



**Randwick City
Council**
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ORDINARY COUNCIL MEETING

DA COMPLIANCE REPORTS

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**RANDWICK CITY COUNCIL 2014 ANNUAL
REPORT**

TUESDAY 28 OCTOBER 2014

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Development Application Compliance Report



Folder /DA No:	DA/327/2014
PROPERTY:	5/80 Coogee Bay Road, RANDWICK NSW 2031
Proposal:	Alterations and additions to the existing residential flat building by addition of a roof attic level containing a bedroom, bathroom and terrace for Unit 5
Recommendation:	Approval

Relevant Environment Planning Instruments:

1. SEPPs

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

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

INTRODUCTION

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

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

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

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

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

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

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

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

PANEL COMMENTS

80 Coogee Bay Road is an interwar three storey brick and tile apartment building, typical of its location. Its site extends through to Queen Street. The proposal is for the addition, to a two-bedroom apartment, of an attic bedroom, bathroom and deck that partially extend above the roofline.

1. Relationship to the Context of the Proposal

The projecting volume would be barely visible from the immediately surrounding streets, however would be seen from buildings higher up the ridge to the south.

2. The Scale of the Proposal

The proposed addition would not be out of scale.

3. The Built Form of the Proposal

As presented in the DA, the proposed extension would project above the roofline of the building as a rectangular box with a flat roof.

It was suggested in the meeting that the applicant cap the proposed volume with a tiled roof (using the same tiles) at the same pitch as the existing roof and by allowing the ceilings to slope at their edges to reduce the height of the projection.

As noted below, although marginally higher this form would be much more visually compatible with its surroundings.

4. The Proposed Density

It is the Panel's view that the minor increase in density that would result from this addition and that any additional shadow would be insignificant.

5. Resource and Energy Use and Water Efficiency

*Windows should be provided to the bathroom and stairwell.
The operation of all windows should be shown on the elevations.
Suitable weather protection should be provided to all openings and sun protection should be provided to the large north facing glass areas as these have the potential to create a large heat load.*

6. The Proposed Landscape

Not required

7. The Amenity of the Proposal for its Users

*The proposal would increase the amenity of the apartment.
The design of the dropped ceiling to conceal the stair could be considered to enhance the entire entry area.*

8. The Safety and Security Characteristics of the Proposal

Satisfactory

9. *Social issues*

Small additions of this kind that increase urban densities, diversify housing stock and have no adverse externalities are supported by the Panel.

10. *The Aesthetics of the Proposal*

If the amendment to the proposal suggested above is adopted, it is the Panel's view that the proposal would be aesthetically satisfactory.

Summary and Recommendations

The Panel would support this proposal, if amended as suggested.

Planner's Comments

Amended plans have been received addressing majority of the recommendations made by the Design Review panel. A pitched roof has been adopted, however a metal roof is proposed rather than a tiled roof. The metal roof is proposed to be in a sympathetic colour that matches the existing tiled roof. Whilst the panel has suggested that a tiled roof would be more sympathetic to the building design, the proposed metal roof is considered to be acceptable given that there are other metal roof designs within the area and the roof will not be significantly noticeable from the streets. A condition is included to ensure that the colour of the metal roof is consistent with the colour of the existing building.

Windows are provided to the bathroom and stairway and appropriate sun and weather protection is provided to all window and door openings.

A dropped ceiling at the entry has been provided as per the recommendations of the panel.

Council is satisfied that the amended plans submitted satisfactorily addresses the recommendations made by the Design Review Panel.

3. Randwick LEP 2012

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

Zone R3 - Medium Density Residential

- *To provide for the housing needs of the community within a medium density residential environment.*
- *To provide a variety of housing types within a medium density residential environment.*
- *To enable other land uses that provides facilities or services to meet the day to day needs of residents.*
- *To recognise the desirable elements of the existing streetscape and built form or, in precincts undergoing transition, that contribute to the desired future character of the area.*
- *To protect the amenity of residents.*
- *To encourage housing affordability.*
- *To enable small-scale business uses in existing commercial buildings.*

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

- The proposal is for additional amenity to an existing medium density residential development, thereby providing for the housing needs of the community.
- The proposal will deliver a development which reflects a high standard of urban design

- and will positively contribute to the amenity of the public realm.
- The impacts of the proposed development on the amenity of adjoining residents have been addressed within this report and are considered to be acceptable.
 - The proposed development will not result in significant building bulk that will dominate the site or detract from the character of the surrounding area. The additional attic level is mainly located within the existing roof form to minimise adverse amenity and visual impacts on surrounding properties.

The following Clauses of RLEP 2012 apply to the proposal:

Description	Council Standard	Proposed	Compliance (Yes/No/NA)
Floor Space Ratio (Maximum)	Site area = 670m ² The maximum floor space ratio for a building on any land is not to exceed the floor space ratio shown for the land on the Floor Space Ratio Map. Floor space ratio map shows that the site has a FSR of 0.9:1.	The proposed FSR is 0.85:1 (or 575m ²).	Complies
Height of Building (Maximum)	12m	Existing building height = 12.735m Proposed building height = 14.37m	No. Refer to Executive Summary Report.

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4. Randwick Comprehensive Development Control Plan 2013 (RCDCP 2013)

3.1 C2 Table: Medium Density Residential

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

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

B6 Recycling and Waste Management

DCP Clause	Control	Proposal	Compliance
4.	On-Going Operation		
	(iv) Locate and design the waste storage facilities to visually and physically complement the design of the development. Avoid locating waste storage facilities between the front alignment of a building and the	There is already existing waste facility on the site. This will remain unchanged.	Not applicable

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DCP Clause	Control	Proposal	Compliance
	street where possible.		
	(v) Locate the waste storage facilities to minimise odour and acoustic impacts on the habitable rooms of the proposed development, adjoining and neighbouring properties.		
	(vi) Screen the waste storage facilities through fencing and/or landscaping where possible to minimise visual impacts on neighbouring properties and the public domain.		
	(vii) Ensure the waste storage facilities are easily accessible for all users and waste collection personnel and have step-free and unobstructed access to the collection point(s).		
	(viii) Provide sufficient storage space within each dwelling / unit to hold a single day's waste and to enable source separation.		
	(ix) Bin enclosures / rooms must be ventilated, fire protected, drained to the sewerage system and have lighting and water supply.		
B7	Transport, Traffic, Parking and Access		
3.	Parking & Service Delivery Requirements		
	Car parking requirements: 1space per 2 studios 1 space per 1-bedroom unit (over 40m2) 1.2 spaces per 2-bedroom unit 1.5 spaces per 3- or more bedroom unit 1 visitor space per 4 dwellings	Currently there is one existing garage car space allocated for this unit off Queen Street. The proposal will increase the number of bedrooms from 2 to 3.	Parking Demand on the site will increase by 0.3 spaces due to the proposed additional bedroom. This is not significant and the existing parking arrangements will be satisfactory.
	Motor cycle requirements: 5% of car parking requirement	Not applicable.	Not applicable.
4.	Bicycles		
	Residents: 1 bike space per 2 units Visitors:	Not applicable.	Not applicable.

DCP Clause	Control	Proposal	Compliance
	1 per 10 units		
C2	Medium Density Residential		
2	Site Planning		
2.1	Site Layout Options Site layout and location of buildings must be based on a detailed site analysis and have regard to the site planning guidelines for: <ul style="list-style-type: none"> • Two block / courtyard example • T-shape example • U-shape example • Conventional example 	A site analysis plan was submitted with the application. The location and built form already exists. The proposed development is mainly within the existing roof form.	Complies
2.2	Landscaped open space and deep soil area		
2.2.1	Landscaped open space		
	A minimum of 50% of the site area (335m ²) is to be landscaped open space.	No changes are made to the existing landscaped open space.	Not applicable.
2.2.2	Deep soil area		
	(i) A minimum of 25% of the site area (167.5m ²) should incorporate deep soil areas sufficient in size and dimensions to accommodate trees and significant planting.	No changes are made to the existing deep soil area.	Not applicable.
	(ii) Deep soil areas must be located at ground level, be permeable, capable for the growth of vegetation and large trees and must not be built upon, occupied by spa or swimming pools or covered by impervious surfaces such as concrete, decks, terraces, outbuildings or other structures.		
	(iii) Deep soil areas are to have soft landscaping comprising a variety of trees, shrubs and understory planting.		
	(iv) Deep soil areas cannot be located on structures or facilities such as basements, retaining walls, floor slabs, rainwater tanks or in planter boxes.		
	(v) Deep soil zones shall be contiguous with the deep soil zones of adjacent properties.		
2.3	Private and communal open space		
2.3.1	Private open space		
	Private open space is to be:	A terrace is proposed	Complies

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DCP Clause	Control	Proposal	Compliance
	(i) Directly accessible from the living area of the dwelling. (ii) Open to a northerly aspect where possible so as to maximise solar access. (iii) Be designed to provide adequate privacy for residents and where possible can also contribute to passive surveillance of common areas.	on the third floor roof attic level off the bedroom to Unit 5. The terrace is north facing and receives adequate solar access. The attic addition orientates the terrace towards the Queen Street Northern frontage, and the valley, so there are no significant privacy concerns to adjacent properties.	
	For residential flat buildings: (vi) Each dwelling has access to an area of private open space in the form of a courtyard, balcony, deck or roof garden, accessible from with the dwelling. (vii) Private open space for apartments has a minimum area of 8m ² and a minimum dimension of 2m.	Already exist.	Not applicable.
2.3.2	Communal open space		
	Communal open space for residential flat building is to be: (a) Of a sufficient contiguous area, and not divided up for allocation to individual units. (b) Designed for passive surveillance. (c) Well oriented with a preferred northerly aspect to maximise solar access. (d) adequately landscaped for privacy screening and visual amenity. (e) Designed for a variety of recreation uses and incorporate recreation facilities such as playground equipment, seating and shade structures.	No changes made to the communal private open spaces.	Not applicable.
3	Building Envelope		
3.1	Floor space ratio		
	Floor Space Ratio LEP 2012 = 0.9:1	Site = 670sqm 0.85:1 (or 575m²)	Complies

DCP Clause	Control	Proposal	Compliance
3.2	Building height		
	Maximum overall height LEP 2012 = 12m	Existing building height = 12.735m Proposed building height = 14.37m	Refer to Executive summary under Clause 4.6 Variations to the Development Standard.
3.3	Building depth		
	For residential flat buildings, the preferred maximum building depth (from window to window line) is between 10m and 14m. Any greater depth must demonstrate that the design solution provides good internal amenity such as via cross-over, double-height or corner dwellings / units.	A maximum building depth of 4.9m. This is acceptable as it is located mainly within the existing roof form.	Complies with the objectives.
3.4	Setbacks		
3.4.1	Front setback (i) The front setback on the primary and secondary property frontages must be consistent with the prevailing setback line along the street. Notwithstanding the above, the front setback generally must be no less than 3m in all circumstances to allow for suitable landscaped areas to building entries. (ii) Where a development is proposed in an area identified as being under transition in the site analysis, the front setback will be determined on a merit basis. (iii) The front setback areas must be free of structures, such as swimming pools, above-ground rainwater tanks and outbuildings. (iv) The entire front setback must incorporate landscape planting, with the exception of driveways and pathways.	The third level roof attic addition is setback 11.45m from the Queen Street boundary and 22.25m from the Coogee Bay Road boundary. The addition is sited mainly within the roof form of the existing building and the new pitched roof will not be significantly visible from the street.	Complies
3.4.2	Side setback		
	Residential flat building (i) Comply with the minimum side setback requirements stated below:	Eastern side = 7.71m Western side = 4.11m	Complies

DCP Clause	Control	Proposal	Compliance
	<ul style="list-style-type: none"> - 14m ≤ site frontage width < 16m: 2.5m (ii) Incorporate additional side setbacks to the building over and above the above minimum standards, in order to: <ul style="list-style-type: none"> - Create articulations to the building facades. - Reserve open space areas and provide opportunities for landscaping. - Provide building separation. - Improve visual amenity and outlook from the development and adjoining residences. - Provide visual and acoustic privacy for the development and the adjoining residences. - Ensure solar access and natural ventilation for the development and the adjoining residences. (iii) A fire protection statement must be submitted where windows are proposed on the external walls of a residential flat building within 3m of the common boundaries. The statement must outline design and construction measures that will enable operation of the windows (where required) whilst still being capable of complying with the relevant provisions of the BCA. 		
3.4.3	Rear setback		
	For residential flat buildings, provide a minimum rear setback of 15% (5.786m) of allotment depth or 5m, whichever is the greater.	The attic addition is setback 11.45m from the rear boundary.	Complies
4	Building Design		
4.1	Building façade		
	<ul style="list-style-type: none"> (i) Buildings must be designed to address all street and laneway frontages. (ii) Buildings must be oriented so that the front wall alignments are parallel with the street property boundary or the street layout. (iii) Articulate facades to reflect 	The main building façade will not be altered. The proposal is for an addition of an attic level which is not significantly visible from the street levels.	Complies

DCP Clause	Control	Proposal	Compliance
	<p>the function of the building, present a human scale, and contribute to the proportions and visual character of the street.</p> <p>(iv) Avoid massive or continuous unrelieved blank walls. This may be achieved by dividing building elevations into sections, bays or modules of not more than 10m in length, and stagger the wall planes.</p> <p>(vi) Conceal building services and pipes within the balcony slabs.</p>		
4.2	Roof design		
	<p>(i) Design the roof form, in terms of massing, pitch, profile and silhouette to relate to the three dimensional form (size and scale) and façade composition of the building.</p> <p>(ii) Design the roof form to respond to the orientation of the site, such as eaves and skillion roofs to respond to sun access.</p> <p>(iii) Use a similar roof pitch to adjacent buildings, particularly if there is consistency of roof forms across the streetscape.</p> <p>(iv) Articulate or divide the mass of the roof structures on larger buildings into distinctive sections to minimise the visual bulk and relate to any context of similar building forms.</p> <p>(v) Use clerestory windows and skylights to improve natural lighting and ventilation of internalised space on the top floor of a building where feasible. The location, layout, size and configuration of clerestory windows and skylights must be sympathetic to the overall design of the building and the streetscape.</p> <p>(vi) Any services and equipment, such as plant, machinery, ventilation stacks, exhaust ducts, lift overrun and the like, must be contained within the roof form or screened behind parapet walls so that they are not readily visible from the</p>	<p>The main roof form will not be altered. The new pitched roof addition is not significantly visible from the streetscape and will not create significant bulk to the existing roof form.</p> <p>Adequate lighting is provided to all rooms including stairway. The terrace off the bedroom is not noticeable from the streetscape as it is sited within the existing roof form and the existing south façade will block the line of sight.</p>	<p>Complies</p>

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DCP Clause	Control	Proposal	Compliance
	<p>public domain.</p> <p>(vii) Terraces, decks or trafficable outdoor spaces on the roof may be considered only if:</p> <ul style="list-style-type: none"> - There are no direct sightlines to the habitable room windows and private and communal open space of the adjoining residences. - The size and location of terrace or deck will not result in unreasonable noise impacts on the adjoining residences. - Any stairway and associated roof do not detract from the architectural character of the building, and are positioned to minimise direct and oblique views from the street. - Any shading devices, privacy screens and planters do not adversely increase the visual bulk of the building. <p>(viii) The provision of landscape planting on the roof (that is, "green roof") is encouraged. Any green roof must be designed by a qualified landscape architect or designer with details shown on a landscape plan.</p>		
4.3	Habitable roof space		
	<p>Habitable roof space may be considered, provided it meets the following:</p> <ul style="list-style-type: none"> - Optimises dwelling mix and layout, and assists to achieve dual aspect or cross over units with good natural ventilation. - Has a maximum floor space of 65% of the storey immediately below. - Wholly contain habitable areas within the roof space. - When viewed from the surrounding public and private domain, the roof form has the appearance of a roof. A continuous flat roof with habitable space within it will not satisfy this requirement. 	<p>The proposed attic addition will provide an additional bedroom and bathroom for Unit 5.</p> <p>The addition is positioned on the centre of the roof with the significant portion of the attic space being located within the roof area of the existing building. The addition will not create significant bulk to the existing roof form as the wall</p>	<p>Complies</p>

DCP Clause	Control	Proposal	Compliance
	<ul style="list-style-type: none"> - Design windows to habitable roof space as an integrated element of the roof. - Submit computer generated perspectives or photomontages showing the front and rear elevations of the development. 	<p>projections are limited in height and the new pitched roof will complement the existing main roof form.</p> <p>The new window and door openings are orientated to the north which allows for adequate natural lighting and ventilation to all the new rooms.</p>	
4.4	External wall height and ceiling height		
	(ii) Where the site is subject to a 12m building height limit under the LEP, a maximum external wall height of 10.5m applies.	The proposal has a maximum external wall height of 11.175m at its northern end and 10.915m at the southern end.	No. Refer to Executive Summary report.
	(iii) The minimum ceiling height is to be 2.7m for all habitable rooms.	2.7m	Complies
4.6	Internal circulation		
	<p>(i) Enhance the amenity and safety of circulation spaces by:</p> <ul style="list-style-type: none"> - Providing natural lighting and ventilation where possible. - Providing generous corridor widths at lobbies, foyers, lift doors and apartment entry doors. - Allowing adequate space for the movement of furniture. - Minimising corridor lengths to give short, clear sightlines. - Avoiding tight corners. - Articulating long corridors with a series of foyer areas, and/or providing windows along or at the end of the corridor. 	<p>There are no changes made to the existing internal corridors and stair access. The new stairway to access the attic level is adequate in width.</p> <p>Adequate natural light and internal circulation is provided to the new attic floor addition for safety and movement of furniture.</p>	Complies
	<p>(ii) Use multiple access cores to:</p> <ul style="list-style-type: none"> - Maximise the number of pedestrian entries along a street for sites with wide frontages or corner sites. - Articulate the building 		

