RL 32.9.

Privacy measures

3. Privacy measures shall be provided in accordance with the commitments detailed on the approved plans and associated information submitted to Council on 24 April 2014

Further to the above privacy measures, obscuring may be achieved through raising sill heights or use of opaque/frosted glass, at the preference of the applicant.

REQUIREMENTS BEFORE A CONSTRUCTION CERTIFICATE CAN BE ISSUED

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

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

Consent Requirements

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

External Colours, Materials & Finishes

5. The colours, materials and finishes of the external surfaces to the development must be consistent with the relevant approved plans, documentation and colour schedules, prepared by Renato D'Etorre Architects, referenced 'DA 027' and received by Council on 11 December 2013.

All materials used within the development shall be treated so as to minimise the impact of reflectivity upon neighbouring sites. This may be achieved through powder coating or anodizing treatments.

Section 94A Development Contributions

6. In accordance with Council's Section 94A Development Contributions Plan effective from 12 July 2012, based on the development cost of \$4,176,933.00, the following applicable monetary levy must be paid to Council: \$41,769.33

The levy must be paid in cash, bank cheque or by credit card prior to a construction certificate [or subdivision certificate] being issued for the proposed development. The development is subject to an index to reflect quarterly variations in the Consumer Price Index (CPI) from the date of Council's determination to the date of payment.

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

Long Service Levy Payments

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

At the time of this development consent, Long Service Levy payment is applicable on

building work having a value of \$25,000 or more, at the rate of 0.35% of the cost of the works.

Security Deposit

8. The following damage / civil works security deposit requirement must be complied with as security for making good any damage caused to the roadway, footway, verge or any public place; and as security for completing any public work; and for remedying any defect on such public works, in accordance with section 80A(6) of the *Environmental Planning and Assessment Act 1979*:

- \$2000.00 - Damage / Civil Works Security Deposit

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

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

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

Design Alignment levels

9. 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:

- Garage Entrance Level – RL 25.23 AHD
- Pedestrian Entrance Level – RL 25.15 AHD

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

Any enquiries regarding this matter should be directed to Council's Development Engineer on 9399 0923.

10. The above alignment levels and the site inspection by Council's Development Engineering Section have been issued at a prescribed fee of \$701.00 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.

Driveway Design

11. The internal access driveway must be designed and constructed to match the alignment levels at the property boundary (as specified by Council) and the internal driveway and Council driveway must be constructed in accordance with the following grades & distances:

Internal Driveway

The first 2.00m out from the garage slab is to be at a grade of 1:10.

The remaining internal driveway grade out to the property boundary (approx 2.30m) is to be at a grade of 1:5.

Council Driveway

The first 3.50m out from the properties front boundary is to be at a grade of 1:5.

The last 2.00m before matching into the Council layback shall be approximately 1:10 or less.

Details showing compliance with this condition are to be shown on the plans submitted for the Construction Certificate.

Any enquiries regarding the above matter can be directed to Council's development Engineer, Mr. P O'Sullivan on 9399 0923

Sydney Water

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

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

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

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

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

New Street Tree

13. The applicant must submit a payment of **\$107.25** (including GST) being the cost for Council to supply and install 1 x 25 litre street tree, *Banksia integrifolia* (Coastal Banksia), on the Seaside Parade verge, an equal distance between the northern edge of the proposed vehicle crossing and northern site boundary at the completion of all site works.

This fee shall be paid into **Tree Amenity Income** at the Cashier on the Ground Floor of the Administrative Centre, **prior to a Construction Certificate being issued for the development.**

The applicant must contact Council's Landscape Development Officer on 9399-0613 (quoting the receipt number), and giving at least four working weeks notice to arrange for planting of the new tree upon the completion of all site works.

Landscape Plan

14. The Certifying Authority/PCA must ensure that the Landscape Plan submitted as part of the approved Construction Certificate is substantially in accordance with the Landscape Plans 1-2, dwg's L01-02, job number L0613, issue A, dated 25/11/13 by Hortus Design.

REQUIREMENTS TO BE INCLUDED IN THE CONSTRUCTION CERTIFICATE

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

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

Compliance with the Building Code of Australia

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

BASIX Requirements

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

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

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

REQUIREMENTS PRIOR TO THE COMMENCEMENT OF ANY WORKS

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

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

Certification, PCA & other Requirements

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

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

Home Building Act 1989

18. 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

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

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

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

Construction Noise & Vibration Management Plan

20. Noise and vibration emissions during the construction of the building and associated site works must not result in damage to nearby premises or result in an unreasonable loss of amenity to nearby residents and the relevant 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, to the satisfaction of the Council. 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

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

- location and construction of protective fencing / hoardings to the perimeter of the site;
- location of site storage areas/sheds/equipment;
- location of building materials for construction;
- provisions for public safety;

- dust control measures;
- site access location and construction
- details of methods of disposal of demolition materials;
- protective measures for tree preservation;
- provisions for temporary sanitary facilities;
- location and size of waste containers/bulk bins;
- details of proposed sediment and erosion control measures;
- provisions for temporary stormwater drainage;
- construction noise and vibration management;
- construction traffic management details.