DCP Clause	Control	Proposal	Compliance
	façade. - Limit the number of dwelling units accessible off a single circulation core on a single level to 6 units.		
	(iii) Where apartments are arranged off a double-loaded corridor, limit the number of units accessible from a single core or to 8 units.		
4.7	Apartment layout		
	(i) Maximise opportunities for natural lighting and ventilation through the following measures: <ul style="list-style-type: none"> - Providing corner, cross-over, cross-through and double-height maisonette / loft apartments. - Limiting the depth of single aspect apartments to a maximum of 6m. - Providing windows or skylights to kitchen, bathroom and laundry areas where possible. Providing at least 1 openable window (excluding skylight) opening to outdoor areas for all habitable rooms and limiting the use of borrowed light and ventilation.	The new window and door openings provided adequate natural lighting and ventilation to all the new rooms including stairway. A terrace area is provided off the bedroom for use as private open space.	Complies
	(ii) Design apartment layouts to accommodate flexible use of rooms and a variety of furniture arrangements.		
	(iii) Provide private open space in the form of a balcony, terrace or courtyard for each and every apartment unit in a development.		
	(iv) Avoid locating the kitchen within the main circulation space of an apartment, such as hallway or entry.		
4.8	Balconies		
	(i) Provide a primary balcony and/or private courtyard for all apartments with a minimum area of 8m ² and a minimum dimension of 2m and consider secondary balconies or terraces in larger apartments.	There is an existing terrace communal open space to the rear above the garages fronting Queen Street. Limited private open space is provided for the existing units. A terrace area is	Complies
	(ii) Provide a primary terrace for		

DCP Clause	Control	Proposal	Compliance
	<p>all ground floor apartments with a minimum depth of 4m and minimum area of 12m². All ground floor apartments are to have direct access to a terrace.</p>	<p>provided off the bedroom for use as additional private open space.</p>	
4.9	Colours, materials and finishes		
	<ul style="list-style-type: none"> (i) Provide a schedule detailing the materials and finishes in the development application documentation and plans. (ii) The selection of colour and material palette must complement the character and style of the building. (iv) Use the following measures to complement façade articulation: <ul style="list-style-type: none"> - Changes of colours and surface texture - Inclusion of light weight materials to contrast with solid masonry surfaces - The use of natural stones is encouraged. (v) Avoid the following materials or treatment: <ul style="list-style-type: none"> - Reflective wall cladding, panels and tiles and roof sheeting - High reflective or mirror glass - Large expanses of glass or curtain wall that is not protected by sun shade devices - Large expanses of rendered masonry - Light colours or finishes where they may cause adverse glare or reflectivity impacts (vi) Use materials and details that are suitable for the local climatic conditions to properly withstand natural weathering, ageing and deterioration. (vii) Sandstone blocks in existing buildings or fences on the site must be recycled and re-used. 	<p>A colours, materials and finishes schedule was not provided with the documentation.</p>	<p>A condition is included within the consent which requires the colours, materials and finishes to be consistent with the character and style of the existing building.</p>
4.12	Earthworks Excavation and backfilling		
	<ul style="list-style-type: none"> (i) Any excavation and backfilling within the building footprints must be limited to 1m at any 	<p>No earthworks, excavation and backfilling are</p>	<p>Not applicable.</p>

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DCP Clause	Control	Proposal	Compliance
	<p>point on the allotment, unless it is demonstrated that the site gradient is too steep to reasonably construct a building within this extent of site modification.</p> <p>(ii) Any cut and fill outside the building footprints must take the form of terracing following the natural landform, in order to minimise the height or depth of earthworks at any point on the site.</p> <p>(iii) For sites with a significant slope, adopt a split-level design for buildings to minimise excavation and backfilling.</p>	<p>proposed on the site. The works are proposed to an existing unit and are mainly within the roof form of the existing building.</p>	
5	Amenity		
5.1	Solar access and overshadowing		
	Solar access for proposed development		
	<p>(i) Dwellings must receive a minimum of 3 hours sunlight in living areas and to at least 50% of the private open space between 8am and 4pm on 21 June.</p>	<p>The new window & door openings are orientated north and east and receive a minimum of 3 hours sunlight between 8am and 4pm on 21 June.</p>	<p>Complies</p>
	<p>(ii) Living areas and private open spaces for at least 70% of dwellings within a residential flat building must provide direct sunlight for at least 3 hours between 8am and 4pm on 21 June.</p>	<p>The new bedroom will receive 100% of direct sunlight.</p>	<p>Complies</p>
	Solar access for surrounding development		
	<p>(i) Living areas of neighbouring dwellings must receive a minimum of 3 hours access to direct sunlight to a part of a window between 8am and 4pm on 21 June.</p> <p>(ii) At least 50% of the landscaped areas of neighbouring dwellings must receive a minimum of 3 hours of direct sunlight to a part of a window between 8am and 4pm on 21 June.</p> <p>(iii) Where existing development currently receives less sunlight</p>	<p>The shadow diagrams demonstrate that the additional overshadowing is very minor and will mainly fall on the roof area of the subject building.</p>	<p>Complies</p>

DCP Clause	Control	Proposal	Compliance
	than this requirement, the new development is not to reduce this further.		
5.2	Natural ventilation and energy efficiency		
	(i) Provide daylight to internalised areas within each dwelling and any poorly lit habitable rooms via measures such as ventilated skylights, clerestory windows, fanlights above doorways and highlight windows in internal partition walls.	Window & door openings are provided to the bedroom, bathroom and stairway for adequate natural ventilation. Appropriate sun and whether protection is provided to all window and door openings.	Complies.
	(ii) Sun shading devices appropriate to the orientation should be provided for the windows and glazed doors of the building.		
	(iii) All habitable rooms must incorporate windows opening to outdoor areas. The sole reliance on skylight or clerestory windows for natural lighting and ventilation is not acceptable.		
	(iv) All new residential units must be designed to provide natural ventilation to all habitable rooms. Mechanical ventilation must not be the sole means of ventilation to habitable rooms.		
	(v) A minimum of 90% of residential units should be naturally cross ventilated. In cases where residential units are not naturally cross ventilated, such as single aspect apartments, the installation of ceiling fans may be required.		
	(vi) A minimum of 25% of kitchens within a development should have access to natural ventilation and be adjacent to openable windows.		
	(vii) Developments, which seek to vary from the minimum standards, must demonstrate how natural ventilation can be satisfactorily achieved, particularly in relation to habitable rooms.		
5.3	Visual privacy		
	(i) Locate windows and balconies of habitable rooms to minimise overlooking of windows or glassed doors in adjoining dwellings.	There are no significant privacy concerns to adjacent properties. The addition orientates the	Complies

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DCP Clause	Control	Proposal	Compliance
	(ii) Orient balconies to front and rear boundaries or courtyards as much as possible. Avoid orienting balconies to any habitable room windows on the side elevations of the adjoining residences. (iii) Orient buildings on narrow sites to the front and rear of the lot, utilising the street width and rear garden depth to increase the separation distance. (iv) Locate and design areas of private open space to ensure a high level of user privacy. Landscaping, screen planting, fences, shading devices and screens are used to prevent overlooking and improve privacy. (v) Incorporate materials and design of privacy screens including: <ul style="list-style-type: none"> - Translucent glazing - Fixed timber or metal slats - Fixed vertical louvres with the individual blades oriented away from the private open space or windows of the adjacent dwellings - Screen planting and planter boxes as a supplementary device for reinforcing privacy protection 	terrace and majority of the window and door openings towards the Queen Street frontage with the exception of the east facing window which is to the stairway. Any overlooking will mainly be of the roof top areas of adjoining properties and given, the footprint of the addition is setback from the main building foot print overlooking of neighbouring properties will be obscured by the existing roof on the subject site.	
7.6	Storage		
	(i) The design of development must provide for readily accessible and separately contained storage areas for each dwelling. (ii) Storage facilities may be provided in basement or sub floor areas, or attached to garages. Where basement storage is provided, it should not compromise any natural ventilation in the car park, reduce sight lines or obstruct pedestrian access to the parked vehicles. (iii) In addition to kitchen cupboards and bedroom wardrobes, provide accessible storage facilities at the	Roof storage space is provided within the new attic addition and wardrobes are provided to the bedroom.	Complies

DCP Clause	Control	Proposal	Compliance
	following rates: (a) Studio apartments – 6m3 (b) 1-bedroom apartments – 6m3 (c) 2-bedroom apartments – 8m3 (d) 3 plus bedroom apartments – 10m3		

5. 79C Matters for consideration

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

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Section 79C 'Matters for Consideration'	Comments
Environmental Planning Instruments	
public interest	result in any significant adverse environmental, social or economic impacts on the locality. Accordingly, the proposal is considered to be in the public interest.

6. DEVELOPMENT CONSENT CONDITIONS

GENERAL CONDITIONS

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

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

Approved Plans & Supporting Documentation

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

<i>Plan</i>	<i>Drawn by</i>	<i>Dated</i>	<i>Received by Council</i>
A00 (Issue 02)	Celia Carroll Design	September 2014	17 September 2014
D01 (Issue 02)	Celia Carroll Design	September 2014	17 September 2014
E01 (Issue 02)	Celia Carroll Design	September 2014	17 September 2014
E02 (Issue 02)	Celia Carroll Design	September 2014	17 September 2014

External Colours, Materials & Finishes

- The external colours, materials, finishes of the building including roof are required to match, as closely as possible, the existing building and the metal roof sheeting shall be pre-painted (e.g. Colourbond) to limit the level of reflection and glare.

REQUIREMENTS BEFORE A CONSTRUCTION CERTIFICATE CAN BE ISSUED

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

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

Consent Requirements

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

Long Service Levy

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

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

Sydney Water Requirements

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

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

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

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

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

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.

Structural Adequacy

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

Building Code of Australia & Fire Safety

7. In accordance with section 80 A (11) of the *Environmental Planning & Assessment Act 1979* and clause 98 of the *Environmental Planning & Assessment Regulation 2000*, it is a *prescribed condition* that all building work must be carried out in accordance with the provisions of the Building Code of Australia (BCA). Details of compliance are to be provided in the construction certificate.
8. All new building work (including alterations, additions, fit-out work and fire safety works are to be carried out in accordance with the relevant provisions of the Building Code of Australia (BCA) and details are to be included in the Construction Certificate, to the satisfaction of the Certifying Authority.

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.

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

Certification, PCA & other Regulatory Requirements

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

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

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

- b) A *Principal Certifying Authority* (PCA) must be appointed to carry out the necessary building inspections and to issue an *occupation certificate*; and
- c) The *principal contractor* must be advised of the required *critical stage inspections* and other inspections to be carried out, as specified by the *Principal Certifying Authority*; and
- d) At least two days notice must be given to the Council, in writing, prior to commencing any works; and
- e) The relevant requirements of the *Home Building Act 1989* (as applicable) must be complied with and details provided to the Principal Certifying Authority and Council.

Demolition Work & Removal of Asbestos Materials

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

- a) Demolition work must be carried out in accordance with Australian Standard, AS2601 (2001) - The Demolition of Structures and a Demolition Work Plan is required to be developed and implemented to the satisfaction of the Principal Certifying Authority prior to commencing any demolition works.
- b) The demolition, removal, storage and disposal of any materials containing asbestos must be carried out in accordance with the relevant requirements of WorkCover NSW, Council's Asbestos Policy and the following requirements:
- A licence must be obtained from WorkCover NSW for the removal of friable asbestos and or more than 10m² of bonded asbestos (i.e. fibro)
 - Asbestos waste must be disposed of in accordance with the *Protection of the Environment Operations Act 1997* & relevant Regulations
 - A sign must be provided to the site/building stating "Danger Asbestos Removal In Progress"
 - A Clearance Certificate or Statement must be obtained from a suitably qualified person (i.e. Occupational Hygienist) upon completion of the asbestos removal works, which is to be submitted to the Principal Certifying Authority and Council prior to issuing an Occupation Certificate.

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

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Construction Noise & Vibration

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

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

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

REQUIREMENTS DURING CONSTRUCTION & SITE WORK

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

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

Building Inspection Requirements

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

Excavations & Support of Adjoining Land

13. 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.

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

Retaining walls, shoring or piling must be provided to support land which is excavated in association with the erection or demolition of a building, to prevent the movement of soil and to support the adjacent land and buildings, if the soil conditions require it. Adequate provisions are also to be made for drainage.

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

Permitted Working Hours

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

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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 or the like	<ul style="list-style-type: none"> • Monday to Friday - 8.00am to 5.00pm • Saturday - No work permitted • Sunday & public holidays - No work permitted
Internal work only within a commercial or industrial development, located in a commercial or industrial zone, which is not audible within any residential dwelling or commercial or industrial premises	<ul style="list-style-type: none"> • Monday to Saturday - No time limits (subject to column 1) • Sunday & public holidays - No work permitted
Additional requirements for all development (except for single residential dwellings)	<ul style="list-style-type: none"> • Saturdays and Sundays where the preceding Friday and/or the following Monday is a public holiday - No work permitted

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

Construction Site Management

16. Public health, safety and convenience must be maintained at all times during demolition and building works and the following requirements must be complied with at all times:
- a) A sign must be provided and maintained in a prominent position throughout the works, which contains the following details:
 - name, address, contractor licence number and telephone number of the *principal contractor*, including a telephone number at which the person may be contacted outside working hours, or *owner-builder* permit details (as applicable)
 - name, address and telephone number of the *Principal Certifying Authority*,
 - a statement stating that "unauthorised entry to the work site is prohibited".
 - b) The roadway, footpath and nature strip must be maintained in a good, safe condition and free from any obstructions, trip hazards, materials, soils or debris at all times. Any damage caused to the road, footway or nature strip must be repaired immediately, to the satisfaction of Council.
 - c) Building materials, sand, soil, waste materials, construction equipment or other materials or articles must not be placed upon the footpath, roadway or nature strip at any time and the footpath, nature strip and road must be maintained in a clean condition and free from any obstructions, soil and debris at all times.
 - d) Bulk bins, waste containers or other articles must not be located upon the footpath, roadway or nature strip at any time without the prior written approval of the Council. Applications to place a waste container or other articles in a public place can be made to Council's Building Services section.

- e) During demolition and construction, sediment laden stormwater run-off shall be controlled using the sediment control measures outlined in the manual for Managing Urban Stormwater – Soils and Construction, published by Landcom, to the satisfaction of Council.

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

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

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

- g) Adequate provisions must be made to ensure pedestrian safety and traffic flow during the site works and traffic control measures are to be implemented in accordance with the relevant provisions of the Roads and Traffic Manual "Traffic Control at Work Sites" (Version 4), to the satisfaction of Council.
- h) A Road / Asset Opening application must be submitted to and be approved by Council prior to carrying out any works within or upon a road, footpath, nature strip or in any public place, in accordance with section 138 of the *Roads Act 1993* and all of the conditions and requirements contained in the Road / Asset Opening Permit must be complied with.

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

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REQUIREMENTS PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE

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

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

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

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

Council's development consent and to maintain reasonable levels of public health, safety and amenity.

Occupation Certificate Requirements

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

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

GENERAL ADVISORY NOTES

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

- A1 The requirements and provisions of the *Environmental Planning & Assessment Act 1979* and *Environmental Planning & Assessment Regulation 2000*, must be fully complied with at all times. Failure to comply with these legislative requirements is an offence and may result in the commencement of legal proceedings, issuing of 'on-the-spot' penalty infringements or service of a notice and order by Council.

- A2 All new building work (including alterations, additions and building renovations) must comply with the Building Code of Australia (BCA) and relevant Australian Standards and details of compliance must be provided in the Construction Certificate application.

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

- A3 Building owners and occupiers should consider implementing appropriate measures to prevent children from falling from high-level window openings and balconies (e.g. by installing window locking devices; installing heavy-duty screens to window openings; limiting the dimensions of any openings to 125mm; ensuring balustrades to balconies are at least 1m high and; locating fixtures, fittings and furniture away from high-level windows and balconies).

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

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

- All food businesses (including premises used for the sale, storage, preparation and distribution of food and drinks)
- Hairdressing salons, Beauty salons, Businesses involving Skin Penetration & Piercing, Massage businesses
- Licensed premises, places of public entertainment and hotels

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- Places of Shared Accommodation (including Boarding / Lodging Houses, Bed & Breakfast businesses, Backpackers, Residential Hotels or the like
 - Cooling Towers or Warm Water Systems
 - Business providing any form of sexual service (i.e. brothel or the like).

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

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Development Application Compliance Report



Folder /DA No:	DA/208/2014
PROPERTY:	12-14 Belmore Road, RANDWICK NSW 2031
Proposal:	Demolition of all structures, construction of part 3, part 4 level building containing ground level bank, 4 residential units, 12 boarding house rooms with a communal laundry, kitchen and lounge, bicycle parking and associated works (Heritage Conservation Area) (variation sought to requirement to provide motorcycle parking and to maximum height control).
Recommendation:	Approval

Relevant Environment Planning Instruments:

1. SEPPs

State Environmental Planning Policy (Building Sustainability Index) 2004

The application is accompanied by a BASIX certificate which conforms to the requirements of the SEPP in terms of solar access, energy efficiency and thermal comfort.

SEPP 65 – Design Quality of Residential Flat Development

The application was referred to the Design Review Panel (DRP) in accordance with the provisions of the SEPP both as a pre DA and as a formal Development Application.

The following is a reproduction of the most recent recommendations received in relation to the development application with respective commentary:

PANEL COMMENTS

This is a now a DA application for a boarding house, and the second time the Panel has seen a proposal for this site (previous meeting October 2013). The drawings were very comprehensive, clearly illustrating the design intent and scale, and therefore appropriate for this pre-DA presentation.

The Panel is familiar with the site and the broader Randwick Town Centre.

David Chesterman was not present and has previously declared an interest in regard to the architect.

Previous comments are retained where relevant, *with new comments in italics.*

1. Relationship to the Context of the Proposal

The site is located on the western side of Belmore Road in the Randwick Town Centre. The site has a relatively constrained frontage, with a narrow easement to the north giving additional pedestrian access to the rear of the site. There is a range of older two storey parapet buildings in the block, including the building proposed to be demolished.

The site is extremely well placed in relation to a range of public places and public transport, which is about to be further improved following the announcement of the tramline. Urban and

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site analyses have been prepared that provide a reasonable foundation for the site planning and distribution of building volumes and spaces.

A 4 storey building is proposed, comprising affordable housing in the form of studio apartments to the rear, and more conventional apartments with separate stair access at the front of the site. The Panel makes the following comments with regard to its relationship to the context;

- the overall form is a good response to this tight, highly urban site. This type of scheme will become more and more common, as housing affordability and the efficient use of urban land are major societal issues
- currently the building is set too close to its neighbours' boundaries to the south and west, which would trigger privacy, overshadowing and BCA protection of openings boundary restrictions

The Panel can accept that this type repeated would result in a zero side (south) setback, however there should be a setback on the western side.

Comment

This aspect has been comprehensively addressed in the Medium Density Residential DCP section of this report. Given the orientation (frontage to Alison Road) and width of the allotment to the rear the likely configuration of any future development would include a siting of the building to the common boundary to take advantage of the northern aspect for any upper level residential component. The nil setback of the open fire stairs to the boundary is considered reasonable in the circumstances.

- given the tight site dimensions and importance of retaining retail and address to the Belmore Road frontage, no car parking is proposed. The Panel strongly supports this position on this site, given its locational advantages

2. The Scale of the Proposal

The Panel supports a number of aspects of the proposed Scale and Building Form, which could be further refined and improved by the following refinements;

- ***The proposed building presents a 3 storey scale, which is consistent with the other buildings in the block. The top floor is set back from the street front, and the Panel considers that it would be better set parallel to the front boundary. The street facade reinforces the urban form of the centre.***

Comment

The proposal has been amended to provide a setback of approximately 4.6m to Belmore Road in relation to the uppermost level and the façade is now parallel to the boundary.

- **The building mass is articulated as two primary volumes, well-tailored to the specific conditions of the site. It is acknowledged that this approach has merit, however the Panel considers that the architect could improve the performance of the building by making subtle adjustments set out below;**

some improvements have been made, but others are suggested below

- **The Panel supports the proposed side setback to the northern boundary, as it allows the best aspect to the affordable units.**

The non-residential use at ground floor is supported as it would be too overshadowed, however the arrangement of the laundry would be much

improved if it was rearranged to open to the northern courtyard. Alternatively it should be on the floor above next to the common room.

Comment

This recommendation has been incorporated into the amended plans.

- *As there are two means of egress in close proximity can the south west breezeway area on the Ground Floor Plan be eliminated and the commercial space be extended to the southern boundary with an egress path moved to the north west? This would remove the need for the half flight of stairs and increase the useful back-of-house areas.*

Comment

The applicant has responded indicating the likely need for a disabled lift to provide access to the lower rear ground level which would be precluded by the panel's suggestion. The provision of the breezeway will also facilitate through access to rear laundry area and landscaped open space encouraging the use of the central internal stair as access from upper level boarding rooms as opposed the rear fire stairs. This will be reinforced by way of appropriate conditions of consent restricting the use of the rear fire stairs for emergency use only.

- **However the impacts on the other neighbours are too great, which could compromise their existing amenity and affect their ability to redevelop in a comparable way in the future. Therefore the south and rear setbacks could be somewhat increased by relocating the affordable units' stair to be the only element on the southern boundary, and slightly reconfiguring the site plan by setting the common walkway off the boundary and marginally extending the footprint to the west and mostly to the east (see comments below regarding making the stair to 1 bed units more compact). The common corridor should not be on the boundary and appears to be overly wide; the minimum width could be 1.2 metres. This would allow the overall building width to be reduced, and all the service windows could be 3 metres from the south boundary, and therefore unencumbered by BCA restrictions.**

The applicant has prepared an analysis of the redevelopment of this row. Therefore the Panel accepts that a zero south setback could be acceptable, though the western setback should be provided. The stair should be relocated on the south side.

Comment

This aspect has been assessed in the body of this report and is considered acceptable.

- **On the ground floor to the rear, the communal room could be placed at ground floor. With the laundry next to it, both could open northward to a courtyard with deep soil planting. The plant should be relocated to a position with less amenity. More attention will need to be paid to the entry with regard to homecoming, services, shelter, letterboxes etc.**

The entry has been improved, and the plant should have less frontage to the outside.

Comment

The rear yard area adjacent to the laundry shows a small but functional outdoor courtyard which will lend itself to passive recreational usage by occupants of the development.

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- The Panel supports the open common lobbies to the affordable units, as it provides the light and air to all bathrooms. Fanlights should also be provided above the front doors, which would also assist with cross ventilation.

Done, though window operation should be shown throughout

- **The access stair and balcony arrangement to the 4 x 1 bedroom and 2 x studio apartments at the front of the site could be made more compact. The stair should be made more square, moved to the north and open to a north facing courtyard at level 2. The planning of the southern unit should be reversed, which would allow the rear balcony to have a small common component, and a larger private component. A small indent on the southern wall may allow some natural light to be introduced to the bedroom and ensuite.**

Improved

- ***The Panel suggests that the balconies to the street would be improved by either the kitchen or a study could be placed on their south side, allowing a larger useable area, which would also assist in giving a little more solidity to the street façade.***
- **The top floor of the street side apartments breaks the height plane however this configuration is likely to be continued on the adjoining sites if it were to be developed.**

Subject to the alignment being altered to be parallel to the street, the Panel considers this a good outcome with few shadow impact problems.

Comment

Plans have been amended to incorporate this recommendation.

3. The Built Form of the Proposal

See comments above

The Proposed DensityThe redevelopment of such a well-located site is welcome, and the Panel considers that the density is well suited to this site. If anything, the proposal should be made a little more efficient to use all the available floor space.

5. Resource and Energy Use and Water Efficiency

The Panel considered that the units are predominantly single orientation, and so need small design adjustments to improve their performance.

The Panel believes that a combination of BCA advice, better use of light and air from the open lobbies and the like should be used to guarantee of the units' effective cross-ventilation. Randwick benefits from the sea breeze, so cross ventilation should obviate the need for air-conditioning. In this regard the adjustments to the footprint, south-side openings and section could subtly improve the environmental performance.

Ceiling fans should be provided for each bedroom and clearly shown on the plans.

Window operation should be clearly marked on all windows on the elevations – including any fanlight, service room and clerestorey windows. All units should have balcony doors and windows that can be secure, open-able and weather-sheltered to allow cross ventilation at night or when the apartment is not occupied.

The opportunity for added light, ventilation and winter sun through the roof by utilising clerestorey windows should be considered. Light and air can be achieved in this way without the problems of noise and privacy issues.

The environmental performance has been further improved, and a number of refinements introduced however the roof could be better used for light to the internalised bathrooms and for ventilation to the top floor units which are generally hotter in summer.

Comment

The amended plans include ventilating skylights to the upper level mezzanine areas and the open void areas to the lower levels of these units will allow for greater levels of natural ventilation.

6. The Proposed Landscape

Currently there is too limited an area of perimeter deep soil landscaping. The Panel recommends that the entire northern and enlarged western setback be deep soil landscape area, to allow for trees to be planted to grow to maturity.

The deep soil area could be further increased

Creating open stairs and multiple vistas and routes through the complex generally open to strategically-placed planting elements / gardens could give future residents a better connection to a green outlook. Any planters off the on roof terraces or covered balconies need to be open to the sky and rain. Their height needs to be carefully considered. All landscape elements should also consider the amenity and outlook they could provide to neighbours, particularly important in such a built up location.

While some preliminary landscape concepts have been presented, a full landscape design by a recognized landscape architect should be provided with the DA.

Comment

A landscape plan prepared by a reputable designer accompanies the application. Amended plans show and increased provision of ground floor area and a condition will be imposed requiring a further increase in this provision. The upper level landscaped podium is open to the sky.

7. The Amenity of the Proposal for its Users

In the affordable housing component, a dominant unit type is proposed which faces north. The Panel raises the following issues about these arrangements;

- privacy, light and natural ventilation to the entries and bathroom is an issue that needs to be well resolved, as highlighted throughout this report
- the arrangement with the bathroom windows should allow every unit to have cross ventilation – as long as all bathroom windows are protected from the side boundaries.

this seems to have been done

- the common laundry should face north, and open to clothes lines – ***not done***

Comment

The laundry now opens to the north.

In the conventional units at the front of the site, this report sets out a number of refinements;

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- the bathroom arrangement could be replanned, as the Panel strongly supports that all bathrooms are naturally lit and ventilated - *done*
- the kitchen could be relocated to occupy the south side of the balcony, which would give it an outlook to the street and improved sun and air
- the stacking of the studio's bathrooms over the 1 bedroom units bedrooms should be reconsidered – these are acoustic and bulkhead problems that it would be better to avoid
- more use could be made of the roof section for the benefit of the upper apartments
- ***since the units are only 1 bed, the bedroom could be rearranged so that a sliding wall opens to the living room***
- ***paving and finishes to the north west courtyard need to be good quality as implied by the precedent images provided***

While furniture layouts have been shown, room dimensions need to be shown throughout.

In detailed design, providing each unit with more light, a range of openings and weather shelter is important.

The above have generally been done

Noise and light spill to neighbouring properties need to be reduced so as not to compromise their amenity.

8. The Safety and Security Characteristics of the Proposal

The proposal provides improved surveillance of the street, in place of the current solid façade. The entry paths are clearly arranged, with good address and way-finding.

As noted above, the site and mix of uses is complex and BCA advice has been sought and incorporated into the design. Any boundary screening to the outdoor common corridors and stairs needs to be specified. Area and positions for fire valves and the FIP need to be accommodated. - *done*

9. Social issues

The intensification of such well-placed sites is socially beneficial. The provision of a range of units, including flexible smaller units is strongly supported.

The planning arrangement allows flexibility of accommodation within the site, and the Panel also supports each part being separately expressed and accessed.

The Aesthetics of the ProposalThe proposal has the potential to be a fine addition to Randwick, and to become a model for future compact apartment / affordable / mixed use buildings. The parts are potentially well scaled and articulated, with the intention of creating a modulated scale using well-related parts. However currently the Covered Balconies and stairs dominate the south and west facades, and cause too great an impact on neighbours. The material, scale, degree of privacy and operation of all screens and balustrades needs to be detailed.

Thought has been given to the materials palette. The Panel emphasises that medium density residential buildings should be designed and built with robust materials and an enduring character. Large rendered and painted surfaces, for example, are likely to present on-going maintenance problems for the owners.

1:50 part elevations / sections and showing colours and materials should be part of the DA drawing set to provide certainty. Comprehensive sections need to also describe neighbouring properties.

Comment

The amended plans include the required level of detail.

The information presented is well-designed and considered DA package

SUMMARY AND RECOMMENDATIONS

Many of the issues raised at pre-DA stage have been addressed and additional detailed design presented.

This is a high quality proposal that performs well in terms of SEPP 65 issues. Should the further improvements and design refinements set out in this report be carried out to the satisfaction of the assessing planner, the Panel does not need to see this application again.

State Environmental Planning Policy (Affordable Rental Housing) 2009

Division 3: Boarding houses

The subject application is made pursuant to the SEPP (Affordable Rental Housing) 2009. Clause 26 of the SEPP provides that Boarding Houses under this Division are permissible within the B2 Local Centre zone and clause 28 stipulates that such development may be carried out with consent.

Clause 29 provides – *Standards that cannot be used to refuse consent* and Clause 30 *Standards for boarding houses*. The following tables outline the assessment:

Assessment of Clause 29 – Standards that cannot be used to refuse consent	
Standard	Assessment
<p>(1) Floor Space</p> <p>The density and scale of the buildings when expressed as a floor space ratio are not more than:</p> <p><i>(a) the existing maximum floor space ratio for any form of residential accommodation permitted on the land, or</i></p> <p><i>(c) if the development is on land within a zone in which residential flat buildings are permitted and the land does not contain a heritage item that is identified in an environmental planning instrument or an interim heritage order or on the State Heritage Register—the existing maximum floor space ratio for any form of residential accommodation permitted on the land, plus:</i></p> <p><i>(i) 0.5:1, if the existing maximum floor space ratio is 2.5:1 or less.</i></p>	<p>The controls of RLEP 2012 identify a maximum FSR of 2:1 on this site. A gross floor area of 1.72:1 is proposed.</p>
<p>(2) Building height</p> <p>Building height if all proposed buildings comply with the maximum building height under another environmental planning</p>	<p>Maximum height of 12.78m proposed. Clause 4.6 Objection lodged and assessed as reasonable</p>

Assessment of Clause 29 – Standards that cannot be used to refuse consent	
Standard	Assessment
instrument for any building on the land (that is, 12.0m building height).	in the Key Issues section of the Executive Summary.
<p>(3) Landscaped area</p> <p>Landscape treatment if the front setback area is compatible with the streetscape in which the building is located.</p>	Given the commercial nature of the site and wider area, landscaping of the site frontage is not proposed or appropriate.
<p>(4) Solar access</p> <p>Where the development provides for one (1) or more communal living rooms, if at least one (1) of those rooms receives a minimum of three (3) hours direct sunlight between 9am and 3pm in mid-winter.</p>	Given the location of the adjoining building on the common boundary and the height of the wall, access to direct sunlight for the required 3hrs is not possible. The communal living area is located on level 2 of the development with a northern aspect so as to achieve reasonable solar access and natural light. Complies with the intent.
<p>(5) Private open space</p> <p>If at least the following private open space areas are provided (other than the front setback area):</p> <p>(i) one (1) area of at least 20 square metres with a minimum dimension of three (3) metres is provided for the use of the lodgers;</p> <p>(ii) if accommodation is provided on site for a boarding house manager - one area of at least 8 square metres with a minimum dimension of 2.5 metres is provided adjacent to that accommodation.</p>	<p>(i) Open space for lodgers: The courtyard adjacent to the communal room provides an outdoor open space area of approximately 14m² with a minimum dimension of 3.165m. This area in addition to ground floor outdoor area of approximately 20m² is considered sufficient for the use of lodgers given a total of only 14 residents for the boarding house component of the proposed development. Complies with the intent.</p> <p>(ii) Manager: No manager is required given less than 20 lodgers- N/A.</p>
<p>(6) Parking</p> <p>If:</p> <p>(i) in the case of development in an accessible area—at least 0.2 parking spaces are provided for each boarding room.</p>	The proposal is located within an accessible area. No parking is provided on site. See Engineering Services comments in Key Issues section of executive summary.
<p>Accessible area</p> <p>The SEPP (Affordable Rental Housing) 2009 provides for parking minimums on the basis of accessibility. The SEPP provides the following definition of accessible area:</p> <p><i>accessible area</i> means land that is within:</p> <p>(a) 800 metres walking distance of a public entrance to a railway station or a</p>	

Assessment of Clause 29 – Standards that cannot be used to refuse consent	
Standard	Assessment
<p><i>wharf from which a Sydney Ferries ferry service operates, or</i></p> <p>(b) <i>400 metres walking distance of a public entrance to a light rail station or, in the case of a light rail station with no entrance, 400 metres walking distance of a platform of the light rail station, or</i></p> <p>(c) 400 metres walking distance of a bus stop used by a regular bus service (within the meaning of the Passenger Transport Act 1990) that has at least one bus per hour servicing the bus stop between 06.00 and 21.00 each day from Monday to Friday (both days inclusive) and between 08.00 and 18.00 on each Saturday and Sunday.</p> <p>The <i>Passenger Transport Act 1990</i> provides the following definition of 'regular bus service':</p> <p>regular bus service means any regular passenger service conducted by bus (including any transitway service).</p> <p>The site fronts Belmore Road approximately 30m from the intersection of Alison Road. Bus services to and from the CBD are available in front of and opposite the site in Belmore Road and within 100m on Alison Road.</p> <p>The frequency of services for a number of routes satisfies the requirements of the definition.</p>	
<p>(7) Accommodation size</p> <p>If each boarding room has a gross floor area (excluding any area used for the purposes of private kitchen or bathroom facilities) of at least:</p> <p>(i) 12 square metres in the case of a boarding room intended to be used by a single lodger, or</p> <p>(ii) 16 square metres in any other case.</p>	<p>Boarding rooms are specified for single and double lodging purposes.</p> <ul style="list-style-type: none"> 9 Single rooms have a gross floor area of 11.4m² excluding bathroom and kitchen areas; it is noted that one of the double rooms has been designated as an adaptable single room. 2 Double rooms have a gross floor area of 17.75m² excluding bathroom and kitchen areas; <p>Double rooms are compliant with the requirement. Single rooms, whilst slightly under the standard, provide functional areas and distribution. Complies with the intent.</p>
<p>A boarding house may have private kitchen or bathroom facilities in each boarding room but is not required to have those facilities in any boarding room.</p>	<p>The proposal includes private bathroom and kitchen facilities in each room.</p>

Assessment of Clause 30 Standards for boarding houses	
Standard	Assessment
<p>(a) If a boarding house has 5 or more boarding rooms, at least one (1) communal living room will be provided.</p>	<p>A common room has been provided within the building. Complies.</p>
<p>(b) No boarding room will have a gross</p>	<p>The application identifies the largest of</p>

Assessment of Clause 30 Standards for boarding houses	
Standard	Assessment
floor area (excluding any area used for the purposes of private kitchen or bathroom facilities) of more than 25 square metres.	the proposed rooms having an area of 17.75m ² gross floor area, excluding kitchen and bathroom areas. Complies.
(c) No boarding room will be occupied by more than 2 adult lodgers.	Boarding rooms are identified as being for single and double lodging purposes only. A condition is also included in the recommendation restricting the occupancy of rooms. Complies.
(d) Adequate bathroom and kitchen facilities will be available within the boarding house for the use of each lodger.	There are adequate private facilities in each room - Complies.
(e) If the boarding house has capacity to accommodate 20 or more lodgers, a boarding room or on site dwelling will be provided for a boarding house manager.	The proposal will provide for a maximum of 14 lodgers, to be enforced via a condition. No on site Manager is required.
(g) If the boarding house is on land zoned primarily for commercial purposes, no part of the ground floor of the boarding house that fronts a street will be used for residential purposes unless another environmental planning instrument permits such a use.	The land is zoned B2 Local Centre. The ground floor portion of the development that fronts Belmore Road is to be used as a bank premises by the ANZ bank. Complies
(h) At least one parking space will be provided for a bicycle, and one will be provided for a motorcycle, for every 5 boarding rooms.	At least 13 bicycle spaces are provided in lieu of the 2.4 spaces required. No spaces are provided for motorcycles. Clause 4.6 Objection lodged. See Key Issues section of the Executive Summary.