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

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

Demolition Work Plan

22. 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
- 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.*

Demolition & Construction Waste

23. A Demolition and Construction Waste Management Plan (WMP) must be developed and implemented for the development, to the satisfaction of Council.

The Waste Management Plan must provide details of the type and quantities of demolition and construction waste materials, proposed re-use and recycling of materials, methods of disposal and details of recycling outlets and land fill sites.

Where practicable waste materials must be re-used or recycled, rather than disposed and further details of Council's requirements including relevant guidelines and pro-forma WMP forms can be obtained from Council's Customer Service Centre or by telephoning Council on 9399 0999.

Details and receipts verifying the recycling and disposal of materials must be kept on site at all times and presented to Council officers upon request.

Public Utilities

24. 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. 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.
25. The owner/builder must make the necessary arrangements and meet the full cost for telecommunication companies, gas providers, Ausgrid, Sydney Water and other authorities to adjust, repair or relocate their services as required.

Landscape Plan

26. The Certifying Authority/PCA must ensure that the Landscape Plans 1-2, dwg's L01-02, job number L0613, issue A, dated 25/11/13 by Hortus Design are amended by completely deleting the concrete strips that are shown as being inserted into the Seaside Parade verge, for both the pedestrian and vehicular entrances, between the kerb and front property boundary, with a standard turfed verge and vehicular crossing, to Council's requirements/specifications, to be provided only.

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

27. 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

28. 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

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

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

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

Demolition Work Requirements

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

- Work Health and Safety Act 2011
- Occupational Health and Safety (Hazardous Substances) Regulation 2001
- Occupational Health and Safety (Asbestos Removal Work) Regulation 2001
- WorkCover NSW Code of Practice for the Safe Removal of Asbestos
- Australian Standard 2601 (2001) – Demolition of Structures
- The Protection of the Environment Operations Act 1997
- Protection of the Environment Operations (Waste) Regulation 2005
- Relevant Office of Environment & Heritage / Environment Protection Authority (EPA) and WorkCover NSW Guidelines.
- Randwick City Council Asbestos Policy (adopted 13 September 2005)

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

Removal of Asbestos Materials

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

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

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

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

Sediment & Erosion Control

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

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

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

Public Safety & Site Management

33. Public safety and convenience must be maintained at all times during demolition, excavation and construction works and the following requirements must be complied with:
- a) Public access to the building site and materials must be restricted by existing boundary fencing or temporary site fencing having a minimum height of 1.5m, to Council's satisfaction.

Temporary site fences are required to be constructed of cyclone wire fencing material and be structurally adequate, safe and constructed in a professional manner. The use of poor quality materials or steel reinforcement mesh as fencing is not permissible.
 - b) Building materials, sand, soil, waste materials, construction equipment or other articles must not be placed upon the footpath, roadway or nature strip at any time.
 - c) The road, footpath, vehicular crossing and nature strip must be maintained in a good, safe, clean condition and free from any excavations, obstructions, trip

hazards, goods, materials, soils or debris at all times. Any damage caused to the road, footway, vehicular crossing, nature strip or any public place must be repaired immediately, to the satisfaction of Council.

- d) Building operations such as brick cutting, washing tools or equipment and mixing mortar are not permitted on public footpaths, roadways, nature strips, in any public place or any location which may lead to the discharge of materials into the stormwater drainage system.
- e) Sediment and erosion control measures, must be implemented throughout the site works in accordance with the manual for Managing Urban Stormwater – Soils and Construction, published by Landcom, to Council's satisfaction.
- f) Site fencing, building materials, bulk bins/waste containers and other articles must not be located upon the footpath, roadway or nature strip at any time without the prior written approval of the Council. Applications to place a waste container in a public place can be made to Council's Health, Building and Regulatory Services department.
- g) Adequate provisions must be made to ensure pedestrian safety and traffic flow during the site works and traffic control measures are to be implemented in accordance with the relevant provisions of the Roads and Traffic Manual "Traffic Control at Work Sites" (Version 4), to the satisfaction of Council.
- h) Temporary safety fencing is to be provided to any swimming pools under construction, pending the completion of all building work and the pool must not be filled until a fencing inspection has been carried out and approved by the principal certifying authority.