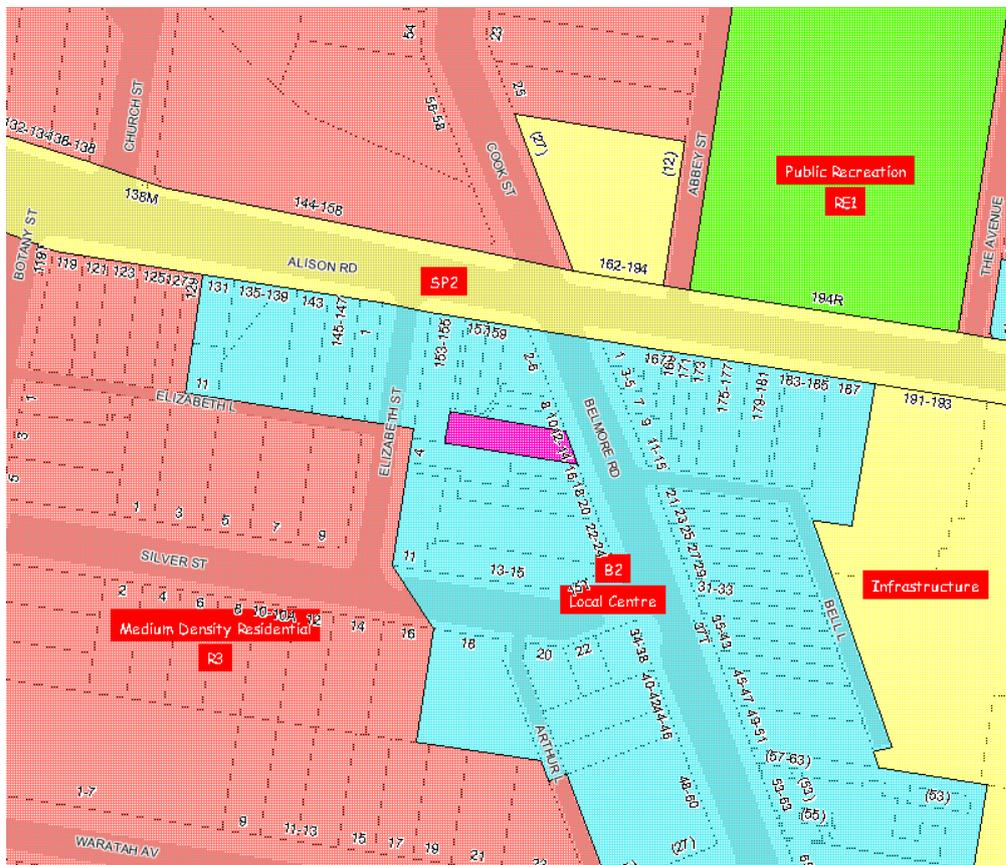
Assessment of Clause 30A- Character of the local area
<p>Character of the local area The consent authority is required to take into consideration whether the design of the development is compatible with the character of the local area.</p> <p><u>Context:</u></p> <p>The site occupies a frontage of roughly 11.29m to Belmore Road, Randwick. The existing development comprises a part 1 and part 2 storey commercial building containing the ANZ bank building. The land is adjoined to the north and south by 2 storey shop top housing developments and to the west by single storey commercial buildings fronting Elizabeth Street and including shop top housing further north fronting Alison Road.</p> <p>The site is landlocked to the north, south and west and no parking facilities exist on site. The site and surrounds form part of the Belmore Road commercial streetscape close to the Alison Road Intersection which is characterised by late 19th and early 20th Century retail /commercial and residential structures which typify the visual qualities of suburban town centres established along Sydney’s tram routes of the period. Belmore Road is one of the principle streets forming Randwick Junction. The importance of the established character is recognised by way of the sites inclusion within the Randwick Junction Heritage Conservation Area and the Randwick Junction Centre DCP which support the heritage controls contained within the RLEP.</p>

Assessment of Clause 30A- Character of the local area

The proposed development within the existing context is acceptable provided that any new built form contributes to the abovementioned qualities of the area. This aspect is addressed in the Key Issues section of the Executive Summary.

The subject site is located towards to western end of the B2 Local Centre zone and transitions to the north and west to a R3 Medium Density zone which comprises a mixture of residential development predominantly comprising 2-3 storey residential flat buildings and dwelling houses. To the west along Alison Road are commercial and shop top housing developments some which rise to 4 and 5 storeys and to the south and east commercial and shop top housing developments within the Randwick Junction commercial centre.

Zoning context



When viewed from Belmore Road, the development will read as a 3 storey development within the height and scale of adjoining 2 storey buildings. Additionally setback at upper level is a mezzanine component to units 3 and 4 which will be largely concealed from view Belmore Road including from directly opposite the subject site.

From the west in Elizabeth street, the boarding house component of 4 storeys in height will form the back drop to adjoining single storey commercial buildings fronting Elizabeth Street. From the north and south the development will present a part 3 and 4 storey development commensurate with that envisaged under the planning controls for the area.

Compatibility of built form:

The proposal as originally submitted included a number design opportunities to

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Assessment of Clause 30A- Character of the local area

improve the layout of different components of the development, lower the overall bulk, height and scale of the development and enhance the presentation of the development to Belmore Road, having regard to the heritage conservation intentions for the locality.

Additionally, a master plan concept which addresses the proposed development in the context of that likely to occur on surrounding properties has been submitted with the application. The built form as embodied in the current design is consistent with the heritage streetscape and the form of future development likely to occur on adjoining sites.

Compatibility of use:

The proposed use of the site, which comprises a commercial ground floor component, shop top housing comprising 2, 1 bedroom and 2, 2 bedroom units and a rear boarding house component, constitutes 3 forms of permissible development.

Effective measures in relation to operation and management of the boarding house have been employed in a Plan of Management. These measures are recommended for enforcement by way of condition of consent, ensuring that the development will embody sustainable amenity impact to adjoining residents, provide contemporary affordable housing to the community and integrate effectively into the prevailing character of the locality.

Having regard to surrounding infrastructure including transport, commercial, shopping, medical, educational, community and open space facilities, the proposed use of the site is considered ideal.

Consistency with the objectives of the B2 Local Centre zone:

The proposal is clearly consistent with the objectives of the zone, detailed as follows:

- *To provide a range of retail, business, entertainment and community uses that serve the needs of people who live in, work in and visit the local area.*
- *To encourage employment opportunities in accessible locations.*
- *To maximise public transport patronage and encourage walking and cycling.*
- *To enable residential development that is well-integrated with, and supports the primary business function of, the zone.*
- *To facilitate a high standard of urban design and pedestrian amenity that contributes to achieving a sense of place for the local community.*
- *To minimise the impact of development and protect the amenity of residents in the zone and in the adjoining and nearby residential zones.*
- *To facilitate a safe public domain.*

The application is considered consistent with the requirements of the SEPP Affordable Housing 2009.

2. Randwick LEP 2012

The subject site is zoned B2 Local Centre under Randwick LEP 2012. The proposal development is classified as mixed development comprising shop top housing at the front of the site and a boarding house component at the rear. The proposed development is permissible in the zone.

The zoning objectives are as follows:

- To provide a range of retail, business, entertainment and community uses that serve the needs of people who live in, work in and visit the local area.
- To encourage employment opportunities in accessible locations.
- To maximise public transport patronage and encourage walking and cycling.
- To enable residential development that is well-integrated with, and supports the primary business function of, the zone.
- To facilitate a high standard of urban design and pedestrian amenity that contributes to achieving a sense of place for the local community.
- To minimise the impact of development and protect the amenity of residents in the zone and in the adjoining and nearby residential zones.
- To facilitate a safe public domain.

The proposal is consistent with the zone objectives in the following manner:

- It provides commercial, residential and boarding house components that are well integrated and will support the primary business function of the Randwick Junction Centre.
- The development will facilitate employment opportunities in a form that will maximise public transport patronage, walking and cycling.
- The proposal presents a high standard of urban design which maintains the heritage integrity of adjoining contributory buildings and provides a desirable interface with Belmore Road, contributing to a sense of place for the local community.

The following Clauses of RLEP 2012 apply to the proposal:

Description	Council Standard	Proposed	Compliance (Yes/No/NA)
Floor Space Ratio (Maximum)	2:1	1.72:1	Yes
Height of Building (Maximum)	12m	12.78m	No. See Key Issues section of Executive Summary report

3. 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.)

B6 Recycling and Waste Management

DCP Clause	Control	Proposal	Compliance
4.	On-Going Operation		
	(iv) Locate and design the waste storage facilities to visually and physically complement the	See Engineering Services	Yes

DCP Clause	Control	Proposal	Compliance
	design of the development. Avoid locating waste storage facilities between the front alignment of a building and the street where possible.		
	(v) Locate the waste storage facilities to minimise odour and acoustic impacts on the habitable rooms of the proposed development, adjoining and neighbouring properties.	See Engineering Services	Yes
	(vi) Screen the waste storage facilities through fencing and/or landscaping where possible to minimise visual impacts on neighbouring properties and the public domain.	See Engineering Services	Yes
	(vii) Ensure the waste storage facilities are easily accessible for all users and waste collection personnel and have step-free and unobstructed access to the collection point(s).	See Engineering Services	Yes
	(viii) Provide sufficient storage space within each dwelling / unit to hold a single day's waste and to enable source separation.	See Engineering Services	Yes
	(ix) Bin enclosures / rooms must be ventilated, fire protected, drained to the sewerage system and have lighting and water supply.	See Engineering Services	Yes
B7	Transport, Traffic, Parking and Access		
3.	Parking & Service Delivery Requirements		
	Car parking requirements: 1space per 2 studios 1 space per 1-bedroom unit (over 40m2) 1.2 spaces per 2-bedroom unit 1.5 spaces per 3- or more bedroom unit 1 visitor space per 4 dwellings	See Engineering Services	Supported on merit.
4.	Bicycles		
	Residents: 1 bike space per 2 units Visitors: 1 per 10 units	13 Spaces provided for boarding house and unit use.	Yes
C2	Medium Density Residential The proposal includes a residential component comprising 2, 1 bedroom and 2, 2 bedroom dwellings.		

DCP Clause	Control	Proposal	Compliance
	Whilst Medium Density Residential provisions of the DCP do not strictly apply to shop top housing, the following is a commentary in relation to the relevant provisions of the DCP relating to this component.		
2	Site Planning		
2.1	Site Layout Options Site layout and location of buildings must be based on a detailed site analysis and have regard to the site planning guidelines for: <ul style="list-style-type: none"> • Two block / courtyard example • T-shape example • U-shape example • Conventional example 	The proposal provides for a ground floor commercial component fronting Belmore Road. The residential component at upper levels addresses the Belmore Road frontage and is separated from the rear boarding house by a central stair access to all levels. The configuration represents a satisfactory site layout.	Yes
2.2	Landscaped open space and deep soil area		
2.2.1	Landscaped open space		
	A minimum of 50% of the site area is to be landscaped open space.	Given the mixed use nature of the site the landscaping requirement is not applicable to this type of development.	NA
2.2.2	Deep soil area		
	(i) A minimum of 25% of the site area should incorporate deep soil areas sufficient in size and dimensions to accommodate trees and significant planting.	Given the mixed use nature of the site the landscaping requirement is not applicable to this type of development.	NA
2.3	Private and communal open space		
2.3.1	Private open space		
	Private open space is to be: <ul style="list-style-type: none"> (i) Directly accessible from the living area of the dwelling. (ii) Open to a northerly aspect where possible so as to maximise solar access. (iii) Be designed to provide adequate privacy for residents and where possible can also contribute to passive surveillance of common areas. 	Balconies of approximately 7m ² are provided to each unit with an interface to Belmore Road and partial northern aspect. Given the desirable integration with the heritage streetscape which has been achieved by a greater setback of the uppermost level to Belmore Road, the provision is considered reasonable.	Supported on merit.
3	Building Envelope		
3.1	Floor space ratio		
	2:1 Maximum FSR under the RLEP.	Proposal has a FSR of 1.72:1 and conforms and is well under the	Yes

DCP Clause	Control	Proposal	Compliance
		maximum allowable.	
3.2	Building height		
	Maximum Height of Buildings 12m under the RLEP	Proposal includes a maximum height of 12.78m.	See Key Issues section of Executive summary.
3.3	Building depth		
	For residential flat buildings, the preferred maximum building depth (from window to window line) is between 10m and 14m. Any greater depth must demonstrate that the design solution provides good internal amenity such as via cross-over, double-height or corner dwellings / units.	The residential flat component of the development has a maximum building length of 12.8m and is located to the northern and southern boundaries of the site.	Yes
3.4	Setbacks		
3.4.1	Front setback (i) The front setback on the primary and secondary property frontages must be consistent with the prevailing setback line along the street. Notwithstanding the above, the front setback generally must be no less than 3m in all circumstances to allow for suitable landscaped areas to building entries. (ii) Where a development is proposed in an area identified as being under transition in the site analysis, the front setback will be determined on a merit basis. (iii) The front setback areas must be free of structures, such as swimming pools, above-ground rainwater tanks and outbuildings. (iv) The entire front setback must incorporate landscape planting, with the exception of driveways and pathways.	The proposal comprises a nil setback to Belmore Road for the first 2 residential levels of development and a setback of approximately 4.47m to the uppermost mezzanine level. This setback is consistent with existing adjoining developments. The presentation to Belmore Road which has been significantly improved since the original submission and integrates acceptably with this frontage having regard to the heritage conservation area status of the site.	Yes
3.4.2	Side setback		
	Residential flat building (i) Comply with the minimum side setback requirements stated below: - 14m ≤ site frontage width < 16m: 2.5m	The side boundary setbacks provide for nil setbacks of the development to the northern and southern boundaries for the unit component as permitted	Yes

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DCP Clause	Control	Proposal	Compliance
	<p>(ii) Incorporate additional side setbacks to the building over and above the above minimum standards, in order to:</p> <ul style="list-style-type: none"> - Create articulations to the building facades. - Reserve open space areas and provide opportunities for landscaping. - Provide building separation. - Improve visual amenity and outlook from the development and adjoining residences. - Provide visual and acoustic privacy for the development and the adjoining residences. - Ensure solar access and natural ventilation for the development and the adjoining residences. <p>(iii) A fire protection statement must be submitted where windows are proposed on the external walls of a residential flat building within 3m of the common boundaries. The statement must outline design and construction measures that will enable operation of the windows (where required) whilst still being capable of complying with the relevant provisions of the BCA.</p>	<p>within the B2 Local Centre zone.</p> <p>The applicants have also provided scenarios of likely and possible development on adjoining sites. The site immediately to the south enjoys frontage to Elizabeth Street and Belmore Road. The analysis suggests the likelihood of a 2 pavilion style development with a central open area and or the possible siting of the development with a setback 3m consistent with the configuration of the proposed development on the subject site.</p> <p>Further shadow information provided by the applicant shows that the setting back of the proposed building additionally to the southern boundary would not afford significant benefits in terms of sunlight access to the southern neighbour. The probable redevelopment of that site in a 2 pavilion form would enable the uses of eastern and western facades of each pavilion for the achievement of acceptable solar access.</p>	
3.4.3	Rear setback		
	<p>For residential flat buildings, provide a minimum rear setback of 15% of allotment depth or 5m, whichever is the greater.</p>	<p>The proposed residential component is separated from the rear boundary by the boarding house component.</p> <p>The boarding house incorporates a 2.5m setback to the outer face of the rear building. The open fire stairs are sited to the southern and western boundaries.</p>	<p>Yes</p>

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DCP Clause	Control	Proposal	Compliance
		<p>The adjoining site immediately to the west is 153 – 155 Alison Road and has a width of approximately 10m. Given the limited width of this lot and the north south orientation, it is considered likely that any redevelopment of that site in isolation would result in a nil setback to the common boundary with the subject site and an orientation of any residential component at upper levels to take advantage of the northern aspect. A redevelopment over that site would likely take a dual pavilion style built form with upper residential levels maximising the northern aspects of the front and rear pavilions. Therefore, the siting of the fire stair to this boundary is considered reasonable in the circumstances.</p> <p>Similarly, the built form of likely future development on the neighbouring property to the south (addressed in side setbacks above), the relationship is considered acceptable.</p>	
4	Building Design		
4.1	Building façade		
	<ul style="list-style-type: none"> (i) Buildings must be designed to address all street and laneway frontages. (ii) Buildings must be oriented so that the front wall alignments are parallel with the street property boundary or the street layout. (iii) Articulate facades to reflect the function of the building, present a human scale, and contribute to the proportions and visual character of the 	<p>Amendments from the original submission have resulted in a compatible presentation of the development to Belmore Road including a parallel to street frontage balustrade alignments of balconies and an additional setback of the uppermost level to reduce the visual impact of development when viewed</p>	<p>Yes</p>

DCP Clause	Control	Proposal	Compliance
	<p>street.</p> <p>(iv) Avoid massive or continuous unrelieved blank walls. This may be achieved by dividing building elevations into sections, bays or modules of not more than 10m in length, and stagger the wall planes.</p> <p>(vi) Conceal building services and pipes within the balcony slabs.</p>	<p>form Belmore Road. See also Heritage Officers comments.</p> <p>The proposal provides good levels of articulation and the avoidance of blank walls by the incorporation of a combination of external finishes and material to both residential and boarding house facades and includes sun shade elements.</p>	
4.2	Roof design		
	<p>(i) Design the roof form, in terms of massing, pitch, profile and silhouette to relate to the three dimensional form (size and scale) and façade composition of the building.</p> <p>(ii) Design the roof form to respond to the orientation of the site, such as eaves and skillion roofs to respond to sun access.</p> <p>(iii) Use a similar roof pitch to adjacent buildings, particularly if there is consistency of roof forms across the streetscape.</p> <p>(iv) Articulate or divide the mass of the roof structures on larger buildings into distinctive sections to minimise the visual bulk and relate to any context of similar building forms.</p> <p>(v) Use clerestory windows and skylights to improve natural lighting and ventilation of internalised space on the top floor of a building where feasible. The location, layout, size and configuration of clerestory windows and skylights must be sympathetic to the overall design of the building and the streetscape.</p> <p>(vi) Any services and equipment, such as plant, machinery, ventilation stacks, exhaust ducts, lift overrun and the like, must be contained within the roof form or screened behind parapet walls so that they are not readily visible from the</p>	<p>The proposal includes a low rise metal skillion roof forms to the residential portion and rear boarding house component separated by the central stair arrangement.</p> <p>The design assists in dividing the mass of the total roof form and incorporates clerestory window to the uppermost level of the boarding house component.</p> <p>The overall bulk and height of the building is commensurate with existing and likely future development within the locality.</p>	

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DCP Clause	Control	Proposal	Compliance
	<p>public domain.</p> <p>(vii) Terraces, decks or trafficable outdoor spaces on the roof may be considered only if:</p> <ul style="list-style-type: none"> - There are no direct sightlines to the habitable room windows and private and communal open space of the adjoining residences. - The size and location of terrace or deck will not result in unreasonable noise impacts on the adjoining residences. - Any stairway and associated roof do not detract from the architectural character of the building, and are positioned to minimise direct and oblique views from the street. - Any shading devices, privacy screens and planters do not adversely increase the visual bulk of the building. <p>(viii) The provision of landscape planting on the roof (that is, "green roof") is encouraged. Any green roof must be designed by a qualified landscape architect or designer with details shown on a landscape plan.</p>		
4.5	Pedestrian Entry		
	(i) Separate and clearly distinguish between pedestrian pathways and vehicular access.	No vehicular access is provided or desirable to the site from Belmore Road.	Yes
	(ii) Present new development to the street in the following manner: <ul style="list-style-type: none"> - Locate building entries so that they relate to the pedestrian access network and desired lines. - Design the entry as a clearly identifiable element in the façade composition. - Integrate pedestrian access ramps into the overall building and landscape design. - For residential flat 	<p>The proposal provides for the main entry to the residential/boarding house components and ANZ bank premise at ground floor level off Belmore Road.</p> <p>Mailboxes are screened from the streetscape.</p> <p>Pedestrian entries to units and the boarding house component are appropriately distanced providing for an adequate</p>	Yes

DCP Clause	Control	Proposal	Compliance
	<p>buildings, provide direct entries to the individual dwellings within a development from the street where possible.</p> <ul style="list-style-type: none"> - Design mailboxes so that they are convenient to residents, do not clutter the appearance of the development at street frontage and are preferably integrated into a wall adjacent to the primary entry (and at 90 degrees to the street rather than along the front boundary). - Provide weather protection for building entries. <p>Postal services and mailboxes</p> <ul style="list-style-type: none"> (i) Mailboxes are provided in accordance with the delivery requirements of Australia Post. (ii) A mailbox must clearly mark the street number of the dwelling that it serves. (iii) Design mail boxes to be convenient for residents and not to clutter the appearance of the development from the street. 	<p>separation of uses.</p>	
4.6	Internal circulation		
	<ul style="list-style-type: none"> (i) Enhance the amenity and safety of circulation spaces by: <ul style="list-style-type: none"> - Providing natural lighting and ventilation where possible. - Providing generous corridor widths at lobbies, foyers, lift doors and apartment entry doors. - Allowing adequate space for the movement of furniture. - Minimising corridor lengths to give short, clear sightlines. - Avoiding tight corners. - Articulating long corridors with a series of foyer areas, and/or providing windows along or at the end of the corridor. 	<p>The internal layout of units has been reviewed by the DRP as both a pre DA and formal application. Internal amenity and circulation has been improved to the current form which has received endorsement by the panel.</p>	<p>Yes</p>
4.7	Apartment layout		

DCP Clause	Control	Proposal	Compliance
	(i) Maximise opportunities for natural lighting and ventilation through the following measures: <ul style="list-style-type: none"> - Providing corner, cross-over, cross-through and double-height maisonette / loft apartments. - Limiting the depth of single aspect apartments to a maximum of 6m. - Providing windows or skylights to kitchen, bathroom and laundry areas where possible. Providing at least 1 openable window (excluding skylight) opening to outdoor areas for all habitable rooms and limiting the use of borrowed light and ventilation.	The apartment layouts provide for 2, 1 bedroom units of 51m ² each and 2, 2 storey units of approximately 85m ² each. The design does not include any single aspect units and all units will benefit from adequate light and ventilation.	
	(ii) Design apartment layouts to accommodate flexible use of rooms and a variety of furniture arrangements.		Yes
	(iii) Provide private open space in the form of a balcony, terrace or courtyard for each and every apartment unit in a development.	Balconies are provided to each unit with an outlook over Belmore Road to the east.	Yes
	(iv) Avoid locating the kitchen within the main circulation space of an apartment, such as hallway or entry.		Yes
4.8	Balconies		
	(i) Provide a primary balcony and/or private courtyard for all apartments with a minimum area of 8m ² and a minimum dimension of 2m and consider secondary balconies or terraces in larger apartments.	Balconies of provided to each unit as follows: Unit 1: 6.4m ² Unit 2: 5.8m ² Unit 3: 6.4m ² Unit 4: 5.8m ² . The size of the balconies have been significantly reduced to achieve an acceptable presentation of the building to Belmore compatible with the established high set 2 storey facades of adjoining contributory buildings. Notwithstanding the strict non-application of the medium density provisions of the DCP to shop top housing development, given the benefits mentioned above, the	Supported on merit.

DCP Clause	Control	Proposal	Compliance
		areas provided reasonably achieve the objectives of providing functional private open space areas for the units in a manner that is integrated into the overall form of the building.	
4.9	Colours, materials and finishes		
	(i) Provide a schedule detailing the materials and finishes in the development application documentation and plans. (ii) The selection of colour and material palette must complement the character and style of the building. (iv) Use the following measures to complement façade articulation: <ul style="list-style-type: none"> - Changes of colours and surface texture - Inclusion of light weight materials to contrast with solid masonry surfaces - The use of natural stones is encouraged. (v) Avoid the following materials or treatment: <ul style="list-style-type: none"> - Reflective wall cladding, panels and tiles and roof sheeting - High reflective or mirror glass - Large expanses of glass or curtain wall that is not protected by sun shade devices - Large expanses of rendered masonry - Light colours or finishes where they may cause adverse glare or reflectivity impacts (vi) Use materials and details that are suitable for the local climatic conditions to properly withstand natural weathering, ageing and deterioration. (vii) Sandstone blocks in existing buildings or fences on the site must be recycled and re-used.	External finishes and materials include stone and ceramic tile, aluminium framed glass, metal cladding, screens and balustrades, precast concrete panels, masonry and roof sheeting.	Conditions as recommended by Council’s heritage officer are included in the recommendation.
5	Amenity		
5.1	Solar access and overshadowing		

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DCP Clause	Control	Proposal	Compliance
Solar access for proposed development			
	(ii) Living areas and private open spaces for at least 70% of dwellings within a residential flat building must provide direct sunlight for at least 3 hours between 8am and 4pm on 21 June.	All proposed units will receive the required amount of solar access.	Yes
Solar access for surrounding development			
	(i) Living areas of neighbouring dwellings must receive a minimum of 3 hours access to direct sunlight to a part of a window between 8am and 4pm on 21 June. (ii) At least 50% of the landscaped areas of neighbouring dwellings must receive a minimum of 3 hours of direct sunlight to a part of a window between 8am and 4pm on 21 June. (iii) Where existing development currently receives less sunlight than this requirement, the new development is not to reduce this further.	Living areas to upper level residential units on the adjoining site to the south will receive solar access in morning hours to a part of window openings of living areas adjacent to Belmore Road. The rear yard open space areas are currently concrete paved and does not currently provide a usable outdoor open space area. This area will not achieve the required amount of solar access, however, the proposed development is consistent with that envisaged under the planning controls for the locality and the minor departure from the maximum height will not alter significantly the overshadowing impacts in relation to this neighbour.	Supported on merit.
5.2 Natural ventilation and energy efficiency			
	(i) Provide daylight to internalised areas within each dwelling and any poorly lit habitable rooms via measures such as ventilated skylights, clerestory windows, fanlights above doorways and highlight windows in internal partition walls.	Basix Certificate accompanies the application which complies with the requirements of the SEPP.	
5.3 Visual privacy			
	(i) Locate windows and balconies of habitable rooms to minimise overlooking of windows or glassed doors in adjoining dwellings. (ii) Orient balconies to front and rear boundaries or courtyards as much as possible. Avoid orienting balconies to any habitable room windows on the	Window openings to the rear residential component are minimal and will not give rise to privacy impacts. The outlook from the Belmore Road frontage and developments to the east has adequate physical separation to ensure the reasonable	Yes

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DCP Clause	Control	Proposal	Compliance
	<p>side elevations of the adjoining residences.</p> <p>(iii) Orient buildings on narrow sites to the front and rear of the lot, utilising the street width and rear garden depth to increase the separation distance.</p> <p>(iv) Locate and design areas of private open space to ensure a high level of user privacy. Landscaping, screen planting, fences, shading devices and screens are used to prevent overlooking and improve privacy.</p> <p>(v) Incorporate materials and design of privacy screens including:</p> <ul style="list-style-type: none"> - Translucent glazing - Fixed timber or metal slats - Fixed vertical louvres with the individual blades oriented away from the private open space or windows of the adjacent dwellings - Screen planting and planter boxes as a supplementary device for reinforcing privacy protection 	<p>protection of visual privacy between developments.</p> <p>In the context of likely future development on these properties, the proposal has acceptable impacts.</p>	
5.4	Acoustic privacy		
	<p>(i) Design the building and layout to minimise transmission of noise between buildings and dwellings.</p> <p>(ii) Separate "quiet areas" such as bedrooms from common recreation areas, parking areas, vehicle access ways and other noise generating activities.</p> <p>(iii) Utilise appropriate measures to maximise acoustic privacy such as:</p> <ul style="list-style-type: none"> - Double glazing - Operable screened balconies - Walls to courtyards - Sealing of entry doors 	<p>No acoustic impacts are anticipated in relation to the residential flat component of the development.</p>	<p>Yes</p>
5.6	Safety and security		
	<p>(i) Design buildings and spaces for safe and secure access to and within the development.</p>	<p>The building has been designed with adequate safety measures including secure access from the Belmore Road frontage to</p>	<p>Yes</p>

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DCP Clause	Control	Proposal	Compliance
		<p>the residential component and design measures inside units which satisfy the CPTED principles.</p> <p>The pedestrian exit along the ROW at the rear of the site will be restricted to allow for adequate emergency exit only.</p> <p>Lobby areas will be adequately lit to provide a safe environment.</p>	
6.1	Location		
	(i) Car parking facilities must be accessed off rear lanes or secondary street frontages where available.	No Parking proposed.	See Engineering comments. Supported on merit.
7	Fencing and Ancillary Development		
7.1	Fencing		
	<p>(i) Fences are constructed with durable materials that are suitable for their purpose and can properly withstand wear and tear and natural weathering.</p> <p>(ii) Sandstone fencing must not be rendered and painted.</p> <p>(iii) The following materials must not be used in fences:</p> <ul style="list-style-type: none"> - Steel post and chain wire - Barbed wire or other dangerous materials <p>(ii) Expansive surfaces of blank rendered masonry to street frontages must be avoided.</p>	The fencing along the northern boundary will include a security gate to allow for emergency exit only to the ROW.	Yes
7.6	Storage		
	<p>(i) The design of development must provide for readily accessible and separately contained storage areas for each dwelling.</p> <p>(ii) Storage facilities may be provided in basement or sub floor areas, or attached to garages. Where basement storage is provided, it should not compromise any natural ventilation in the car park, reduce sight lines or obstruct pedestrian access to the parked vehicles.</p>	Adequate storage areas are provided within each unit.	Yes

DCP Clause	Control	Proposal	Compliance
	(iii) In addition to kitchen cupboards and bedroom wardrobes, provide accessible storage facilities at the following rates: (a) Studio apartments – 6m ³ (b) 1-bedroom apartments – 6m ³ (c) 2-bedroom apartments – 8m ³ (d) 3 plus bedroom apartments – 10m ³		
7.7	Laundry facilities		
	(ii) Provide internal laundry for each dwelling unit.	To be provided within each unit.	Yes
	(iii) Provide a separate service balcony for clothes drying for dwelling units where possible. Where this is not feasible, reserve a space for clothes drying within the sole balcony and use suitable balustrades to screen it to avoid visual clutter.	To be provided within each unit.	Yes

C4 Table: Boarding Houses

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
1	Building Design		
	Boarding rooms <i>Orientate to receive the maximum amount of sunlight;</i> <i>Provide a balcony, terrace or window opening to outdoor areas for natural light and ventilation; and</i> <i>Where provided, private open space in the form of a balcony or terrace must have a minimum useable area of 4 square metres.</i>	The proposal provides a northern aspect to all boarding house rooms and adequate light and ventilation.	Yes
	Outdoor Communal Open Space <i>Provide for all boarding houses, with a minimum total area of 20 square metres</i>	The proposal provides an area of ground floor open space and	Yes

DCP Clause	Controls	Proposal	Compliance
	<p><i>and a minimum dimension of 3 metres;</i></p> <p><i>Provide at ground or podium level in the form of a courtyard or terrace area, accessible to all residents; Locate and orientate to maximise solar access;</i></p> <p><i>Incorporate both hard and soft landscaped areas;</i></p> <p><i>Provide shared facilities such as fixed outdoor seating benches, barbecues and the like to allow social interaction; and</i></p> <p><i>Provide partial cover for weather protection, such as pergola, canopy or the like, where it does not cause unreasonable overshadowing on adjoining properties.</i></p>	<p>an area at first floor level adjacent to the proposed communal room. The total area exceeds the 20m2 requirement measuring approximately 32m2.</p> <p>The areas are limited in size but considered functional for the overall low number of residents (max. 14) envisaged.</p> <p>The common room adjacent to the proposed outdoor area will suffice for this purpose.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>
	<p>Indoor Communal Facilities <i>Provide with a minimum dimension of 3 metres and a minimum total area of 20 square metres or 1.2 square metres/resident, whichever is greater; and</i></p> <p><i>Orientate to maximise solar access and have a northerly aspect where possible.</i></p>	<p>A communal room of 20m2 is provided for residents. The requirement of the SEPP which override the DCP indicates a requirement for a communal room for boarding house with more than 5 rooms. The proposal satisfies this requirement.</p>	<p>Yes</p> <p>Yes</p>
	<p>Communal Kitchen Bathroom and Laundry Facilities <i>For all boarding houses, provide communal kitchen, bathroom and laundry facilities where they are easily accessible for all residents, unless these facilities are provided within each boarding room; For development of over 12 boarding rooms without en suite bathrooms, provide separate bathroom facilities for male and female residents; Locate and design any communal laundry room to minimise noise impact on</i></p>	<p>All boarding rooms have kitchen and bathroom facilities. A communal laundry area is provided at ground floor level and is positioned so as not to impact on the amenity of neighbouring properties.</p>	<p>Yes</p>

DCP Clause	Controls	Proposal	Compliance
	<p><i>boarding rooms and neighbouring properties; and</i></p> <p><i>Where possible, locate clothes lines to maximise solar access while not compromising the street amenity or usability of communal open space.</i></p>	<p>Drying areas adjacent to the laundry will have small amount of direct solar access during the winter solstice.</p>	<p>Yes</p>
	<p>Safety and Crime Prevention</p> <p><i>Locate building entry points and internal entries to living areas where they are clearly visible from common spaces;</i></p> <p><i>Locate a habitable living area (such as lounge room, kitchen, dining or bedroom) to allow general observation of the street and communal open space;</i></p> <p><i>Separate ground level private open space from public and common areas by measures such as open fencing or low level plants; and</i></p> <p><i>Select trees and low-lying shrubs that do not interfere with sight lines nor provide opportunities for concealment or entrapment.</i></p>	<p>Design of the boarding house component incorporates reasonable measures in accordance with CPTED principles.</p>	<p>Yes</p>
	<p>Visual and Acoustic Amenity and Privacy</p> <p><i>Indicative locations of facilities and appliances for bathrooms, kitchens and laundries must be clearly shown on the DA plans/drawings;</i></p> <p><i>Locate kitchen, dining room, lounge room and outdoor open space adjacent to or directly accessible from each other;</i></p> <p><i>Locate similar uses (such as bedrooms or bathrooms) back to back, to minimise internal noise transmission;</i></p> <p><i>Provide screen fencing, plantings and acoustic barriers where practicable to screen noise and reduce visual impacts;</i></p> <p><i>Where possible locate the main entry point at the front of the site, away from the side boundary and adjoining properties;</i></p>	<p>The layout of the boarding rooms will allow for outlook to the north over properties which have limited residential components. Furthermore the likely future development which will occur on these properties is such that there are no significant privacy impacts envisaged.</p> <p>An acoustic report accompanies the application which concludes that noise levels from the boarding house component will be well</p>	<p>Yes</p>