Support of Adjoining Land, Excavations & Retaining Walls

34. 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.
35. 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.

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

- as may be required by the *Principal Certifying Authority*.

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

Survey Requirements

37. A Registered Surveyor's check survey certificate or other suitable documentation must be obtained at the following stage/s of construction to demonstrate compliance with the approved setbacks, levels, layout and height of the building to the satisfaction of the Principal Certifying Authority (PCA):

- prior to construction (pouring of concrete) of the footings or first completed floor slab,
- upon completion of the building, prior to issuing an occupation certificate,
- as otherwise may be required by the PCA.

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

Building Encroachments

38. 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

39. 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.

Site Amenities

40. Temporary toilet facilities are to be provided, at or in the vicinity of the work site throughout the course of demolition and construction, to the satisfaction of WorkCover NSW and the toilet facilities must be connected to a public sewer or other sewage management facility approved by Council.

Road/Asset Opening Permit

41. 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 *Road / Asset Opening Permit* must be obtained from Council prior to carrying out any works within or upon a road, footpath, nature strip or in any public place, in accordance with section 138 of the *Roads Act 1993* and all of the conditions and requirements contained in the *Road / Asset Opening Permit* must be complied with.
- The owner/builder must ensure that all works within or upon the road reserve, footpath, nature strip or other public place are completed to the satisfaction of Council, prior to the issuing of a *final occupation certificate* for the development.
- Relevant *Road / Asset Opening Permit* fees, repair 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.

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

Seaside Parade Verge

42. As part of the approved external civil works, the applicant must also, wholly at their own cost, remove, stump-grind (if necessary, to a minimum depth of 150mm) and dispose of the *Phoenix canariensis* (Date Palm, identified as T03 on the Landscape Plan) and the smaller *Pittosporum tobira* (Japanese Pittosporum, T02), from the Seaside Parade verge, both in line with the northern site boundary, with ground levels on the verge to be graded smoothly and evenly upon completion, prior to re-turfing.
43. The applicant must satisfy themselves as to the location and depth of all site services, prior to the commencement of any works on public property, and must comply with any requirements specified by the relevant Service Authorities.

Tree Management

44. Due to their small size and insignificance, no objections are raised to removing any existing vegetation throughout the site where necessary so as to accommodate the proposed works as shown, subject to full implementation of the approved landscaping.
45. The applicant is required to ensure the retention and long term health of all trees on adjoining properties adjacent to the proposed development. As a general guide, there shall be minimal excavation or root pruning beneath the driplines of such trees, and where roots are encountered, they are to be cut cleanly by hand, and the affected area backfilled as soon as practically possible.

Pruning of neighbours trees

46. Permission is granted for the minimal and selective pruning of only those lower growing, lower order branches/fronds from those neighbouring trees, only where they overhang the common boundary, into the subject site, and need to be pruned in order to avoid damage to the trees/palm; or; interference with the works.
47. 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 these shrubs/trees, the applicant must negotiate with the neighbour/tree owner for access to perform this work.
48. 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).

Stormwater Drainage

49. Stormwater runoff from the site may be directed to the coastal reserve at the rear of the site provided that:
- All stormwater runoff is taken through a sediment/silt arrestor pit located within the site prior to being discharged onto the reserve.
 - A headwall and appropriate scour protection is provided around the outlet pipe in the reserve.

Note: Stormwater/surface runoff is also to be directed away from the adjoining properties so as not to impact or create a nuisance to the adjoining properties.

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

50. 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

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

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

Swimming Pool Safety

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

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

Gates to pool area must be self-closing and latching at all times and, the gate is required to open outwards from the pool area and prevent a small child opening the gate or door when the gate or door is closed.

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

A 'warning notice' must be erected in a prominent position in the immediate vicinity of the swimming pool, in accordance with the provisions of the *Swimming Pools Regulation*

2008, detailing pool safety requirements, resuscitation techniques and the importance of the supervision of children at all times.

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

Spa Pool Safety

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

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

Swimming Pool & Spa Pool Requirements

54. Swimming pools (and spa pools) are to be designed, installed and operated in accordance with the following general requirements:

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

Notification of Swimming Pools & Spa Pools

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

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

Registration must be made **prior to the issue of an Occupation Certificate** for the pool and a copy of the NSW Swimming Pool Certificate of Registration must be forwarded to the Principal Certifying Authority and Council accordingly.