DCP Clause	Controls	Proposal	Compliance
	<p><i>Locate communal open space, balconies and windows to bedrooms or communal areas, to minimise overlooking, privacy and acoustic impacts on adjoining properties;</i></p> <p><i>An acoustic report prepared by a suitably qualified acoustic consultant must be submitted for new development or conversions/intensifications with an increase in resident numbers. The report must:</i></p> <p><i>establish the existing background noise levels;</i></p> <p><i>identify all potential noise sources from the operation of the premises, including any mechanical plant and equipment;</i></p> <p><i>estimate the level of potential noise emission;</i></p> <p><i>establish desirable acoustics performance criteria; and</i></p> <p><i>recommend any mitigation measures (such as sound proofing construction and/or management practices) required to achieve relevant noise criteria.</i></p>	<p>EPA defined standards. Subject to compliance with ongoing management provisions which will be attached as conditions of consent, no acoustic impacts are envisaged.</p>	
	<p>Management Plan</p> <p><i>Submit a Management Plan with all DAs for new and existing boarding houses, that addresses the general requirements outlined in the Management Plan section in Part B, and the following specific requirements:</i></p> <p><i>Criteria and process for choosing residents. Preference should be given to people on low and moderate incomes;</i></p> <p><i>A schedule detailing minimum furnishings for boarding rooms, provision of facilities and appliances for kitchens, bathrooms and laundry rooms and maximum occupancy of each room;</i></p> <p><i>House rules, covering issues such as lodger behaviour, visitor and party policies, activities and noise control, use and operation hours of common areas (e.g. communal open space and living rooms) and policies for regulating smoking and consumption of alcohol and</i></p>	<p>A plan of management and House Rules accompany the application. Adherence to these controls will be a conditional requirement of the consent.</p>	<p>Yes</p>

DCP Clause	Controls	Proposal	Compliance
	<p><i>illicit drugs;</i></p> <p><i>Professional cleaning and vermin control arrangements for at minimum, the shared facilities, such as kitchens and bathrooms;</i></p> <p><i>Public notice and signs, including:</i></p> <p><i>A sign showing the name and contact number of the manager/caretaker, placed near the front entry and in a visible position to the public;</i></p> <p><i>Clear display of fixed room identification number for each boarding room; and</i></p> <p><i>Internal signage prominently displayed in each boarding room and/or communal living areas informing maximum number of lodgers per room, house rules, emergency contact numbers for essential services, annual fire safety statement and current fire safety schedule and emergency egress routes and evacuation plan.</i></p> <p><i>The manager/caretaker must maintain an up-to-date accommodation register with information on residents' details, length of stay, etc. and provide to Council officers upon request.</i></p>		

D3: Randwick Junction Centre

Part D3 specifies specific controls for the Randwick Junction Centre.

The objectives in this regard are the following:

- *To encourage and facilitate well designed and appropriate development within Randwick Junction commercial centre, with new development or alterations to existing buildings designed to be compatible with and enhance the heritage streetscape.*
- *To protect and enhance the heritage values of the commercial centre.*
- *To encourage the provision of a variety of residential and commercial accommodation.*

Much of the controls including Site Planning/Building Envelope/Building Design are aimed at achieving a built form which respects the heritage attributes of a building or its contribution to a wider HCA. The proposal has been amended in relation to the Belmore Road frontage to achieve an outcome which respects the heritage integrity adjoining contributory buildings and the wider HCA.

The application has been referred to the Heritage Planner and the supporting comments are reproduced in the referrals section.

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 provisions of the applicable environmental planning instruments have been addressed in the body of this report and the executive summary.
Section 79C(1)(a)(ii) – Provisions of any draft environmental planning instrument	<p>Draft Amendments to SEPP 65- Design Quality of Residential Flat Development.</p> <p>The above draft amendments are currently on exhibition and address a range of issues associated with the SEPP and the Residential Flat Design Code (RFDC) since implementation in 2009.</p> <p>The draft amendments seek to clarify the intentions of the SEPP and obligations on the part of consent authorities in terms of their consideration of both the SEPP and the RFDC.</p> <p>Given that the proposed amendments are neither imminent nor certain, they do not require detailed assessment or carry any great weight in relation to the submitted application.</p>
Section 79C(1)(a)(iii) – Provisions of any development control plan	The proposed development has been assessed and determined to be generally consistent with the provisions of the DCP. Departures are assessed in the Executive Summary.
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. The proposal would not considered result in detrimental social or economic impacts on the locality.</p>
Section 79C(1)(c) – The suitability of the site for the development	The site is located in close proximity to local services and public transport. The site has sufficient area to accommodate the proposed land use and associated structures. Therefore, the site is considered suitable for the proposed development.
Section 79C(1)(d) – Any submissions made in accordance with the EP&A Act or EP&A Regulation	The issues raised in the submissions have been addressed in this report.
Section 79C(1)(e) – The public interest	The proposal promotes the objectives of the zone and will not result in any significant adverse environmental, social or economic impacts on the locality. Accordingly, the proposal is considered to be in the public interest.

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5. Referral Comments

Engineering Services Unit:

Parking Comments

Summary

The lack of any vehicle or motorbike parking is of significant concern to Development Engineering although it is recognised that there does appear to be a number of alternative sustainable transport options available. In consideration of this, the lack of parking alone may not be sufficient grounds for refusal.

Engineering and Landscape conditions have therefore been attached to this report which include conditions relating to parking permits that are intended to actively discourage vehicle ownership/use and minimise the impacts on the availability of on-street parking.

There will also be unavoidable parking impacts during the demolition and construction phase of the development due to the relocation of a bus stop and installation of a works zone. It is intended to minimise these, by restricting the work zone length and reinstatement of some kerb side parking to the south (near commonwealth bank) after the temporary relocation of the bus stop.

Further discussion and detail of the parking issues is provided below.

PARKING PROVISION

Applying the parking rates specified in the SEPP (Affordable housing) and Part B7 of Council's DCP 2013, the proposal is required to provide the following parking provision (including motorbike and bicycle parking).

Vehicle Parking

- *2.4 spaces for boarding house (0.2 spaces/room - accessible area, no caretaker)*
- *4.4 spaces for residential units (2 x 2Bedroom + 2 x 1Bedroom)*
- *1.0 visitor space residential (1 per 4 units)*
- *4.9 spaces for commercial (1 space per 40m² for 196m²)*

Total = 12.7

Motorbike Parking

- *2.4 motorcycle spaces for boarding house (0.2 spaces per room)*
- *0.27 motorcycle spaces for residential (5% of vehicle parking)*
- *0.25 motorcycle spaces for commercial (5% of vehicle parking)*

Total = 2.92

Bicycle Parking

- *2.4 bicycle spaces for boarding house (0.2 space per room)*
- *2 bicycle spaces for residential (1 space per 2 units)*
- *0.5 bicycle spaces for commercial (1 space per 10 car spaces)*

Total = 4.9

TOTAL PARKING REQUIRED = (rounded to the nearest whole number)

- *13 vehicle parking spaces*
- *3 motorcycle spaces*
- *5 bicycle spaces*

TOTAL PARKING PROVIDED = 13 bicycle spaces (No vehicle or motorbike parking provided)

SEPP (Affordable Housing) Parking Comments

The assessing officer is advised that Regulation 30(h) of the SEPP Affordable Housing states that consent authorities must not consent to development unless at least one parking space is provided for a bicycle and one for a motorcycle for every 5 boarding rooms.

The proposed development complies with the bicycle parking but is unable to meet its requirement for motorbike parking. As the number of boarding rooms is 12, a minimum provision of 2 motorbike spaces is required.

A SEPP 1 objection has been received to vary this aspect which references the Land and Environment Court Decision File No. 10930 of 2011 between Rosen vs City of Sydney Council [2012] NSWLEC 1124. In this matter the court accepted that SEPP 1 was available to vary the numerical standard in relation to motorcycle parking. It is recommended the SEPP 1 variation therefore be referred to Council's solicitors to determine if it is equally applicable for the subject site.

Vehicle Parking Comments

As the proposal involves the complete demolition of the existing premises and construction of a new building, parking credits are generally not applicable and Development Engineering would expect the proposed development to comply with its parking obligations. It is noted however that the proposed use of the commercial tenancy as a bank is a continuation of the existing use of the premises and hence there is an argument that only the additional parking demand created by the proposed units and boarding house need be considered. This deficiency, which is approximately 8 spaces, is generally considered to be grossly excessive & there is concern it may establish an undesirable precedent in this locality.

It should also be noted that there will also be considerable parking impacts during the period of demolition and construction works due to the necessary relocation of the bus stop and establishment of a work zone on Belmore Road.

In consideration of the vehicle & motorbike parking deficiency the following characteristics of the site should be noted;

- As no other street frontage is available, the provision of vehicle or motorbike parking would necessitate the construction of a vehicle crossing on Belmore Road. This would be undesirable from a pedestrian safety and streetscape perspective, especially when considering its location adjacent to a busy bus stop.
- In pre-lodgement advice it was suggested that approaches be made to the western neighbour so as to acquire road frontage to Elizabeth Street to provide opportunity for off-street parking. The SEE states that this was undertaken but all offers were rejected. Evidence of this has been provided.
- The site is located immediately adjacent to a bus stop in Belmore Road that has excellent links to numerous destinations including the city, Bondi Junction, Coogee and Maroubra. The terminus for the future light rail link will also be approximately 450m to the south in High Cross Park. Another light rail station will also be approximately 450m to the west on Wansey Road
- There are car share bays operated by GoGET carshare nearby in Silver Street, Church St and Botany Street.
- There are cycleways nearby on Botany St(on road) and Wansey Road (off road).
- The site is situated within Randwick Town Centre and easy walking distance of many local amenities including Randwick Shopping Village, Alison Park, Randwick Library, University of NSW and Prince of Wales Hospital.

- *The proposed development has provided 13 bicycle spaces significantly exceeding Council's DCP & SEPP requirements for bicycle parking.*
- *In combination with the site's geometric constraints and planning controls it is likely that any reasonable development on the site will not be able to comply with its parking obligations.*
- *Future occupants of the boarding house and units will be fully aware of the lack of off-street parking which should naturally deter people with vehicles. Clause 2.4 of Part B7 of Council's DCP should also be noted ;*
 - *Council will not issue any residential parking permits to occupants/tenants of the development and this fact must be notified to all prospective owners and tenants of the building.*
 - *A notice shall be placed in the foyer/common areas of the building advising tenants/occupiers that they are in a building which does not qualify for on-street resident parking exemptions.*

To reinforce this, and to ensure that occupiers do not impact on availability of on-street parking it is recommended the above requirements be conditioned in any consent. Appropriate conditions have been included in this report.

Waste Management comments

For the Units

The 4 residential units will require a minimum of 2 x 240L bins for garbage and 1 x 240L bin for recycling.

For the Boarding House

For the proposed Boarding house, Council's 'Waste Management Guidelines for Proposed Developments' specify a waste generation rate for boarding houses of 9L/occupant/day for normal garbage and 3L/occupant per day for recycling.

The boarding house will comprise of 12 boarding rooms (10 single + 2 double = 14 occupants). Based on the above rates the boarding house will require;

*Normal garbage = 14 x 9 x 7 = 882L = 3.6 = say 4 x 240L bins
Recycling = 14 x 3 x 14 = 588L = 2.5 = say 3 x 240L bins*

Bin total for Units and Boarding house = 11 x 240L bins (6 garbage + 5 recycling)

Bins provided = 14 x 240L bins (complies)

Waste Management Plan

Due to the varying uses on the site, Development Engineering required the submission of a Waste Management Plan (WMP) which outlines the waste management procedure for the operational phase of the development. This has now been submitted and subject to the amendments required in the conditions of this report, is generally satisfactory

Drainage Comments

On site stormwater detention is required for this development.

The Planning Officer is advised that the submitted drainage plans should not be approved in conjunction with the DA, rather, the Development Engineer has included a number of conditions in this memo that relate to drainage design requirements. The applicant is required to submit detailed drainage plans to the certifying authority for approval prior to the issuing of a construction certificate.

Stormwater will generally be required to be discharge to the kerb and gutter in front of the property on Belmore Road

Service Authority Comments

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

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

Given that the proposed works will be in excess of \$2 million the applicant will be required to meet all costs associated with replacing the overhead wires with underground cables in the vicinity of the development site.

Landscape Comments

There are no trees covered by Council's TPO that will be affected by this proposal.

Landscaping is to be installed substantially in accordance with the Landscape Plan by Zenith Landscape Design Drawing No.14-2786 I01 dated 27th February 2014.

Heritage Comments:

The Site

The site is occupied by a single storey ANZ bank building with a high blank parapet. To the north of the site is a two storey face brick Interwar building which extends to the corner of Belmore and Alison Roads. To the south of the site is a pair of two storey late Edwardian buildings, also in face brickwork. The site is within the Randwick Junction heritage conservation area. In terms of aesthetic significance, the Statement of Significance for the heritage conservation area notes that buildings are generally two to three storeys and are generally built to the street alignment for the full width of the allotment. To the north of the site on the corner of Alison Road and Cook Street is Randwick Presbyterian Church, listed as heritage item under Randwick LEP 2012 and is also listed on the State Heritage Register. To the south of the site is no.35 – 43 Belmore Road a three storey Art Deco building also listed as a heritage item.

Background

The proposal was the subject of a formal pre-lodgement meeting (PL/47/2013). Heritage comments provided by City Plan Heritage raised no issues in relation to demolition of the existing building, but recommended that the additional fourth level to the front of the building be deleted to maintain consistency within the commercial strip and the heritage conservation area.

The original development application proposed a part three and part four level building generally comprising ground level commercial and upper level residential. As compared to the pre-lodgement application, the original application set back the top level of the building further to the rear. The size and configuration of lower level balconies was also amended. Concerns were raised in relation to the visibility of the top level of the building and a number of aspects of the façade design. A meeting was held to discuss these issues and amended plans have now been received.

Proposal

Amended plans have made a number of internal and external design changes. In relation to heritage concerns, the proposal has made changes to the proposed top level and the lower levels and some change to the front façade of the building.

Submission

The original application was accompanied by a Statement of Heritage Impact prepared by NBRS + Partners. The SHI provided a detailed history of the site including several photographs of the original Woolworths building. The SHI concluded that the proposed works do not affect the identified heritage significance of the existing streetscape within the wider conservation area, or the nearby heritage item. The SHI considered that the demolition of the existing building and its replacement is warranted and the replacement façade treatment is sympathetic.

Controls

The Randwick Junction section of Randwick Development Control Plan 2013 identifies the neighbouring buildings in Belmore Road as contributing to streetscape character. In relation to Building Envelope, the DCP includes an Objective that new development respects the scale and form, and siting and setbacks of surrounding buildings. In relation to Building Design, the DCP includes an Objective that new development respects the detailing, materials and finishes of surrounding heritage and contributory buildings.

Comments**Demolition of existing building**

The Urban Design Study of Randwick and The Spot prepared by Knox and Tanner in 1994 identified the building as dating from 1960s/1970s, and considered it as detracting from the streetscape. Earlier buildings were demolished and the existing building was constructed in around 1950 as a Woolworths Variety Store. There are no heritage objections to the proposed demolition of the existing building.

Proposed infill building

In relation to siting and setbacks, the proposal adopts a T-shaped building footprint comprising apartments at the front of the site, with zero setbacks from the front and side boundaries, and boarding house rooms at the rear of the site, in the form of a rear wing set back from the northern side boundary, with an access balcony along the southern side boundary. The proposed siting and setbacks reproduces one of the predominant building typologies in the heritage conservation area and reinforces the street wall of buildings along Belmore Road.

The original application proposed a 2 bedroom unit with front balcony on the top level. The current application proposes mezzanine units with bedroom, ensuite and void area to the 2 units below. The original application had a stepped front elevation (set back between 4.2m and 7.2m) with a straight balcony edge parallel to the street façade (set back 3.8m). The current application has a straight front elevation set back 3.8m. The height of the top level has also been lowered by around 800mm. The detailing and external materials treatment has also been changed, with zinc cladding and narrower edge frame.

The photomontage of the proposed development indicates that the proposed top floor level will be visible in the streetscape above the parapets of the proposed development and surrounding buildings. The more simplified massing and detailing of the top level however will be a recessive element in the skyline and will not compete with the stepped and curved edges of the parapets to adjacent contributory buildings.

The original application proposed recessed balconies to levels two and three, reproducing the façade of traditional buildings, although the 1m depth was probably insufficient for useability. The current application has amended the size and configuration of lower level balconies to provide triangular recessed balconies of more useable dimensions.

As compared to the earlier façade elevations, the current façade elevations have slightly altered the finishes and detailing of framing elements, spandrel, balustrades and screening.

The proposed horizontal and vertical façade divisions, as well as the solid balcony balustrades and sliding louvred metal screens articulate the upper level façade.

While the existing building comprises a single storey building with a high blank parapet, adjacent contributory buildings comprise two storeys with parapets. High decorative parapets are a characteristic feature of the Victorian, Edwardian and Inter-war buildings in the heritage conservation area. Proposed divisions for the new façade will not assist in integrating the new façade with the horizontal lines on adjacent buildings which emphasise window sill and window head levels and break up the expanses of the generous parapets. While more emphasis could be given to the horizontal lines of the new façade, the façade design is evidence of the difficulty of integrating a three storey façade in a two storey streetscape. It is noted that the existing building through its solid rendered appearance also provides an interruption in the highly detailed face brick facades of adjacent buildings.

6. DEVELOPMENT CONSENT CONDITIONS

GENERAL CONDITIONS

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

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

Approved Plans & Supporting Documentation

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

<i>Plan</i>	<i>Drawn by</i>	<i>Dated</i>	<i>Received by Council</i>
DA 100 Issue B	Jackson Teece	21.07.2014	25.07.14
DA 101 Issue B	Jackson Teece	21.07.2014	25.07.14
DA 102 Issue B	Jackson Teece	21.07.2014	25.07.14
DA 300 Issue B	Jackson Teece	21.07.2014	25.07.14
DA 301 Issue B	Jackson Teece	21.07.2014	25.07.14
DA 400 Issue B	Jackson Teece	21.07.2014	25.07.14
DA 401 Issue B	Jackson Teece	21.07.2014	25.07.14

<i>BASIX Certificate No.</i>	<i>Dated</i>	<i>Received by Council</i>
532294M_03	24 July, 2014	25.07.14

Amendment of Plans & Documentation

2. The approved plans and documents must be amended in accordance with the following requirements:
 - a. The landscaped area at the rear north western corner of the site is to be increased in size to provide a deep soil area of the following minimum dimensions:
 - East to west from the outer face of the plant room: 5.8m
 - North south from the northern site boundary: 1.5m

The deep soil area is to be landscaped in accordance with a landscape plan prepared by an accredited landscape architect in accordance with plans submitted to and approved by Council's Manager of Development prior to issue of a construction certificate.

- b. The security gate to the pedestrian ROW is to be provided with a locking system which allows for exit (in the case of emergency) only. This access is not to be used a means of entry to the premises. Details are to be included in the construction certificate.
- c. The use of the rear fire stairs to the boarding house component shall be restricted for emergency use only. The plan of management is to be amended to highlight this restriction to residents. The amended plan of management is to be submitted to and approved by Council's Manager of Development Services prior to issue of the construction certificate.

REQUIREMENTS BEFORE A CONSTRUCTION CERTIFICATE CAN BE ISSUED

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

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

Consent Requirements

3. The requirements and amendments detailed in the 'General Conditions' must be complied with and be included in the construction certificate plans and associated documentation.
4. **External Colours, Materials & Finishes**
The colours, materials and finishes of the external surfaces to the building are to be compatible with the existing building and surrounding buildings in the heritage conservation area and consistent with the architectural style of the building. Details of the proposed colours, materials and textures (ie- a schedule and brochure/s or sample board) are to be submitted to and approved by Council's Director City Planning, in accordance with Section 80A (2) of the Environmental Planning and Assessment Act 1979 prior to a construction certificate being issued for the development.

Section 94A Development Contributions

5. In accordance with Council's Section 94A Development Contributions Plan effective from 12 July 2012, based on the development cost of 2.37million the following applicable monetary levy must be paid to Council: \$23,700.00.

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

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

$$IDC = ODC \times CP2/CP1$$

Where:

IDC = the indexed development cost

ODC = the original development cost determined by the Council

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

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

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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*:

- \$3000.00 - 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.

Sydney Water

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

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

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

- Quick Check agents details - see *Building and Developing* then Quick Check and
- Guidelines for Building Over/Adjacent to Sydney Water Assets - see *Building and 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.

9. A detailed review of all external mechanical plant must be undertaken at construction certificate stage (once plant selections and locations are finalised). Acoustic treatments are to be determined in order to control plant noise emissions to the levels set out in

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section 5.2.2 and 5.2.3 of the Acoustic report prepared by Acoustic Logic and received by Council on 11 April, 2014.

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

10. 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

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

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

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

Street Awning

12. Plans submitted for the construction certificate shall demonstrate the proposed awnings complying with the following council requirements;

a) The minimum clear distance from the existing footpath in Belmore Road to the underside of the proposed awning shall be 3.00 metres.

b) All new awnings shall be set back a minimum of 600mm from the face of kerb.

Design Alignment levels

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

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14. The above alignment levels and the site inspection by Council's Development Engineering Section have been issued at a prescribed fee of \$564 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.

Stormwater Drainage

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

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

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

- a) The stormwater drainage system must be provided in accordance with the relevant requirements of Building Code of Australia and the conditions of this consent, to the satisfaction of the *Certifying Authority* and details are to be included in the construction certificate.
- b) The stormwater must be discharged (by gravity) either:
 - i. Directly to the kerb and gutter located at the front of the subject site on Belmore Road; or
 - ii. Directly into Council's kerb and gutter or underground drainage system located in Alison or Elizabeth street via a private drainage easement; o

If the owner/applicant is able to demonstrate to Council that he/she has been unable to procure a private drainage easement through adjoining

premises, a pump-out system may be permitted to drain that portion of land that cannot be drained by gravity to the kerb and gutter in Belmore Road..

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

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

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

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

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

- d) Generally all internal pipelines must be capable of discharging a 1 in 20 year storm flow. However the minimum pipe size for pipes that accept stormwater from a surface inlet pit must be 150mm diameter. The site must be graded to direct any surplus run-off (i.e. above the 1 in 20 year storm) to the proposed drainage (detention/infiltration) system.
- e) A sediment/silt arrestor pit must be provided within the site near the street boundary prior to discharge of the stormwater to Council's drainage system and prior to discharging the stormwater to any absorption/infiltration system.

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

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

- Provision of a sign adjacent to the pit stating, "This sediment/silt arrester pit shall be regularly inspected and cleaned".

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

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

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

- g) A childproof and corrosion resistant fastening system shall be installed on access grates over pits/trenches where water is permitted to be temporarily stored.
- h) Site discharge pipelines shall cross the verge at an angle no less than 45 degrees to the kerb line.
- i) Any onsite detention systems shall be located in areas to be easily accessible by residents.

Site seepage

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

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

Waste Management

18. Waste Management provisions must be implemented in accordance with the Waste Management Plan (WMP) submitted with the development application (Prepared by Genevieve Slattery dated 11th April 2014), subject to the following amendments:-

- Full details of waste disposal contactors for the demolition and construction phase of the development shall be included.
- The WMP shall be amended to reflect the reduced number of units to 4.
- The WMP shall be amended to recognize that recyclables are only collected fortnightly by Council thereby doubling the number of recycle bins calculated.

The amended WMP is to be submitted to Council's Director of City Planning for approval.

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

Landscaping

20. 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 Plan by Zenith Landscape Design Drawing No.14-2786 I01 dated 27th February 2014.

Access & Facilities

21. Access and facilities for people with disabilities must be provided in accordance with the relevant requirements of the Building Code of Australia, Disability (Access to Premises – Buildings) Standards 2010, relevant Australian Standards and conditions of consent, to the satisfaction of the Certifying Authority.

Site stability, Excavation and Construction work

22. A report must be obtained from a suitably qualified and experienced *professional engineer*, which includes the following details, to the satisfaction of the Certifying Authority for the development:-
- a) Geotechnical details which confirm the suitability and stability of the site for the development and relevant design and construction requirements to be implemented to ensure the stability and adequacy of the development and adjacent land.
 - b) Details of the proposed methods of excavation and support for the adjoining land (including any public place) and buildings.
 - c) Details to demonstrate that the proposed methods of excavation and construction are suitable for the site and should not result in any damage to the adjoining premises, buildings or any public place, as a result of the works and any associated vibration.
 - d) The adjoining land and buildings located upon the adjoining land must be adequately supported at all times throughout demolition, excavation and building work, to the satisfaction of the *Principal Certifying Authority*.
 - e) Written approval must be obtained from the owners of the land to install any ground or rock anchors underneath the adjoining premises (including any public roadway or public place) and details must be provided to the *Certifying Authority*.

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.

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Certification, PCA & other Requirements

23. 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.

Dilapidation Reports

24. A dilapidation report prepared by a *professional engineer* or suitably qualified and experienced building surveyor shall be submitted to the *certifying authority* prior to the commencement of demolition, excavation or building works detailing the current condition and status of all buildings and ancillary structures located upon all of the premises adjoining the subject site.

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

Construction Site Management Plan

25. 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;

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- 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

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

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

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

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

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

Notes

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

Construction Traffic Management

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

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

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

NOTES:

- The applicant shall meet the full cost of relocating the existing bus stop in front of the site for the duration of demolition and construction works to a suitable location to be approved by Council's Traffic Engineers & Randwick Traffic Committee.
- Council may impose restrictions on the operation times of the Works Zone over and above the standard hours, especially during the AM Peak Mon-Fri.
- Council may impose restrictions on the maximum length of any workzone to ensure that some parking or kerbside allocation is permitted in the vicinity, depending on how the Bus Zone is to be relocated.

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

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

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

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

Public Utilities

30. A public utility impact assessment must be carried out on all public utility services located on the site, roadway, nature strip, footpath, public reserve or any public areas associated with and/or adjacent to the building works. The assessment should include relevant information from public utility authorities and exploratory trenching or pot-holing, if necessary, to determine the position and level of services.

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31. Documentary evidence from the relevant public utility authorities confirming they have agreed to the proposed works and that their requirements have been or are able to be satisfied, must be submitted to the Principal Certifying Authority prior to the commencement of any demolition, excavation or building works.

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

Dilapidation Reports

32. A dilapidation report prepared by a *professional engineer* or suitably qualified and experienced building surveyor shall be submitted to the *certifying authority* prior to the commencement of demolition, excavation or building works detailing the current condition and status of all buildings and ancillary structures located upon all of the premises adjoining the subject site.

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

Construction Noise & Vibration Management Plan

33. A *Construction Noise & Vibration Management Plan*, prepared in accordance with the Environment Protection Authority (EPA) for Construction Noise and Assessing Vibration, by a suitably qualified person, is to be developed and implemented prior to commencing site work and throughout the course of construction.

- a) 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.

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.

- b) The *Construction Noise & Vibration Management Plan* must include details of measurements, analysis and relevant criteria and demonstrate that the noise and vibration emissions from the work satisfy the relevant provisions of the *Protection of the Environment Operations Act 1997*, current EPA Guidelines for Construction Noise and Assessing Vibration and Councils conditions of consent.

- c) A further report/correspondence must be obtained from the consultant as soon as practicable upon the commencement of works, which reviews and confirms the implementation and suitability of the noise and vibration strategies in the *Construction Noise & Vibration Management Plan* and which demonstrates compliance with relevant criteria.

- d) Any recommendations and requirements contained in the *Construction Noise & Vibration Management Plan* and associated reports are to be implemented accordingly and should noise and vibration emissions not comply with the terms and conditions of consent, work must cease forthwith and is not to recommence until details of compliance are submitted to Council and the PCA.

A copy of the *Construction Noise & Vibration Management Plan* and associated acoustic/vibration report/s must be maintained on-site and a copy must be provided to Council and the Principal Certifying Authority accordingly.

Public Liability

34. The owner/builder is required to hold Public Liability Insurance, with a minimum liability of \$10 million and a copy of the Insurance cover is to be provided to the Principal Certifying Authority and Council.

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

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

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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, removal, storage, handling and disposal of products and materials containing asbestos must be carried out in accordance with Randwick City Council's Asbestos Policy and the relevant requirements of WorkCover NSW and the NSW Environment Protection Authority (EPA), including:

- Work Health and Safety Act 2011 and associated Regulations;
- 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 and Protection of the Environment Operations (Waste) Regulation 2005;
- Relevant Environment Protection Authority (EPA) and WorkCover NSW Guidelines.

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 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.

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Support of Adjoining Land, Excavations & Retaining Walls

40. 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.
41. 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.

42. 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*.

Road/Asset Opening Permit

43. Any openings within or upon the road, footpath, nature strip or in any public place (i.e. for proposed drainage works or installation of services), must be carried out in accordance with the following requirements, to the satisfaction of Council:
- a) A *Road / Asset Opening Permit* must be obtained from Council prior to carrying out any works within or upon a road, footpath, nature strip or in any public place, in accordance with section 138 of the *Roads Act 1993* and all of the conditions and requirements contained in the *Road / Asset Opening Permit* must be complied with.
 - b) Council's Road / Asset Opening Officer must be notified at least 48 hours in advance of commencing any excavation works and also immediately upon completing the works (on 9399 0691 or 0409 033 921 during business hours), to enable any necessary inspections or works to be carried out.
 - c) Relevant *Road / Asset Opening Permit* fees, construction fees, inspection fees and security deposits, must be paid to Council prior to commencing any works within or upon the road, footpath, nature strip or other public place,

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- d) The owner/developer must ensure that all works within or upon the road reserve, footpath, nature strip or other public place are completed to the satisfaction of Council, prior to the issuing of a *final occupation certificate* or occupation of the development (whichever is sooner).
- e) Excavations and trenches must be back-filled and compacted in accordance with AUSPEC standards 306U.
- f) Excavations or trenches located upon a road or footpath are required to be provided with 50mm depth of cold-mix bitumen finish, level with the existing road/ground surface, to enable Council to readily complete the finishing works at a future date.
- g) Excavations or trenches located upon turfed areas are required to be back-filled, compacted, top-soiled and re-turfed with Kikuyu turf.
- h) The work and area must be maintained in a clean, safe and tidy condition at all times and the area must be thoroughly cleaned at the end of each days activities and upon completion.
- i) The work can only be carried out in accordance with approved hours of building work as specified in the development consent, unless the express written approval of Council has been obtained beforehand.
- j) Sediment control measures must be implemented in accordance with the conditions of development consent and soil, sand or any other material must not be allowed to enter the stormwater drainage system or cause a pollution incident.
- k) The owner/developer must have a Public Liability Insurance Policy in force, with a minimum cover of \$10 million and a copy of the insurance policy must be provided to Council prior to carrying out any works within or upon the road, footpath, nature strip or in any public place.

Roadway

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

Traffic Management

45. 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.
46. All work, including the provision of barricades, fencing, lighting, signage and traffic control, must be carried out in accordance with the NSW Roads and Traffic Authority publication - 'Traffic Control at Work Sites' and Australian Standard AS 1742.3 – Traffic Control Devices for Works on Roads, at all times.
47. All conditions and requirements of the NSW Police, Roads & Maritime Services, Transport and Council must be complied with at all times.

Stormwater Drainage

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

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

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Street Awning

49. Upon completion of the construction of the awning, certification of the structural adequacy of the awning must be provided to the Council.

Sediment & Erosion Control

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

Details 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 Council. A copy must also be maintained on site and be made available to Council officers upon request.

Dust Control

51. During demolition excavation and construction works, dust emissions must be minimised, so as not to result in a nuisance to nearby residents or result in a potential pollution incident.

Adequate dust control measures must be provided to the site prior to the works commencing and the measures and practices must be maintained throughout the demolition, excavation and construction process, to the satisfaction of Council.

Dust control measures and practices may include:-

- *Provision of geotextile fabric to all perimeter site fencing (attached on the prevailing wind side of the site fencing).*
- *Covering of stockpiles of sand, soil and excavated material with adequately secured tarpaulins or plastic sheeting.*
- *Installation of a water sprinkling system or provision hoses or the like.*
- *Regular watering-down of all loose materials and stockpiles of sand, soil and excavated material.*
- *Minimisation/relocation of stockpiles of materials, to minimise potential for disturbance by prevailing winds.*
- *Landscaping and revegetation of disturbed areas.*

Temporary Site Fencing

52. Temporary site safety fencing or site hoarding must be provided to the perimeter of the site throughout demolition, excavation and construction works, to the satisfaction of Council, in accordance with the following requirements:

- a) Temporary site fences or hoardings must have a height of 1.8 metres and be a cyclone wire fence (with geotextile fabric attached to the inside of the fence to provide dust control), or heavy-duty plywood sheeting (painted white), or other material approved by Council.
- b) Hoardings and site fencing must be designed to prevent any substance from, or in connection with, the work from falling into the public place or adjoining premises and if necessary, be provided with artificial lighting.
- c) All site fencing and hoardings must be structurally adequate, safe and be constructed in a professional manner and the use of poor quality materials or steel reinforcement mesh as fencing is not permissible.

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- d) An overhead ('B' Class) type hoarding is required is be provided to protect the public (unless otherwise approved by Council) if:
- materials are to be hoisted (i.e. via a crane or hoist) over a public footway;
 - building or demolition works are to be carried out on buildings which are over 7.5m in height and located within 3.6m of the street alignment;
 - it is necessary to prevent articles or materials from falling and causing a potential danger or hazard to the public or occupants upon adjoining land;
 - as may otherwise be required by WorkCover, Council or the PCA.

Notes:

- *Temporary site fencing may not be necessary if there is an existing adequate fence in place having a minimum height of 1.5m.*
- *If it is proposed to locate any site fencing, hoardings, amenities or articles upon any part of the footpath, nature strip or public place at any time, a separate Local Approval application must be submitted to and approved by Council's Health, Building & Regulatory Services before placing any fencing, hoarding or other article on the road, footpath or nature strip.*

Public Safety & Site Management

53. 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) 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.
 - b) 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.
 - c) 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.
 - d) Access gates and doorways within site fencing, hoardings and temporary site buildings or amenities must not open outwards into the road or footway.
 - e) Bulk bins/waste containers 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.
 - f) 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.

Survey Requirements

54. 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 footings and boundary retaining structures,
- prior to construction (pouring of concrete) of each 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

55. 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.

Occupation Certificate Requirements

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

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

BASIX Requirements

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

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

The following conditions have been applied to ensure compliance with Local Government Legislation and Policies of Council:

58. Places of Shared Accommodation must comply with the *Local Government (General) Regulation 2005* and the premises must be registered with the Council, and the approved registration/inspection fee is to be forwarded to Council **prior to issuing an occupation certificate.**

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Council's Infrastructure, Vehicular Crossings & Road Openings

59. The owner/developer must meet the full cost for Council or a Council approved contractor to:
- a) Construct/Reconstruct a full width footpath along the Belmore Road site frontage, in accordance with Council's Urban Design Guidelines for Randwick Town Centre.

The landscape design may include pavements, seat and bin installations, trees, tree guards and tree grates as required by Council's Landscape Architect – 9399 0911.