Council's Infrastructure, Vehicular Crossings & Road Openings

56. The owner/developer must meet the full cost for a Council approved contractor to:
- a) Construct concrete vehicular crossing and layback (approx 70mm high) at kerb opposite the vehicular entrance to the site.
 - b) Remove the redundant concrete vehicular crossing and layback and to reinstate the area with concrete footpath, turf and integral kerb and gutter to Council's specification.

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

Landscaping

59. 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 Plans 1-2, dwg's L01-02, job number L0613, issue A, dated 25/11/13 by Hortus Design.
60. The owner 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.
61. The nature strip upon Council's footway shall be excavated to a depth of 150mm, backfilled with topsoil equivalent with 'Organic Garden Mix' as supplied by Australian Native Landscapes, and re-turfed with Kikuyu Turf or similar as directed by Council. Such works shall be installed prior to the issue of a final Occupation Certificate.

OPERATIONAL CONDITIONS

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

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

Use of premises

62. The premises is to be used as a single residential dwelling only at all times and must not be used for dual or multi-occupancy purposes.

External Lighting

63. 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

64. 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.

Waste Management

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

Plant & Equipment

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

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

Swimming/Spa Pools

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

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

Air Conditioners

68. 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

69. 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 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.
- A3 Council's Building Certification & Fire Safety team can issue your *Construction Certificate* and be your *Principal Certifying Authority* for the development, to undertake inspections and ensure compliance with the development consent, relevant building regulations and standards of construction. For further details contact Council on 9399 0944.
- A4 This determination does not include an assessment of the proposed works under the Building Code of Australia (BCA) and other relevant Standards. All new building work (including alterations and additions) must comply with the BCA and relevant Standards and you are advised to liaise with your architect, engineer and building consultant prior to lodgement of your construction certificate.
- A5 A Local Approval application must be submitted to and be approved by Council's Building Approvals & Certification team prior to commencing any of the following activities on a footpath, road, nature strip or in any public place:-
- Install or erect any site fencing, hoardings or site structures
 - Operate a crane or hoist goods or materials over a footpath or road
 - Placement of a waste skip or any other container or article.
- For further information please contact Council's Building Approvals & Certification team on 9399 0944.
- A6 Specific details of the location of the building/s should be provided in the Construction Certificate to demonstrate that the proposed building work will not encroach onto the adjoining properties, Council's road reserve or any public place.
- A7 This consent does not authorise any trespass or encroachment upon any adjoining or supported land or building whether private or public. Where any underpinning, shoring, soil anchoring (temporary or permanent) or the like is proposed to be carried out upon any adjoining or supported land, the land owner or principal contractor must obtain:
- the consent of the owners of such adjoining or supported land to trespass or encroach, or
 - an access order under the *Access to Neighbouring Land Act 2000*, or
 - an easement under section 88K of the *Conveyancing Act 1919*, or
 - an easement under section 40 of the *Land & Environment Court Act 1979*, as appropriate.

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

- A8 The finished ground levels external to the building must be consistent with the development consent and are not to be raised, other than for the provision of approved paving or the like on the ground.
- A9 Underground assets (eg pipes, cables etc) may exist in the area that is subject to your application. In the interests of health and safety and in order to protect damage to third party assets please contact Dial before you dig at www.1100.com.au or telephone on 1100 before excavating or erecting structures (This is the law in NSW). If alterations are required to the configuration, size, form or design of the development upon contacting the Dial before You Dig service, an amendment to the development consent (or a new development application) may be necessary. Individuals owe asset owners a duty of care that must be observed when working in the vicinity of plant or assets. It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial before you dig service in advance of any construction or planning activities.
- A10 Building owners and occupiers should consider implementing appropriate measures to prevent children from falling from high-level window openings and balconies (e.g. by installing window locking devices; installing heavy-duty screens to window openings; limiting the dimensions of any openings to 125mm; ensuring balustrades to balconies are at least 1m high and; locating fixtures, fittings and furniture away from high-level windows and balconies).
- For further information about preventing falls from windows and balconies refer to www.health.nsw.gov.au/childsafety or pick-up a brochure from Council's Customer Service Centre.
- A11 Council's assessment of this application does not include an assessment of compliance with the *Swimming Pool Act 1992*. All pool barriers, fences and structures within properties containing a swimming pool must comply with the requirements of the *Swimming Pool Act 1992*, BCA and relevant Australian Standards.
- Details of compliance with the *Swimming Pool Act 1992*, Building Code of Australia and relevant Standards must be included in the Construction Certificate to the satisfaction of the Building Certifier.
- A12 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.
- A13 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.