The applicant/owner is requested to contact Council's City Services department on 9399 0537 to arrange for the required works on Council property to be carried out.
60. Prior to issuing a final occupation certificate or occupation of the development (whichever is sooner), the owner/developer must meet the full cost for Council or a Council approved contractor to repair/replace any damaged sections of Council's footpath, kerb & gutter, nature strip etc which are due to building works being carried out at the above site. This includes the removal of cement slurry from Council's footpath and roadway.
61. 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.
62. 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.

Service Authorities**Sydney Water Requirements**

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

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

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

Undergrounding of Power

64. The applicant shall meet the full cost for the overhead power lines and *telecommunication cables* located along the Belmore Road site frontage to be relocated underground. The applicant shall liaise directly with the relevant service utility authorities to organise for the cables to be relocated. All cables must be relocated underground to the satisfaction of the relevant service utility authority prior to the issuing of an occupation certificate for the development.

Stormwater Drainage

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

Notes:

- a. The "restriction on the use of land" and "positive covenant" are to be to the satisfaction of Council. A copy of Council's standard wording/layout for the restriction and positive covenant may be obtained from Council's Development Engineer.
 - b. The works as executed drainage plan and hydraulic certification must be submitted to Council prior to the "restriction on the use of land" and "positive covenant" being executed by Council.
66. A works-as-executed drainage plan prepared by a registered surveyor and approved by a suitably qualified and experienced hydraulic consultant/engineer must be forwarded to the Principal Certifying Authority and the Council. The works-as-executed plan must include the following details (as applicable):
- The location of any detention basin/s with finished surface levels;
 - Finished site contours at 0.2 metre intervals;
 - Volume of storage available in any detention areas;
 - The location, diameter, gradient and material (i.e. PVC, RC etc) of all stormwater pipes;
 - The orifice size/s (if applicable);
 - Details of any infiltration/absorption systems; and
 - Details of any pumping systems installed (including wet well volumes).
67. The applicant shall submit to the Principal Certifying Authority (PCA) and Council, certification from a suitably qualified and experienced Hydraulic Engineer, which confirms that the design and construction of the stormwater drainage system complies with the Building Code of Australia, Australian Standard AS3500.3:2003 (Plumbing & Drainage- Stormwater Drainage) and conditions of this development consent.

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

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Landscaping

68. Prior to issuing any type of Occupation Certificate, certification from a qualified professional in the landscape/horticultural industry must be submitted to, and be approved by, the PCA, confirming the date that the completed landscaping was inspected, and that it has been installed substantially in accordance with the Landscape Plan by Zenith Landscape Design Drawing No.14-2786 I01 dated 27th February 2014.

Waste Management

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

Fire Safety Certificates

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

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

Structural Certification

72. A Certificate must be obtained from a *professional engineer*, which certifies that the building works satisfy the relevant structural requirements of the Building Code of Australia and approved design documentation, to the satisfaction of the *Principal Certifying Authority*. A copy of which is to be provided to Council.

Noise Control Requirements & Certification

73. The operation of plant and equipment must not give rise to an 'offensive noise' as defined in the *Protection of the Environment Operations Act 1997 and Regulations*.

In this regard, the operation of the 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 and Heritage (EPA) Noise Control Guidelines.

74. A detailed report must be obtained from a suitably qualified and experienced consultant in acoustics, which demonstrates and certifies that noise and vibration from all plant and equipment (e.g. mechanical ventilation systems and air-conditioners) satisfies the relevant provisions of the *Protection of the Environment Operations Act 1997*, NSW Office of Environment and Heritage (EPA) Noise Control Manual, Industrial Noise Policy and Council's development consent.

A copy of the report must be provided to the *Principal Certifying Authority* and Council prior to an *occupation certificate* being issued.

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*,

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Council's development consent and to maintain reasonable levels of public health and environmental amenity.

External Lighting

75. 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. This includes any lighting to be provided along the pedestrian ROW which adjoins the property.

Plant & Equipment

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

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

Air Conditioners

77. 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

78. 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.

79. The use of the premises and the operation of plant and equipment shall not give rise to the transmission of a vibration nuisance or damage to other premises.

80. All the items listed in The Plan of Management for Boarding House at 12 – 14 Belmore Road, Randwick received by Council on 11 April, 2014, shall be implemented at all times.

81. The manager/caretaker shall ensure that a notice is placed near the entrance to the property in a visible position to the public advising of the manager's name and after hours contact number.

82. Each occupant shall be furnished with a set of house rules (i.e. the Plan of Management) and that no variation shall be permitted without the further approval of Council.

83. The manager/caretaker shall maintain a record of all residents with details of their names, length of stay & number of persons in each room. This information shall be stored for a minimum of 12 months on site and made available to Council Officers upon request.

84. All residents in the boarding house accommodation are to sign a lease or licence agreeing to comply with the Plan of Management (PoM) for the boarding house, with the length of the lease to be determined by the management.

85. The use and operation of the premises shall not give rise to an environmental health or public nuisance.
86. There are to be no emissions or discharges from the premises which give rise to a public nuisance or result in an offence under the *Protection of the Environment Operations Act 1997* and *Regulations*.
87. The individual rooms, common areas, shared facilities and yard areas are to be maintained in a clean and tidy state and individual's rubbish is to be placed in the appropriate receptacles.
88. Adequate provisions are to be made within the premises for the storage, collection and disposal of waste and recyclable materials, to the satisfaction of Council.

Stormwater Detention

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

Residential Parking Permits

90. All prospective owners and tenants of the building must be notified that Council will not issue any residential parking permits to occupants/tenants of this development.
91. A notice shall be placed in the foyer/common areas of the building advising tenants/occupiers that they are in a building which does not qualify for on-street resident parking permits.
92. Management is not to permit the outdoor common area to be used for parties or amplified music.
93. Managing Agent's contact details are to be clearly displayed to enable local residents to contact management in the event of excessive noise generation.
94. An additional acoustic report, prepared by a suitably qualified and experienced consultant in acoustics, must be provided to the Council **within 3 months of the issuing of an occupation certificate**, which demonstrates and confirms that the relevant provisions of the *Protection of the Environment Operations Act 1997* and the noise criteria and requirements contained in this consent has been satisfied (including any relevant approved acoustic report and recommendations). The assessment and report must include all relevant fixed and operational noise sources.
95. The rear fire stairs to the boarding house and external security gate to the pedestrian ROW is to be used in the event of emergency only.

Operations of Boarding House

96. The boarding house is to be registered as required under the provisions of the Boarding Houses Act, 2012 and Regulations.
81. The boarding house premises shall be operated in accordance with the definition of "boarding house" as stipulated in Randwick Local Environmental Plan 2012. Accommodation is not to be provided on a temporary basis to persons whose principal place of residence is elsewhere and/or for tourism purposes.
82. Boarding room Numbers 3 and 8 shall accommodate a maximum of 2 residents at all times. Boarding room numbers 1, 2, 4 to 7 and 9 to 12 shall accommodate a maximum of 1 resident at all times.
84. The manager shall ensure that a notice is placed near the entrance to the boarding house component of the building in a visible position to the public, advising of the manager's/ caretaker's name and contact number.

85. The manager/caretaker shall maintain a record of all residents with details of their names, length of stay and number of persons in each room. This information shall be stored for a minimum of 12 months on site and made available to Council's Officers upon request.
86. All residents in the boarding house are to sign a lease or license agreeing to comply with the house rules for the boarding house, with a copy of the house rules being given to each occupant.

Fire Safety Statements

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

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

The *Fire Safety Statement* is required to confirm that all the fire safety measures have been assessed by a properly qualified person and are operating in accordance with the standards of performance specified in the *Fire Safety Schedule*.

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

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

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

89. The written approval of council must be obtained prior to the installation of any cooling towers.

ADVISORY NOTES

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

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

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

- A2 This determination does not include an assessment of the proposed works under the Building Code of Australia (BCA) and other relevant Standards. All new building work (including alterations and additions) must comply with the BCA and relevant Standards

and you are advised to liaise with your architect, engineer and building consultant prior to lodgement of your construction certificate.

A3 In accordance with the requirements of the *Environmental Planning & Assessment Act 1979*, building works, including associated demolition and excavation works (as applicable) must not be commenced until:

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

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

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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.

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Development Application Compliance Report



Folder /DA No:	DA/288/2013/A
PROPERTY:	89 Boundary Street, CLOVELLY NSW 2031
Proposal:	<p>Section 96 (2) application to modify the approved development consent by altering the internal layout, increasing the size of the ground floor level bedrooms including rear extension of the ground floor ensuite, extension of the rear first floor balcony roof, new cupboard addition on the western side of the rear first floor balcony and alterations to window openings.</p> <p><u>Original consent:</u> Demolition of a major portion of the existing dwelling and construction of new part 2/part 3 storey dwelling with carport and garage to the front, swimming pool to the rear and associated works.</p>
Recommendation:	Approval

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Relevant Environment Planning Instruments:

The Development application has been assessed in accordance with the provisions of the following relevant planning documents:

1. SEPPs

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

SEPP: BASIX requirements came into force for all new dwellings, dual occupancies and some transient residential accommodation where development applications were lodged on or after 1 July 2004. A BASIX assessment is a mandatory component of the development approval process under the Environmental Planning and Assessment Amendment (Building Sustainability Index: BASIX) Regulation 2004 and State Environment Planning Policy (Building Sustainability Index: BASIX) 2004.

Clause 55A of the EP&A Regulation requires that a new BASIX certificate be lodged for amended plans or where a section 96 modification makes a material change to the BASIX commitments as originally approved.

The applicant has submitted a revised BASIX certificate. The plans have been checked with regard to this new certificate and they are consistent with the requirements indicated for DA stage. Standard conditions of consent requiring the continued compliance of the development with the SEPP: BASIX were included in the original determination.

2. Randwick LEP 2012

R2: Low Density Residential Zone

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

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

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

The subject application is consistent with the aims of the RLEP 2012 and objectives of the R2 Low Density Residential Zone in that the modifications sought will not significantly alter the impacts of the approved development or compromise the existing amenity of the adjoining residents. The additional floor space proposed is negligible and within the allowable FSR. As the rear ground floor ensuite is within the approved building envelope, the visual impact to the adjoining resident remains as originally approved. The first floor cupboard extension results in a minor alteration to the wall height and building envelope, however the structure results in further building articulation that will minimise the impact. Overall, the subject application will not result in any adverse impacts on the adjoining neighbours and satisfies the objectives of the RLEP 2012.

The following Clauses of RLEP 2012 apply to the proposal:

Description	Council Standard	Proposed	Compliance (Yes/No/NA)
Floor Space Ratio (Maximum)	0.75:1	0.74:1	Yes.
Height of Building (Maximum)	9.5m	No change 9.472m	Yes.
Lot Size (Minimum)	Existing allotment	N/A	N/A
Foreshore Scenic Protection Area	- Is located and designed to minimise its visual impact on public areas of the coastline, including views to and from the coast, foreshore reserves, open space and public areas, and - Contributes to the scenic quality of the coastal foreshore.	Modifications to dwelling.	Yes. The proposed additions will not be noticeably different as originally approved when viewed from the coastline.

3. Randwick Comprehensive DCP 2013

3.1 C1 Table: Low Density Residential

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

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

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DCP Clause	Controls	Proposal	Compliance
3	Building envelope		
3.1	Floor space ratio LEP 2012 =	Site area = 349.8m ² Existing FSR = 0.73:1 Proposed FSR = 0.74:1	Yes.
3.2	Building height		
	Maximum overall height LEP 2012 =	Existing = 9.5m Proposed = 9.472m	Yes, no change.
	i) Minimum floor to ceiling height = 2.7m ii) Sloping sites = 8m iii) Merit assessment if exceeded	Existing = 9.1m Proposed = 8.815m	No. See discussion within executive summary.
3.3	Setbacks		
3.3.2	Side setbacks: Dwellings: • Frontage b/w 9m and 12m = 900mm (Gnd & 1 st floor) 1500mm above	Minimum = 900m Existing = 1200m Proposed = Ground floor: 1200m First floor: 1500mm	Yes.
3.3.3	Rear setbacks i) Minimum 25% of allotment depth or 8m, whichever lesser.	Minimum = 8m Existing = 15.2m Proposed = 15.2m	Yes.
4	Building design		
4.1	General		
	Respond specifically to the site characteristics and the surrounding natural and built context - • articulated to enhance streetscape • stepping building on sloping site, • no side elevation greater than 12m • encourage innovative design	The proposal seeks minor extensions on the first and ground floor levels. The first floor cupboard provides additional articulation when viewed from 87 Boundary Street. The ground floor bedroom extension provides three built form breaks along the western elevation. The ground floor ensuite extension maintains the approved setback.	Yes.
5	Amenity		
5.1	Solar access and overshadowing		
	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	The proposed first floor cupboard will result in a minor elongation of the morning overshadowing to 87 Boundary Street, however this will fall mostly beyond the site.	Yes.

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DCP Clause	Controls	Proposal	Compliance
	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.	No additional overshadowing will be created by the proposed bathroom ensuite extension.	
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)	New ground floor ensuite windows. Suitable condition of consent recommended to obscure the window located on the western elevation, thereby maintaining the privacy between the subject site and 87 Boundary Street.	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)	No view loss caused by the subject modifications.	Yes. See further discussion within executive summary.
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.	No changes are proposed to the approved swimming pool.	No, however unchanged from original approved

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DCP Clause	Controls	Proposal	Compliance
	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.	The application seeks to correct a typographical error on the approved plans.	swimming pool. Refer to discussion within executive summary.
8.3	Foreshore Scenic Protection Area		
	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.	The proposal will not result in additional impacts to the development as otherwise assessed within the original application.	Yes.

4. 79C Matters for consideration

Section 79C 'Matters for Consideration'	Comments
Environmental Planning Instruments	
Section 79C(1)(a)(i) – Provisions of any environmental planning instrument	Refer to Section 1: SEPP's and Section 2: Randwick LEP 2012.

Section 79C 'Matters for Consideration'	Comments
Environmental Planning Instruments	
Section 79C(1)(a)(ii) – Provisions of any draft environmental planning instrument	Not applicable.
Section 79C(1)(a)(iii) – Provisions of any development control plan	Refer to Section 3.1: Randwick Comprehensive Development Control Plan 2013.
Section 79C(1)(a)(iiia) – Provisions of any Planning Agreement or draft Planning Agreement	Not applicable.
Section 79C(1)(a)(iv) – Provisions of the regulations	The relevant clauses of the Regulations have been satisfied.
Section 79C(1)(b) – The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality	<p>The environmental impacts of the proposed development on the natural and built environment, which are otherwise not addressed in this report, are discussed in the paragraphs below.</p> <p>The proposed development is consistent with the dominant residential character in the locality. The proposal would not considered result in detrimental social or economic impacts on the locality.</p>
Section 79C(1)(c) – The suitability of the site for the development	The site is located in close proximity to local services and public transport. The site has sufficient area to accommodate the proposed land use and associated structures. Therefore, the site is considered suitable for the proposed development.
Section 79C(1)(d) – Any submissions made in accordance with the EP&A Act or EP&A Regulation	The issues raised in the submissions have been addressed within the executive summary.
Section 79C(1)(e) – The public interest	The proposal promotes the objectives of the zone and will not result in any significant adverse environmental, social or economic impacts on the locality. Accordingly, the proposal is considered to be in the public interest.

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5. Referral Comments

No referrals were required due to the minor nature of this Section 96 Modification Application.

6. DEVELOPMENT CONSENT CONDITIONS

- **Amend Conditions Nos 1 and 2 to read:**

Approved Plans & Supporting Documentation

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

<i>Plan</i>	<i>Drawn by</i>	<i>Dated</i>	<i>Received</i>
DA01 (Issue C)	Jamisa Design PTY	May 2013	24 October 2013

	LTD		
DA02 (Issue C)	Jamisa Design PTY LTD	May 2013	24 October 2013
DA03 (Issue C)	Jamisa Design PTY LTD	May 2013	24 October 2013
DA04 (Issue C)	Jamisa Design PTY LTD	May 2013	24 October 2013
DA05 (Issue C)	Jamisa Design PTY LTD	May 2013	24 October 2013
DA06 (Issue C)	Jamisa Design PTY LTD	May 2013	24 October 2013
DA011 (Issue C)	Jamisa Design PTY LTD	May 2013	24 October 2013

<i>BASIX Certificate</i>	<i>No.</i>	<i>Dated</i>	<i>Received</i>
	A161155_02	13 May 2013	14 May 2013

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

Plan	Drawn By	Dated	Received by Council
S96-01 (Issue D)	Jamisa Design Pty Ltd	18 July 2014	16 September 2014
S96-02 (Issue D)	Jamisa Design Pty Ltd	18 July 2014	16 September 2014
S96-03 (Issue D)	Jamisa Design Pty Ltd	18 July 2014	16 September 2014
S96-04 (Issue D)	Jamisa Design Pty Ltd	18 July 2014	16 September 2014
S96-05 (Issue D)	Jamisa Design Pty Ltd	18 July 2014	16 September 2014
S96-06 (Issue D)	Jamisa Design Pty Ltd	18 July 2014	16 September 2014

<i>BASIX Certificate</i>	<i>No.</i>	<i>Dated</i>	<i>Received</i>
	A161155_03	1 July 2014	9 July 2014

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

Amendment of Plans & Documentation

2. The approved plans and documents must be amended in accordance with the following requirements:
 - a. All privacy screens must be constructed so that the screens overlap and/or the screens when operable must be fixed at an angle to prevent overlooking into the neighbouring properties.
 - b. The proposed colourbond roof colour 'Surfmist' is highly reflective. To limit the level of reflection and glare the external finishes schedule must be amended to include a darker colour for the roof finish. Details of the amended external finishes schedule must be resubmitted to and approved by Council's Manager Development Assessments prior to issuing a construction certificate for the development.

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- c. The window to the ensuite at ground floor level on the western elevation shall be provided with fixed obscured glazing.
- d. The privacy screen on the western side on the rear first floor deck shall be reduced to 1.8m, measured above the deck level.

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